

**LADY CHIEF JUSTICE OF NORTHERN IRELAND
BELFAST AREA DOMESTIC & SEXUAL VIOLENCE AND ABUSE
PARTNERSHIP 'ROAD TO JUSTICE' CONFERENCE
TUESDAY 28TH NOVEMBER 2023
OPENING REMARKS**

Good morning.

I want to thank the Belfast Area Partnership for inviting me to open this 'Road to Justice' conference. This is a very important event which brings together the judiciary, key criminal justice agencies including the police, Public Prosecution Service and Probation Board, the Victims' Commissioner, and providers of support services to discuss how we can best work together to improve access to justice for all those affected by domestic abuse. The key word for today is of course partnership because working together within the justice system we can achieve the best results.

One of the benefits of this conference will be the sharing of information and reflections about developments in our own jurisdiction in terms of the road to justice for those affected by domestic abuse. The conference will also benefit greatly, I am sure, by hearing about experience in another jurisdiction from the keynote speaker this afternoon, Mr David Martin of the King's County Prosecutor's Office in Seattle. Input from outside the jurisdiction is invaluable in informing thinking inside the jurisdiction. It helps us drill down into how we can achieve the best outcomes within our respective, limited, budgets. I hope also that David benefits from hearing experiences and reflections from this jurisdiction.

To begin I want to place the importance of the road to justice in domestic abuse in some context. The World Health Organisation tells us that one in three women and adolescent girls worldwide will experience physical or sexual violence at least once in their lifetime. WHO statistics also tell us that, in Western Europe in 2018, 21% of ever-married or partnered women and adolescent girls aged between 15 and 49 had experienced physical and/or sexual intimate partner violence during their lifetime.¹

Strikingly, the UN describes violence against women and girls as, 'one of the most prevalent and pervasive human rights violations'.² What this statement tells me is that, while much has been done and much is being done, much

¹ [Violence against women prevalence estimates, 2018 – Global fact sheet \(who.int\)](#)

² [UNITE! Invest to prevent violence against women and girls | UN Women – Headquarters](#) (Accessed 20/11/2023)

more remains to be done. That is why I am very glad to be able to offer my support to today's conference, which has, at its heart, a focus on practical solutions that will assist those affected by domestic abuse.

As you may know, as a barrister, I specialised in family law. That involved in my time many days dealing with personal protection orders as they were then known. I was called to the Bar in 1994 and, very early on in my career, I became acutely aware of the prevalence of domestic abuse in our society and the devastating effect it can have, not just on individuals who are directly impacted but also on wider families, especially the children who live in homes where there is domestic abuse. I was also aware of the need for those affected to have supports within and outside the legal process.

Now, as a judge, I still come across domestic abuse in different domains, not just in the arena of family law but also in the criminal law. Unfortunately, I see firsthand in the Court of Appeal the worrying reality of domestic abuse locally. That being so, we are in a much better place now than we were when I qualified in 1994.

That is because there is much greater recognition of the issue of domestic abuse. There is also a commendable commitment among criminal justice agencies and the voluntary sector to tackling violence against women and girls. Within the voluntary sector, immensely important services continue to be provided and further developed as that sector shows itself time and again to be a driver for innovation and positive change in this area. I am always impressed by the work of the voluntary sector within our jurisdiction.

In terms of the criminal law, there have been several important recent developments which I will mention. We now have a specific offence of domestic abuse. Also, where domestic abuse is present, it is considered as an aggravating factor when sentencing for other offences. In terms of recent legislative developments, we have seen the creation of the standalone offence of non-fatal strangulation. There has been clarification that consent to harm for sexual gratification is not a defence. Last month, we saw the introduction of stalking prevention orders, following on from the creation last year of the specific offence of stalking. This week the new offences of upskirting, downblousing and cyber-flashing have come into effect.

These legislative initiatives are relatively recent and so it is not possible yet to analyse the impact in a comprehensive way. However, as cases work through the system, it is the aim of the judiciary to ensure, together with ensuring that

every defendant achieves a fair trial, that every complainant has support through the justice system and has access to appropriate support measures.

One support for complainants in criminal proceedings involving domestic abuse which you will be familiar with is the availability of special measures. These can include the complainant giving evidence by live link, where the court so directs. This means that complainants avoid the potential stress, upset and trauma of facing the defendant in the courtroom.

While we have had video link facilities in designated rooms within our courthouses for some time, we now also have Remote Evidence Centres, or RECs, in Belfast and Craigavon. Although the RECs have been established primarily for the giving of evidence in cases involving serious sexual offences, I am keen that, where feasible, their use is extended to other types of cases. So, in an initiative launched recently with my support, there are now arrangements in place for a specific Domestic Abuse Contest Court in Belfast which can avail of the live link facilities in the Belfast REC. This arrangement will ensure that, if required, a complainant giving evidence can be physically separate from the defendant. I hope that this initiative will improve the justice journey for complainants in contested criminal proceedings where domestic abuse is a factor.

It is my hope that the suite of legislative and practical measures helps to ensure that those affected by domestic abuse have full access to the safeguard of the law and that their road to justice is smoothed. That is not to say, however, that we can afford to be complacent. We must be alert to, and continue to educate ourselves about, the impact that trauma, including the trauma of domestic abuse, may have had on an individual, including how such trauma may affect their actions and responses in a courtroom and, importantly, how they may be affected by their courtroom experience.

I am acutely conscious that those affected by trauma all too often report that the justice process causes them further trauma, not least those who have to recall their most distressing experiences publicly and repeatedly in front of strangers in a court environment. I have spoken on this before to all involved with the delivery of justice and I am committed to ongoing dialogue which will bring improvements.

In addition to the use of REC's the days of unnecessarily oppressive and aggressive questioning of witnesses should be gone. The focus should be shifting to smarter and more enlightened strategies for eliciting from a witness the most accurate information possible. The right to challenge the evidence of

a witness is not undermined by an insistence that cross-examination is controlled.

I will conclude by shifting focus slightly to the wider picture. Tackling domestic abuse is not just about what happens during criminal proceedings. It is about working to prevent domestic abuse in the first place, working to prevent re-occurrence and working to ensure that support systems are in place for those affected by domestic abuse.

Education is key. As part of the Learning for Life and Work curriculum, young people in secondary level education in Northern Ireland learn about the qualities of loving and respectful relationships, they learn coping strategies for dealing with challenging relationships, including domestic abuse, and they learn strategies for avoiding and resolving conflict. It is my hope and belief that by educating our young people about domestic abuse and, in contrast, by educating them about the qualities of loving and respectful relationships, this can help eradicate the cultural embedding of domestic abuse in our society.

Education does not stop with our young people. Perpetrators of domestic abuse need to be educated to help prevent a revolving door of recurrent offending. The continued provision of perpetrator programmes by Probation and by other services is therefore vitally important.

Appropriate and accessible support for those affected by domestic abuse is also key. I have visited the Foyle Family Justice Centre on a couple of occasions and have seen and heard for myself the difference that can be made by the provision of a one-stop shop for people who need accommodation, legal support, and professional support. While the one-stop shop is not the only model for successfully providing support services, anecdotal evidence from those who use Foyle Centre's services indicates that the one-stop shop model is a very valuable facility for those in the Northwest who need it and can be of benefit elsewhere throughout our jurisdiction.

On that note I wish the conference every success. I look forward to hearing about the ideas and reflections for improving road to justice that will undoubtedly be generated.

Thank you.