



**Safe Ireland Submission to the
Judicial Planning Working Group**

Safe Ireland

26th July 2021

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Safe Ireland Submission to the Judicial Planning Working Group established to consider the number of and type of judges required to ensure the efficient administration of justice over the next five years under both

- The current Programme for Government and
- The Justice Plan 2021

Introduction – Safe Ireland and this Submission

Safe Ireland is the National Social Change Agency working to end gender-based violence with a specific focus on male violence against women in intimate/domestic relationships. We collaborate closely with 38 frontline domestic violence services across communities in Ireland, state agencies, civic society organisations, business, community, and cultural organisations throughout the country. We work directly with women to bring their experiences and voices into research, policy, service development and violence prevention programmes. Our member domestic violence services provide support, including Court accompaniment, to women making applications for orders under the Domestic Violence Act 2018 and also participating in both private and public family law proceedings. Increasingly, these services are also being called upon to support women reporting crimes of domestic violence through the criminal justice process.

We welcome very much this opportunity therefore to make a submission to the Judicial Planning Working Group because we are aware from all our daily work with our clients that the presiding judge's ability to understand the nature, dynamics and effects of domestic violence and abuse can have a very positive effect on women's experience of, and confidence in, the legal process itself.

Number of Judges

Safe Ireland would like to make the following brief points on the numbers of judges needed:

- We do not have a fixed figure in mind as to how many judges there should be at any level and in every type of court proceedings.
- However, we know that many criminal cases must wait to be heard for long periods. When they are listed for trial, they may then be adjourned repeatedly, sometimes at short notice, because there are not enough judges to hear the numbers of cases ready for trial.

- We suggest that there should be more judges appointed, perhaps not attached to any particular Circuit Court, to help ensure that serious offences of domestic violence do not remain untried for long periods, not least because many accused persons are on bail from charge until trial;
- With regard to family law proceedings, and especially at District Court level, urgent contested Domestic Violence Act 2018 and other family law matters with a background involving domestic violence and abuse, - may wait months and months for a final hearing. When the hearing day arrives, the litigant finds that she must share her appointment with scores of others, only a small number of which will be reached on the day – and that her options are limited to settling the case against her better judgement and thereby escaping from the court precincts, or deciding not to settle and facing the risk of repeated adjournments before the case can be heard. Of course, just as in criminal proceedings, there are many contributing factors to these delays. Our view is that appointing more unassigned District Judges whose principal purpose would be to hear contested family law matters as early as possible – would do much to help solve this problem.

Type of Judges

- Safe Ireland welcomes the proposal in the General Scheme of the Family Court Bill that there should be specialist Family Court judges.
- In our view, domestic violence and abuse is itself a specialist area which needs extremely careful and sensitive handling by this new cohort of judges, as they will be handling a large volume of cases in which domestic violence is either the subject of the proceedings or looms large in the facts behind the proceedings; accordingly
- Safe Ireland recommends that all Family Court judges appointed under the new legislation should have the benefit of intensive training in the nature, dynamics and effects of domestic violence and abuse, including coercive control, to be delivered ideally by experienced trainers from specialist services working with women and children who are living with this abuse;
- Further, Safe Ireland recommends that the new Family Court judges should also be trained, again ideally by specialist support services, to recognise the many barriers there are to effective access to justice for women and child survivors of domestic violence who are members of especially vulnerable communities (Roma, Travellers, people with certain disabilities) and those who are isolated by poverty and lack of access to transport and support services;
- The Family Court judges' training should also focus on developing problem-solving attitudes and practices with regard to effective access to justice for women suffering domestic violence, for instance by making a point of considering whether holding a court by remote means or allowing for special measures to reassure and encourage women seeking the protection of the courts, would be appropriate in every case involving domestic violence (to the extent that this legally possible);

- However, domestic violence and abuse may also form the background to criminal proceedings and indeed, other proceedings which are not categorised as either family law or criminal in nature. Sometimes, as in criminal proceedings for breach of an order made under the Domestic Violence Act 2018, the case may arise directly out of earlier family law proceedings. Safe Ireland's view is that it is important that as many judges as possible have at the very least a good overview of the nature, dynamics and effects of domestic violence and abuse, and also, how best to employ the powers at their disposal to ensure that a woman coming to court has the best possible opportunity to give her best evidence and can do so with the minimum risk of being re-traumatised by that experience.

Conclusion

The effective administration of justice is not all about speed and cost. It is primarily about making every effort to live up to high standards in the quality of the justice delivered. In the complex and challenging specialist area of domestic violence and abuse, justice will be administered most effectively if the process is led by a well-informed, thoughtful, compassionate group of dedicated Family Court judges and supported by another group of judges for whom domestic violence is not a central theme, but whose decision-making is also informed as much as possible by exposure to quality training about the nature, dynamics and effects of domestic violence and abuse.



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