

# Raped? Sexual Assault in Criminal Proceedings

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Rape is a hidden crime, because most of the cases are not reported to the police. In Finland the number of reported rapes has, however, increased during the last years. I have examined how these rape cases are dealt with in our criminal justice system. One of the main tasks of my study was to seek an answer to the question *why so few offences are prosecuted in court* (see figure 1). By way of illustration, statistics in 1997 show that 468 rapes were reported to the police, whereas only 47 rape charges were made during that same year. This means that merely 10 per cent of the reported rapes lead to a prosecution.

Several international studies have revealed this same phenomenon. The criminal justice system seems to have difficulties in recognising violence against women, especially sexual violence. Women are most often sexually assaulted by men they know. Yet, cases involving known perpetrators are least likely to reach a trial. Many researchers have pointed out that “real rape” continues to be understood as committed by a stranger, involving weapon and causing external injury.<sup>1</sup>

In Finland, research on sexual offences is scarce, particularly from the legal point of view.<sup>2</sup> I was interested in finding out how the relationship between the complainant and the perpetrator affected attrition (meaning the process by which rape cases drop out of the legal process). A reform of sexual offences in 1999 provided one point of reference for the research. I wanted to evaluate the impact of this new legislation and find out whether the conviction rate had increased. The criminal proceedings have been assessed by asking how well women’s right to sexual self-determination is protected in practice. This article provides an overview of my research findings (see Kainulainen 2004).

Before presenting the research findings I will make some notes on language. I talk about *women* as rape victims, although men can also be raped. I do so because almost all victims in my research material (99,6 %) were women. I sometimes call raped women *victims*, although feministic researchers want to avoid this term. With victim I mean that the woman has been submitted to a crime and acts as complainant in the criminal proceedings.

## 1 Reform of Sexual Offences

As part of a comprehensive reform of the penal code, a reform of the rules concerning penalties for sexual offences was introduced in 1999 (see Government Bill 6/1997). The purpose of this legislation is to protect sexual self-determination, whereby everybody shall have the right to decide on one’s own sexual behaviour, as long as this does not infringe on the corresponding rights of somebody else. Sexual offences are now defined in a gender neutral

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1 See for example Adler 1987; Estrich 1987; Temkin 1987; Temkin 1997; Frohman 1998; Gregory & Lees 1999; Harris & Grace 1999; Temkin 1999; Temkin 2000; Jordan 2002; Kelly & Lovett & Regan 2005.

2 See Viitanen 1982; Sulavuori 1992; Pollari 1994; Honkatukia 2001.

way and the new rules apply both to women and men. Self-determination in regard to sex is neither dependent on whether a person is married or cohabiting.<sup>3</sup>

Through this reform rape was classified into three categories according to the severity of the offence: rape, aggravated rape and coercion into sexual intercourse. Rape involves coercion into sexual intercourse by the use or threat of violence. This can also be done by profiting from the victim's lacking ability to defend herself, when made unconscious, in a state of fear or other state in which the woman is unable to defend herself. When considering the aggravated nature of a rape attention is directed to aggravating aspects such as the injury or suffering the victim has endured, the way in which it was done or the use of lethal instruments. In the last resort, an overall assessment will determine whether the act is an aggravated one. For a rape to qualify as coercion into sexual intercourse, the degree of violence or threat or other aspects pertaining to the case should be minor.<sup>4</sup>

Through the reform, also the right to bring a charge was changed. Previously, it was up to the injured party to decide whether she wanted to bring a charge for rape against the offender. This made the victim vulnerable to pressure from the offender, and the police was not always motivated to investigate the case, as it was assumed that the victim might sooner or later withdraw the charge.<sup>5</sup> With the reform of the legislation on sexual offences, the need for society to react against severe offences was emphasised, and an attempt was made to support the rape victim, by enlarging the right of the public prosecutor to bring charges. Rape and aggravated rape are now offences that fall under the jurisdiction of the public prosecutor, whereas coercion into a sexual act was left for the injured party to react upon. Notwithstanding, also a victim of a rape may on her own free will request that the prosecutor would waive the bringing of a charge.

Also some other rules are relevant for raped women. In 1997 they were given the right to free legal assistance or a support person. The trial can be held behind closed doors and the victim may give evidence without the presence of the defendant. Since 1999 the rape victim has had the possibility to obtain a restraining order against the suspected offender. One way of empowering the rape victim is the possibility to turn to the Rape crisis centre Tukinainen, established in 1993. Tukinainen plays an important role in providing counselling, information and support.<sup>6</sup>

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3 Rape in marriage was penalized in Finland in 1994. Johanna Niemi-Kiesiläinen (1998, p. 6) has criticised the gender-neutral formulations in the law because women still are raped because of their gender. In Niemi-Kiesiläinen's view the gender aspect of sexual offences should have been taken into account when deciding on the content of the law. See also Nousiainen 1999b, p. 7.

4 About the interpretation of the rules, *see* Rautio 2002.

5 *See* Viitanen 1982, p. 32-38, 61-64; Sulavuori 1992, p. 72-74; Naisiin kohdistuva väkivalta 1991, p. 85-86.

6 Tukinainen was developing a specific folder giving advice on sensitive treatment of rape victims for health personals in 2001.

## 2 Aims and Data

The study on which this article is based, was carried out in 2004. I examined what kinds of rape cases have been reported to the police, as well as how many of them have led to a prosecution. Another research task was to analyse how the new legislation on sexual offences has influenced the activities of the authorities.

Focus in my study was placed on matters pertaining to the pre-trial investigation, as the vast majority of cases do not proceed beyond this stage. The police play a key role in criminal proceedings. The consideration whether to bring a charge depends on what has been revealed in the pre-trial investigation. From the rape victim's point of view, again, how she is treated in the criminal proceedings, is a vital matter. The police may be the first person to whom a woman tells about a rape. The police may also be the last legal authority to deal with the case, as the criminal proceedings may end already at the stage of the pre-trial investigation. The reason for this may be that the police has been unable to solve the offence or that the victim has withdrawn from the investigation.

The study was based on *all* reported rape offences during the years 1998-1999 (N=1.018). Further, the data consists of pre-trial investigation material gathered from some police units, as well as police interviews conducted by me. A total of 12 police officers were interviewed, four of them heads of investigations, whereas eight were criminal investigators. Half of them were men, half women. They all worked in the unit for violent offences. The aim was to obtain a deepened insight into police officers' activities, approaches and attitudes toward investigating sexual offences.

In addition to the police, three lawyers, three support persons, one crisis counsellor and one forensic doctor were interviewed. All of them were women. Through their work with rape victims, they were able to convey information about the experiences rape victims have had of the criminal proceedings.

## 3 Rapes Reported to the Police

According to the material assembled for the years 1998-1999, some 1 000 cases concerning rape or attempted rape were reported to the police. The rape victims were almost exclusively women (99,6 %). In almost every case the suspected offender was a man.

In most cases the rape was committed by someone previously known to the victim, and the scene of the offence was the home of the victim or the offender. Only in every fourth case was the woman attacked by a stranger. Close to half the rape cases reported to the police, occurred among acquaintances or at the time when the persons involved were acquainted (meaning situations corresponding to date rapes). Intimate or family relations were involved in 13 per cent of the cases. In these cases the offender was typically the present or ex-spouse, cohabitant or dating partner.

|                        | N     | %    |
|------------------------|-------|------|
| Intimate relationships | 134   | 13,2 |
| Acquaintances          | 487   | 47,8 |
| Strangers              | 270   | 26,5 |
| Other                  | 127   | 12,5 |
| Total                  | 1 018 | 100  |

Table 1: The relationship between the offender and the victim in rape cases reported to the police during 1998-1999

The legal definition of rape involves the use of violence or the threat of it for the purpose of sexual intercourse. Reports on the offences reveal that the offender seldom needed to resort to physical violence to break the resistance of the victim. According to reports in 1999 somewhat more than one fifth of the cases involved physical violence, such as hitting, kicking, tying up or strangling. The offender had a gun in every tenth case.<sup>7</sup>

The reports on the offences revealed that the women often relied on a variety of coping strategies to get out of the situation. They tried to escape, cry for help, struggle against the offender or they tried to calmly talk the man out of his intention to rape. Sometimes women used violence like scratching, biting, kicking or hitting the perpetrator.

Earlier studies (Kelly 1988) have indicated that women are more prone to use violence against strangers than against those they know and those who are close to them. This was confirmed in the present study. In partner violence the woman might tell that she submitted to the man's violence because she knew that doing otherwise was useless, or she feared that the man would only 'get carried away', if she tried to resort to violence. Also other women told that they sometimes feared that a stronger resistance might incite the man to even more violence.

The reports conveyed the panic and fear felt by the women during the rape, which might at times paralyse them. The following observations are found in the reports. *"I thought I was going to die there and then, because I thought the man would kill me"* and *"I tried to calm the man, but I felt I had to give in to him, because I was afraid that he would become ever more violent"*. Sometimes women are raped while at sleep or otherwise in a vulnerable position. Somewhat more than 14 per cent of the reports on the offences involved group raping, where the suspected perpetrators were two or more.

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<sup>7</sup> Most rape victims experienced a range of serious and long lasting effects including emotional, psychological, financial and sexual repercussions, although physical force was not used (see for example Rajjas 2000).

## 4 The Pre-Trial Investigation

It was normally the victim who reported the rape to the police. The report was often made soon after the rape. The reports revealed that sometimes the raped woman felt that she had to assemble strength for some days or a week before she dared to approach the police. Some women turned first to a doctor for treatment.

In bigger cities, rape cases are investigated in the unit for violent offences. Preliminary measures may, though, be taken by patrol police officers, who write the report on the offence. The reports often described the complainant, paying particular attention to external injuries, but also to the complainant's behaviour, the way the woman was dressed and her state of mind. In their reports, the police often accounted other observations made at the scene of the offence, and they might also take photographs. The unit in charge of technical investigations might be convened to the place, to collect different pieces of evidence for analysis.

The police attempt to obtain preliminary information about what happened from the complainant. After that the woman is directed to a medical examination. According to the rape reports, the woman went to see a doctor in more than half the cases. In some reports there was a mere mention that the woman had been advised to see a doctor, but there were no notes indicating if she was examined. For this reason consulting a doctor might be more frequent than the rape reports reveal. The medical examination is an important part of the pre-trial investigation not only for obtaining forensic evidence but also for assessing a woman's physical and emotional wellbeing.

### 4.1 *Hearing the Complainant*

Hearing the rape victim constitutes an important part of the pre-trial investigation, because the information she can provide is essential for solving the case. The police must be able to create an atmosphere of confidence between him/herself and the complainant. Special skills are necessary to treat rape victims in a sensitive way. As an effect of the rape, the woman might suffer from a trauma that can hamper the questioning. From an investigatory point of view the police officer might be placed in a difficult situation if the woman is unable to recall the events or she is unable to recall all details with sufficient clarity and consistency. The police officer can influence the atmosphere of the hearing in a decisive way through his/her own behaviour.<sup>8</sup>

To meet the rape victim in an understanding and tactful manner caters for a safe atmosphere for the hearing, making it easier for the woman to recall the painful memories, and to start talking about them. One interviewed police officer observed that in order to gain the confidence of a rape victim, the police officer must convince her that she is not guilty of anything, and that the police is content that the woman has reported the rape. The interviewed police officers stressed the importance of a polite behaviour. In one police officer's words: *"One does not need to be too empathic or so. I have observed that the victims may even shun too much emotional involvement. Over the years, I have heard them say that for them it is enough that the police officer is kind, correct and to the*

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8 See also Ellonen & Karstinen & Nykänen 1996, p. 125-130.

*point... (then) they are able to ask really intimate questions without fearing that the victim experiences them as distressing or make them feel guilty."*

During the hearing the woman's distress can be alleviated by small considerations such as taking breaks or offering coffee. The police officer may also show her/his sympathy with the victim. However, many of the interviewed police officers pointed out that it is not their task to cater for the mental wellbeing of the rape victim. Some of the police officers feared that if they took too empathic an approach toward the complainant, the impartiality of the pre-trial investigation might be jeopardised. The rape victim can, however, be informed about different support services for victims of crime and rape.

#### **4.2 Legal Assistance and Support Person at the Hearing**

Already at the pre-trial stage, the rape victim is entitled to legal assistance and a support person, paid through public funds. The lawyers I interviewed considered that their presence is seldom needed when the victim is questioned by the police. According to them, their task is to concentrate on matters pertaining to the trial. The rape victim may, on the other hand, feel that she needs a support person to rely on already at the pre-trial investigation.

Anybody can act as a support person, but it is also possible to turn to the crime victim help service Victim Support Finland (Rikosuhripäivystys). There the persons have received training for their task even though they act as volunteers. The support persons I interviewed told that their presence had an important function, since it gave the victim greater confidence in reporting and ensured that the hearing was conducted in a sensitive way. The support persons had already helped the victim to contact the police. They had also supported the victim during the hearing and the trial. Support persons can explain to the victim what happens at different stages of the criminal proceedings and they can also offer moral and other support, in addition to helping the victim to get legal aid.

According to the act on pre-trial investigation the police should inform the victim about her/his right to rely on a support person. However, my study showed that, during the police hearing, very few rape victims had been accompanied by a support person. Crime victims themselves have given very positive feedback about support persons (see Tuorila 2000; Tuorila & Siltaniemi 1999). It would, for this reason, be good to contemplate ways of improving the possibilities for complainants to have access to support persons.

#### **4.3 Feedback from the Police**

Support persons or crisis counsellors who have worked with raped women noted that women seldom commented on the activities of the police, but that in general, they considered that victims were treated in a decent way. Nonetheless, they had also heard critical comments about the police. Women were not always taken seriously or believed when they reported a rape. A reason for this might be a state of chock or messed-up state of mind, her savouring of alcohol, disordered explanations, or the lack of visible external injuries. Sometimes the woman was blamed for what happened. Some police officers offered prevention strategies by advising women how to change their behaviour to avoid being sexually assaulted.

A raped woman may wish to deal with a woman police officer. Attempts are made to meet the request, but it is not always possible because woman officers are so few. The victims' support persons and crisis counsellors observed that it would be important to respect the victim's wishes and act upon them as far as possible. That is one way of helping her to re-establish control of her life.

Notwithstanding, within the legal authorities there is in practice no guarantee that female gender will cater for a considerate and understanding treatment. Police culture is often seen as very masculine. It is therefore no surprise that women police officers may feel that they have to rely on forceful men-like means, in order to succeed in their police tasks alongside their male colleagues (see among others Jordan 2002, p. 331-332).

According to the women the police officers might also be in too big a hurry and they did not make sufficient efforts to investigate the offences. The rape victim had to be active and inquire how the police investigation proceeded. Delays in the legal process was also one cause of dissatisfaction.

## **5 The Attrition Process**

Based on statistical data, an attempt was made in my study to examine whether the reform of sexual offences has been successful in making the activities of authorities more efficient. The table below reveals that, after the reform, there has been more rapes reported to the police, they have been solved to a higher degree than before, and they have also been reported to the public prosecutor in greater numbers than before. For this reason, the number of rapes handled by the prosecutor has increased. The prosecutors have brought more charges for rape or attempted rape than during previous years and more offenders have been sentenced. This would indicate that the attrition rate has improved. On the other hand, the police have more often than before labelled rapes as no-crimes, the prosecutors have waived charges due to lack of evidence, and there has been an increase in decisions to dismiss a charge in trials.

|  | 1993-98<br>(mean) | 1999-2004<br>(mean) |
|--|-------------------|---------------------|
| Rapes reported to the police (N)                         | 421               | 545                 |
| Rapes investigated by the police (N)                     | 235               | 339                 |
| Percentage of solved cases (%)                           | 54,9              | 62,1                |
| Rapes reported by the police to the prosecutor (N)       | 164               | 309                 |
| Rapes classified by the police as no-crimes offences (N) | 17                | 56                  |
| Non-prosecution (N)                                      | 55                | 128                 |
| -No evidence (N)   | 54                | 109                 |
| Charges brought (N)                                      | 59                | 87                  |
| Dismissed charges (N)                                    | 5                 | 15                  |
| Percentage of dismissed charges (%)                      | 7,1               | 17,4                |
| Rape sentences (N)                                       | 54                | 71                  |

Table 2: The handling of rape in criminal proceedings 1993-1998 and 1999-2004.

## 6 Only a Minor Part of the Rapes Leads to a Charge

Despite the reform of sexual offences, the number of rape cases that proceed to trial constitutes only a minor part of those reported to the police. This is revealed in figure 1, where the top line pictures the number of reported rapes, the middle line indicates the number of charges whereas the bottom line indicates the number of convictions. During the 1990s about every tenth rape reported to the police, was handled by a court. After the reform of sexual offences there was a slight increase in the number of charges, since one out of six (17 %) rapes reported to the police ended up in a District Court.

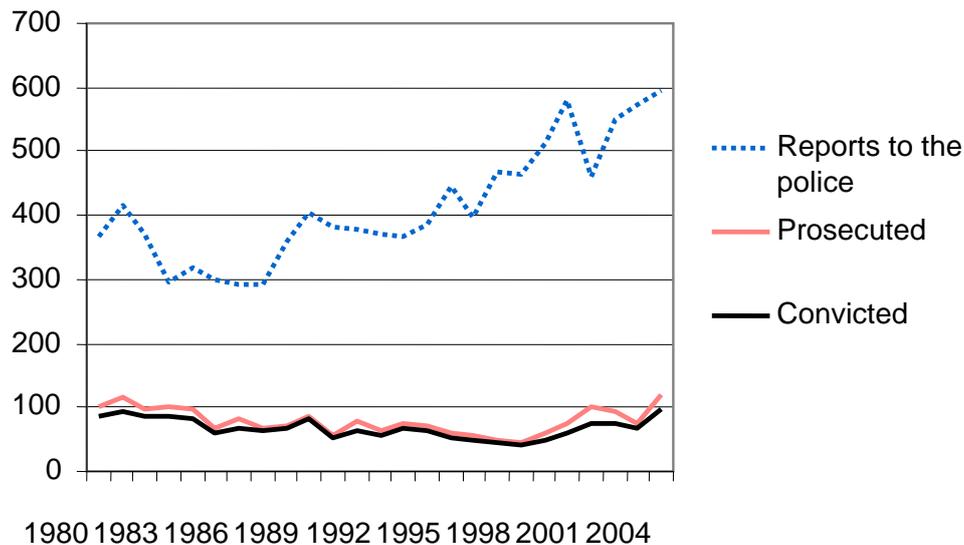


Figure 1: Rapes reported by the police, and persons prosecuted and convicted for rape in Finnish district courts 1980-2004 (N). (The Finnish population is some five million).

## 7 How Different kinds of Rape Cases are Handled in Criminal Proceedings?

International research has shown that the criminal system has difficulties in recognising rapes other than those committed by strangers (see for example Estrich 1987). If the offender has been the woman's present or ex-spouse, cohabitant or boyfriend, the woman's report has not necessarily been taken seriously. When assessing the credibility of the alleged rape, the woman has become the centre of investigation, whereby attention is directed toward her sexual past, her way of dressing and behaviour. If the woman has had casual sex, been flirting with the offender or has been drunk, the report on the offence has hardly led to charges, let alone to a conviction.<sup>9</sup>

In my research I examined the dynamics of the process by seeking various explanations to the ineffectiveness of criminal proceedings in Finland. I distinguished three different types of rape: 1) rape by an unknown man, 2) rapes between acquaintances or at the first meeting, and 3) rapes in intimate relationships. The study revealed that the investigation varied according to the characteristics of the case. Also the police held different attitudes toward investigating these different rape cases which influences how effective the attempts to investigate the rapes will be. In the following I will picture the investigations of these three different types of rape.

<sup>9</sup> See for example Temkin 1987; Temkin 1997; Gregory & Lees 1999; Harris & Grace 1999.

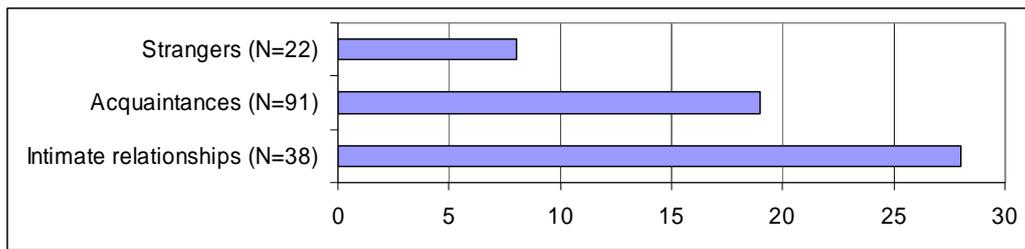


Figure 2: Rapes reported to the police for which charges were brought 1998-1999 (%) (Number of charges in brackets).

### 7.1 *Rape by a Stranger*

Rape by a stranger seldom led to charges (8 % of the cases). The interviewed police officers told that they generally were motivated to solve the case, but they faced problems in identifying the perpetrator. In future, finding the offender may be facilitated by the development of DNA registers. One of the interviewed police officers considered it particularly important that the criminal investigations were technically well performed, in order to maintain the possibility of identifying the offender.

### 7.2 *Rape at the First Meeting and Between Acquaintances*

In cases where the rape occurred between acquaintances or at the first meeting, a charge was brought in every fifth case (19 %). The cases were dropped either because the police was unable to solve the case, the case was classified as not being an offence, the prosecutor did not bring charges, or the complainant was unwilling to attend court.

The interviewed police officers told that the evidence might culminate into two different versions about what happened. According to the women, she was raped; she was, in other words, forced into sexual intercourse. The man, on his party, willingly admitted that they had sexual intercourse, but told that everything had happened in full mutual understanding. Normally the man did not have to resort to open physical violence in order to break the woman's resistance. Thereby the woman was not left with external, physical traces of what had happened.

The interviews revealed police officers' reserved attitudes. Particularly in the case of a rape at the first meeting police officers displayed a suspicious attitude toward the women. They did not necessarily believe the woman's story about the rape, or she was at least held partly responsible for the fact that the situation got out of hand. One police officer noted: *"And isn't it often so that when one wakes up in the morning in the arms of a man and one does not remember anything, then it is rape ... If the man is clever enough to say at once that we were together in full understanding, I believe that ... on the whole this is how it has been."* That the woman was drunk was also a cause for suspicion: *"I'm of the opinion that a Finnish woman may wear whatever mini-skirt, but she should not go with an unknown man, not walk alone, and not be drunk."*

When studying the records from the pre-trial investigation, I noticed that the woman did not necessarily want the police to start investigating the case, because the rape made her ashamed, and she did not want anybody to know

about it. Sometimes a woman was beset by self-accusations after the hearing. She might phone the police and say that after having contemplated what happened, she had come to the conclusion that she was to blame for how things turned out, that the man had misinterpreted the situation and now she wanted to withdraw the report. When a woman is apt to self-accusations or she has faced accusations by the police, be they intended or unintended, it is not surprising that she may wish to withdraw from the process. In every fifth report on a rape that took place at the first meeting, there was a mention that the victim wanted to withdraw from the investigation.

Rapes can be approached from the perspective of how well women's sexual self-determination is protected. According to law, women have the right to refuse sexual intercourse at any stage (see for example the report of the Parliamentary Law Committee 3/1998, p. 2). When studying legal practices one can, however, see that this right does not always appear to materialise in practice. If the man and the woman have got acquainted before the rape, this may lead to doubts about the accuracy of the rape report. Then focus is directed toward the woman's behaviour: if she left voluntarily with the man that is interpreted as her being willing to have sex.

The study revealed that police officers had obvious difficulties in recognising sexual violence, particularly when it occurred at the first meeting. Many police officers expressed the view that rapes could be prevented only if women would take better care of their personal safety. There are good reasons for criticising this view, as it releases the perpetrator from responsibility while blaming the victim for what happened (see also for example Näre 2000, p. 107-110, 121-122). For the rape victim, opinions like these do in no way help her to survive. The experience of being treated with disbelief is particularly distressing for women. A typical reaction can be a sense of being powerless. If the rape victim feels that she does not get enough support during the preliminary investigation, she might feel it is better not to bring the case any further (see for example Temkin 1997). It is important to pay attention that police officers' suspicious attitudes easily leave traces on the process, and that rape cases may therefore not be properly investigated (see for example Gregory & Lees 1999, p. 60-61).

### **7.3 *Rape in an Intimate Relationship***

Among rapes that took place in an intimate relationship just short of one third (28 %) lead to charges. The title of the charge was, however, not necessarily rape or any other sexual offence, because a charge might be brought merely for assault. Also these cases were dropped for a variety of reasons.

Three different categories could be distinguished among rapes in an intimate relationship. According to the police investigations the first involved a singular occurrence where the couple wanted to continue living together, and consequently they did not want the case to be examined by the court. The mildest form of rape, coercion into sexual intercourse, is a matter of private prosecution, leaving it up to the victim to decide whether to prosecute. According to the records of

the pre-trial investigation the process was often closed because the police officer might interpret the act as coercion into sexual intercourse.<sup>10</sup>

The two other categories involved an outdrawn spiral of violence, where the man over time had become increasingly violent. In the last category a report of a rape was made in connection with a divorce. In these cases a picture of violence in intimate relationships emerged that conforms well to findings in previous research (see among others Hydén 1994; Dobash & Dobash 1998; Hearn 1998; Lahti 2001; Nyqvist 2001; Husso 2003). The different forms of violent acts that the man had committed had often been repeated. When the man was interrogated, he normally insisted that he was not violent. The police seemed to understand the dynamics of violent behavioural patterns and to be able to detect the strategies perpetrators use to deny and justify their actions.

It can be observed that women are more apt to withdraw the report on an offence in cases of rape in an intimate relationship than when strangers are involved (see for example Gregory & Lees 1999), something that was also revealed in this material. Reports were withdrawn in all the categories of violence in an intimate relationship that I have pictured here. The man may easily profit from the intimacy of the relationship. Some of the police officers I interviewed considered that the investigations should proceed regardless of the woman's wishes. Her situation at home may be very severe, if the decision to press for charges is solely left to her.

The records from the pre-trial investigations revealed that the police might have made quite extensive efforts in investigating a violent behaviour that had gone on for some time, and in obtaining evidence about this. There were, however, also cases where the police made only modest attempts at obtaining evidence.

The police have clearly obtained an ability to identify violence against women, which I consider to be a positive research result. Different studies have shown that the police have been reluctant to interfere in partnership violence (see among others Lundberg 2001). On the other hand, the police have during the past years paid increasing attention to violence against women also in Finland, which may have lead to a greater understanding of the phenomenon, raising thereby the quality of the pre-trial investigation. Some of the police officers I interviewed confirmed that there has been a firmer grip on partnership violence in police practices.

In assessing the activities of the police one should, however, be aware that women do not easily bring charges for violent behaviour by their partners. When a woman turns to the police the violent behaviour may have continued for a long time and the offences might be quite severe. It might be easier for police officers to identify violence when women are about to divorce or have divorced from violent men. The findings of this study should, however, not be generalised regarding the way in which the police generally deal with violence in intimate

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<sup>10</sup> Niemi-Kiesiläinen (2004, p. 390) has criticised the fact that acts of violence are categorised as cases for private prosecution. She considers that legal authorities should be in charge of handling such crimes. It should not be let solely to the victim to decide on initiating or continuing a pre-trial investigation.

relationships, as my own interest only focussed on the work of the unit of violent crimes.

When the police intervene in partnership violence, one question is how well a woman will be able to talk about it. She might try to protect the offender, fear how he will react, feel ashamed or consider that she is the cause for the violence. Research has revealed that if the woman still wants to continue the relationship and believes that the man is able to change his behaviour, she might, in the same way as the man does, underrate or deny that she has experienced violence. If the woman is divorced from the man, it may be much easier for her to tell about the spiral of increasing violence she has experienced along the years, as well as its effects.<sup>11</sup>

Feedback from other people is also of relevance. Violence against women arouses in many of us strong and contradictory feelings, which can make it more difficult to get help. Authorities may have insufficient professional skills to handle the matter. In Finland there has been a longstanding opinion that violence against women is a private matter (see Nousiainen 1999a; Pehkonen 2003). If violence is considered as an interactive situation that stems from problems in the relationship, attention is directed toward the behaviour of the victim instead of the violent man. To blame the woman for becoming the target of violence or for staying on in the relationship is not conducive for getting help or putting an end to the violence.

Also the question what it is that constitutes sexual violence may be raised. The woman may have great difficulties in naming her experiences as rape, when the perpetrator is her own spouse (Estrich 1987). Also the police officers' understanding of the nature and effects of sexual violence and his/her ability to deal with the victim, influences the picture that can be gained from the violence during the pre-trial investigation.

## **8 Important to Support the Victim**

The attitudes held in society about sexual violence are reflected in legislation, the practices of legal authorities, as well as the way in which raped women deal with it. There are still many traditional mythical conceptions associated with sexual violence that often steer the focus of the discussion away from the real problems. That so few rape victims dare to turn to the police should be a matter of concern. The decision whether to initiate or continue a pre-trial investigation should not solely be left with the victim. Attention should also be directed to the way in which women are treated in criminal proceedings. A vulnerable victim is not necessarily in a position to secure her rights on her own. It would be important to try to develop criminal proceedings in such a way that they would be more sensitive to the victim's situation.

International studies show that many police officers suspect that rape victims make false allegations. The women were not trusted and they have not always been treated in an appropriate manner. The criminal justice system appears to

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<sup>11</sup> See for example Hydén 1995, p. 99; Lahti 2001, p. 62-64.

have difficulties in recognising rapes, if there was some degree of consensual contact between the complainant and the suspect prior to the attack. Especially in the case of rapes at the first meeting suspicious attitudes are revealed. There were also references to such attitudes among Finnish police officers, men as well as women.

The attitude police officers hold toward rape victims, influences the degree of efficiency in investigating the offence. How a rape victim is treated is important both for the victim herself and for the success of the criminal proceedings. If the woman feels that her allegations are not taken seriously, or that the police officer treats her inappropriately, she might come to the conclusion that it is easier for her to just withdraw her case from the criminal proceedings.

Jan Jordan (2001) has observed that a problem might also lie in the tension identified between victims' needs and the police responsibilities. What the victim is likely to need most is to have a sense of safety restored and to be able to recover and re-establish control of her life. The police role is not designed to assist recovery. On the contrary, the police often doubt the credibility of the victim. Police should, however, focus on obtaining the evidence to make perpetrators bear the responsibility for their actions.

Notwithstanding, these differing views overlap. A respectful and sensitive attitude toward the rape victim is important for the person in question, but it equally enhances the investigation of the offence. A woman easily senses an atmosphere where she is not taken seriously, where the rape is underrated, or where she is blamed for what happened. A police officer must be careful with his/her words and behaviour, and must try to encourage the woman. The police lose nothing by being kind to the victim - quite the contrary. All victims of sexual violence should have the right to be treated with respect, sensitivity and professionalism. If victims are met by attitudes of disbelief and blame, not only will they be disappointed, but the credibility of the criminal justice system itself and its commitment to protect and support victims generally is undermined.

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