



RCNI Submission
On Courts Service Long-Term Strategy
2019-2025
February 2019

Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

Introduction – This Submission

RCNI is very glad to have the opportunity to make submissions on the content of the Courts Service Long-Term Strategy 2019-2025. This submission should be read in conjunction with the RCNI Submission on the Courts Service Strategic Plan 2017-2020¹². Accordingly, we will not repeat the points made in that submission in this document but will focus on other issues instead.

Structure of this Submission

This submission will begin by proposing that the feasibility of more specialisation in the area of sexual offences, be examined. It will then focus on specific issues under the relevant Strategic Priorities headings used in the Courts Service Strategic Plan 2017-2020.

A Specialist Circuit Court for Sexual Offences?

RCNI recommends that the Courts Service consider further specialisation, including in the area of sexual offences. It would be valuable to examine whether it is feasible to have specialist courts for sexual offences other than rape and aggravated sexual assault, and if so, how these courts should be constituted. Sexual violence requires a specialist approach from all relevant professionals if its victims are to access justice effectively. This means that they are enabled to give their best evidence with the minimum risk of further trauma arising from the court process itself. While this specialist approach is evident in both the Criminal Law (Sexual Offences) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017 as far as protection measures and other special measures are concerned, specialist sexual offences courts at Circuit Court level would be likely to result in the development of a core group of specialist judges, lawyers and other professionals. Specialised courts at this level have the potential to benefit victims of sexual violence enormously.

¹ Available online via this web-link: <https://www.rcni.ie/wp-content/uploads/RCNI-Courts-Service-Strategic-Plan-2017-2020-Submission-Sept-2017-Final.pdf>

² The Courts Service Strategic Plan is available online via this web-link: [http://www.courts.ie/Courts.ie/library3.nsf/\(WebFiles\)/6DB8329502F3AFFB80258289003F7463/\\$FILE/Courts%20Service%20Strategic%20Plan%20-%202017%20-%202020.pdf](http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/6DB8329502F3AFFB80258289003F7463/$FILE/Courts%20Service%20Strategic%20Plan%20-%202017%20-%202020.pdf)

Strategic Priorities under Headings used in the Courts Service Strategic Plan 2017-2020

1 Supporting the Judiciary

RCNI's view is that in order to ensure full compliance with Article 25 of the EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA³, judges should be given regular access to high-quality training in victim-related specific topics, including the impacts of sexual violence, as part of their core working hours, so that they do not have to take time out at weekends and evenings to attend training.

Judicial training on sexual violence should be trauma-informed and should include input from specialist victim support workers, such as specially trained counsellors and accompaniment staff.

We welcome the commitment in the latest Strategic Plan to continuing improvements to the Irish Sentencing Committee website. We recommend that this project be prioritized. Our judges need to have access to up to date and accurate information on other sentences to help them make the best possible decisions they can on the sentences before them, particularly in complex and challenging areas such as sentencing sex offenders.

2 Providing High Quality Service to Court Users

RCNI recommends that Courts Service staff continue to work to ensure that victims of crime, other prosecution witnesses and applicants in domestic violence proceedings are informed about court accompaniment and support services, including where appropriate, specialised accompaniment and support services. As far as possible, court accompaniment and support services should be accommodated within court buildings. This already happens in some courts, such as Dolphin House, the dedicated Family Law District Court in Dublin, where we understand it is working well.

3 Develop and Support Our People

RCNI recommends that in every Circuit Court and District Court around the country, the maintenance and development of links with other relevant agencies should be seen as a priority. These other agencies include not only An Garda Síochána, the Probation Service, and Tusla (among others) but also, local victim support services including specialist services. These links do not have to be formal and very regular to work well. Where there are good relationships between all organisations, problems can be tackled more easily and effectively. Over time, these links will help local Courts Service staff to do their own work more easily and effectively.

³ The full text of the Directive is available online through this web-link: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

4 Improve Processes and Case Management

Victims of crime are often too traumatised or too stressed to take in the details of court decisions while they are still in court. In the criminal courts, this could mean details of bail conditions, or conditions attached to a suspended sentence (for example), and in the civil courts, the details of any order made in domestic violence proceedings. It is fair to say that the legal system is often bewildering to non-lawyers, even those who are legally represented, even where they are not traumatised or stressed. It is essential for the proper administration of justice that traumatised and stressed victims of crime can access the hard copy text of any court decision which affects them, very soon after it is made and in concrete form (ie a photocopy of the typed decision/order made). Victims can then refer to that paper document away from court where they are better able to take in the details of the order(s) made. RCNI recommends that the Courts Service examine ways by which this information might be made available to victims of crime with the minimum of delay after the court hearing. With regard to applicants for domestic violence orders, everything possible should be done to streamline further the production and delivery of court orders.

5 Improve Court Accommodation and Facilities

RCNI recommends that the Courts Service continue to develop dedicated victim waiting facilities, and to ensure that these are designed and equipped to allow victims to spend lengthy periods there in reasonable comfort as well as safety. It makes an enormous difference to victims of sexual (and no doubt other) offences to know that there is a quiet and hospitable space to which they can retreat within the courthouse, until they are needed.

Vulnerable victims of sexual crime, especially children, should be given priority when victim waiting rooms are allocated, and it should always be possible to book these rooms in advance so that the victim arrives at court knowing that s/he does not have to wait in the public areas but has a dedicated room.

RCNI also recommends that the Courts Service consider rolling out some basic refreshment facilities to all courts, and which are accessible to all court users. (Of course specific groups such as judges, victims of crime and jury members would need separate, but not necessarily complex or expensive, facilities). Court days are long, and it cannot be in the interests of justice for court users to become so dehydrated or famished at court that they cannot articulate their thoughts or take in information or consider their options, as well as they could if they had easy access to (some basic) food and drink.

6 Optimize Use of Technology

RCNI welcomes very much the roll out of WiFi in all court buildings and recommends that it is completed as early as possible. We also recommend that judges, lawyers, An Garda Síochána, and other relevant agencies, have access to photocopying, scanning, and printing

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facilities as far as possible in every court building, so that their time is not wasted leaving the building to seek facilities elsewhere, and that consideration is given to making these facilities available to other court-users at a modest cost also.

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