

Women's Aid Consultation Response
Speaking to Witnesses at Court: Draft CPS guidance for consultation

Women's Aid welcomes the opportunity to respond to the Crown Prosecution Service (CPS) Speaking to Witnesses at Court Draft Guidance Consultation. We will restrict our consultation response to our specific areas of expertise.

Domestic Violence Survivors and the Criminal Justice System

Women's Aid welcomes that the CPS draft guidance emphasises the importance of witnesses being properly assisted through the criminal justice system. The guidance stipulates that:

“Prosecutors have an important role in reducing a witness's apprehension about going to court, familiarising them with the processes and procedures – which may seem alien and intimidating – and managing their expectations on what will happen whilst they are at court.”

Victims of domestic violence attending court will more often than not be very anxious about the court process and facing the perpetrator of abuse in this setting. Frequently they will be attending court as both a witness and victim of crime. Unfortunately, many women's experiences of the court process is very negative due to feeling unsupported and underprepared for arduous, complicated and formal processes which survivors often report finding very distressing. Women's Aid is concerned that many women regard their experiences of the criminal justice system, and court processes in particular, as an extension of the abuse they have faced and often describe it as re-traumatising.

Good quality guidance on speaking to witnesses at court can go some way to mitigating the negative experiences that many survivors of domestic violence have at court and will allow more victims to access justice in a safe and supported way. Supporting survivors of domestic violence to understand legal measures is also enshrined in legislation, to which the UK is a signatory, through the Council of Europe Convention on Combatting and Preventing Violence Against Women and Domestic Violence (the Istanbul Convention). The Istanbul Convention states that, “Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand¹.”

Key concerns for women survivors of domestic violence as witnesses

• **Treating women victims of domestic violence as witnesses:**

Women's Aid has significant concerns around the treatment of women in the criminal justice system as *witnesses only* rather than as *victims and witnesses* of domestic violence. It is vital that all women are supported through the court process as victims and are not treated solely as witnesses providing testimony.

Many women tell Women's Aid they find the court process intimidating and are concerned for their safety. Where the criminal justice system treats women survivors of abuse as witnesses rather than victims, they are expected to attend court and give a coherent and eloquent account of the abuse that they have suffered. Obviously for women who have experienced domestic violence this is can be incredibly disturbing and distressing and can put them at further risk of harm to their physical and mental well being.

¹Article 19 - Istanbul Convention on Preventing and Combatting Violence Against Women and Domestic Violence.

- **Lack of understanding of the nature and impact of domestic violence and coercive control:**

The All Party Parliamentary Group (APPG) on Domestic and Sexual Violence carried out an Inquiry into women's access to justice in 2012/13². The Inquiry highlighted the lack of understanding that many frontline professionals in the criminal justice system, such as court officials and judges, have on domestic and sexual violence.

Women's Aid is aware that there are still many misconceptions in the justice system about the true nature and impact of domestic violence. The lack of understanding of the complexity of domestic violence is despite attempts by organisation such as Women's Aid and the CPS to dispel myths around domestic violence and the concept of a "perfect victim" or a "perfect witness". Survivors of domestic violence tell us that they feel as if they are often treated with suspicion throughout court proceedings and are subjected to inappropriate questioning that means they have to relive the ordeal they experienced in a public forum.

*"it can be horrific to have to relive the abuse and then be scrutinised, questioned, not believed, not acted upon, no direct support given. It is actually unimaginable unless you have been through something similar"*³

The CPS has taken a firm stance on tackling domestic violence and the recently updated CPS guidance on domestic violence and abuse is excellent in recognising the impact and nature of coercive control and patterns of abuse. However, the APPG Inquiry found that women still feel that they are re-traumatised throughout the court process and this has to be addressed through greater awareness of the long term impact of domestic violence. Women's Aid welcomes the CPS requirement for all prosecutors to have face-to-face training on domestic violence, in order for this training to be effective it is important that all front-line professionals coming in to contact with victims and witnesses of domestic violence in court receive specialist training.

- **Attrition in domestic violence cases:**

The approach of the criminal justice system and how witnesses and victims are treated has a big impact on attrition. Women victims and witnesses of domestic violence are often left feeling disempowered by the lack of control they feel they have over their involvement with the criminal justice system. Women survivors of domestic violence often explain their experiences of the criminal justice system as victims or witnesses as very stressful and frequently overwhelming, leaving them feeling unsupported and frightened:

*"I felt my needs, my anxieties and my concerns were not important. I felt very disempowered by the process and very let down."*⁴

It is essential that victims of domestic violence are kept informed at every stage of criminal justice proceedings, in language they understand, so they feel empowered and supported to participate in the proceedings and in order that they are less likely to disengage from the justice process.

- **Special measures for witnesses in courts**

Victims of domestic violence attending criminal courts are entitled to special measures to enable them to feel safe and confidence when giving their testimony. It is essential all

² Hawkins, S and Laxton, C (2013) Women's Access to Justice: From reporting to sentencing. Women's Aid.

³ Ibid.

⁴ Ibid.

victims of domestic violence attending court as witnesses or victims are offered special measures, for example separate entrances or video-links. Special measures are common place in Specialist Domestic Violence Courts (SDVCs) but it is essential they are also available in other court settings, including in Family Courts.

Summary

Women's Aid welcomes the CPS' on-going commitment to ensuring victims of domestic violence are able to access justice. The Consultation on Speaking to Witnesses at Court is an important opportunity to raise key concerns around victims of domestic violence engaging in the criminal justice system.

In order for domestic violence survivors to be able to engage with the criminal justice system in a meaningful and fair way it is essential they are treated as victims of domestic violence rather than solely as witnesses. They need to be supported through the process by staff who have specialist domestic violence training in order to decrease the likelihood of attrition and increase their ability to access justice.

About Women's Aid

Women's Aid is the national charity for women and children working to end domestic abuse. We empower survivors by keeping their voices at the heart of our work, listening and responding to their needs. We are a federation of over 220 organisations who provide more than 300 local lifesaving services to women and children across the country. We provide expert training, qualifications and consultancy to a range of agencies and professionals working with survivors or commissioning domestic abuse services, and award a National Quality Mark for services which meet our quality standards. Our campaigns achieve change in policy, practice and awareness, encouraging healthy relationships and helping to build a future where domestic abuse is no longer tolerated. The 24 Hour National Domestic Violence Helpline on 0808 2000 247 (run in partnership with Refuge) and our range of online services, which include the Survivors' Forum, help hundreds of thousands of women and children every year.

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