

# DOMESTIC ABUSE COURTS

*...a fairer system?*

What can courts do, to make women feel safer about coming forward to report crimes of domestic abuse?



52

In 2005 and 2006, Specialist Domestic Violence Courts (specially adapted Magistrates' Court hearings) were introduced, to improve the court process for victims of domestic abuse. This was to encourage more victims to come forward and to increase the number of successful prosecutions. Specialist Domestic Violence Courts are used for the trial and sentencing of defendants who have been charged with domestic abuse. Victims have the choice to attend or not. The result is increased victim participation and satisfaction, as well as higher public confidence in the justice system.

New plans set out by the Government, some of which are included in the Domestic Abuse Bill, will result in more victims having access to protective screens, separate entrances, and waiting rooms. The major overhaul will also improve the training given to professionals in the family justice system and will give judges extra powers, known as 'barring orders', to prevent victims being repeatedly brought back to court against their will. Polygraph testing will be introduced for defendants accused of domestic abuse, though there has been criticism of that technology, which has been used on controversial television shows. Accuracy is considerably less than 100 per cent.

A new approach of Integrated Domestic Abuse Courts will be trialled under these plans, which will place emphasis on finding the root cause of any issues that may have led to offending behaviour, such as relationships and mental health. The safety and equal footing of all parties will be ensured while doing this. The new approach is partially to address victims' experiences, many of whom have been traumatised by facing an ex-partner in court.

A Magistrate we spoke with was positive about the Domestic Abuse Courts. "A defendant is prohibited from cross-examining their alleged victim, which means they cannot use a trial for a personal purpose of intimidation or to cause any trauma to the alleged victim. The defendant can instead hire a solicitor free of charge to cross examine the victim on their behalf.

"As the CPS can prosecute even when the victim is unwilling to testify in court, justice can still be served," the Magistrate said. "That is of the utmost importance. To have any abuser walk free would be a complete travesty, and is an exact opposite to the principles upon which our justice system was built."