



**RCNI Submission**  
**On Courts Service Strategic Plan 2017-2020**  
**September 2017**

### **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 Strategic Plan for 2017 to 2020. More and more of our clients, who are survivors of sexual violence, are willing to make a formal complaint to An Garda Síochána and where possible, give evidence at trial. However, we are concerned that there are many others who are put off making a complaint by the prospect of a lengthy wait which may culminate in being subjected to invasive, offensive, humiliating, repetitive and perhaps irrelevant, cross-examination lasting for hours or even days. In our view, there is much which can and should be done to avoid such outcomes, which can cause great and unnecessary harm to survivors even if there is a conviction. The Courts Service is well placed to help alleviate the most difficult aspects of a court appearance for this most vulnerable group of victims of crime. The less onerous the process is perceived the more likely survivors are to choose to submit themselves to the process.

### **Structure of this Submission**

This Submission will first examine each of the existing Key Priorities in the current 2014-2017 Strategic Plan, then consider the addition of any new Key Priorities in the Plan, and finally sum up its submission in a brief conclusion.

#### **1 High Quality Service Delivery**

Efficient, high quality delivery of information and where appropriate, advice, helps to empower survivors and to reassure them that their concerns are taken seriously. Being a witness in court can be nerve-wracking even for highly expert, experienced professional witnesses, let alone anyone who has been through the trauma of a sexual assault and is likely to face invasive questioning on it. Because this level of stress makes it harder to take in information, it is vital that all important information be delivered in simple, unambiguous English and it helps also if it is available in a variety of ways, e.g. in leaflet form, on an electronic notice-board, from a member of staff in person, or on the website. For virtually all survivors of sexual violence, courts are unfamiliar places, and criminal justice procedure is frighteningly complex. Simple explanations delivered clearly and sympathetically can go a long way to reduce stress and help survivors to feel more comfortable and confident. We would recommend that the courts services conduct a ‘customer walkthrough’ exercise with

stakeholders and experts (RCNI, RCC volunteers, NALA, Disability and minority advocates, legal professionals) to ensure that every opportunity has been realised to simplify and clarify information delivery and access.

### **2 Supporting the Judiciary**

RCNI's view is that judges need more support from the system at every level. If a judge is supported well in that s/he has easy access to: a legal library including online legal resources, judicial and personal assistance, and advice and information from colleagues who have presided in similar cases, the whole courts system will benefit as well as the judge, and of course, this includes survivors of sexual violence. We also think that it is important that judges are facilitated to seek out and attend relevant training on specialist topics, such as the impacts of sexual violence on its victims. Also in this regard, we would recommend the continuation of the Irish Sentencing Information System project, which provided judges with valuable information on sentencing practices among their peers.

### **3 Skilled and Engaged Staff:**

RCNI is very conscious that the Courts Service now has new obligations to provide training in victim issues to its staff, under the EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime [etc] at Article 25, and that there is a program in place already to achieve this. We would add, however, that in our view it is vital that this training include an element of input from specialist victim support services, such as Rape Crisis Centres, so that Courts Service staff can acquire a good understanding of the impacts of the trauma of sexual violence on its victims, most particularly, on the impact which trauma can have on their performance in the role of witness.

### **4 Technology – Video Link esp**

Giving evidence by video link does much to make the experience of being a witness in a sexual trial, easier. We would suggest respectfully that wherever possible, the future witness should be given a dry run with the equipment in advance of the trial date, so s/he has an opportunity to ask any questions and to familiarise themselves with the procedure itself. This might become a standard part of any pre-trial meeting at court between the witness and the prosecution team.

### **5 Case Management, Collaboration and Reform:**

The Courts Service has a vital role to play in assisting efficient case management, collaborating with other professionals and other agencies, both State agencies and non-State support agencies, and helping to reform the whole system so that delays are minimised and any vulnerable witness has access to appropriate supports, including but not limited to, special measures such as video-link. Courts Service staff are well placed to have a very good understanding of which proposed solutions to the many issues facing victims of

crime, are likely to be workable in practice. Our experience is that they can and do make extremely useful contributions to any inter-agency initiative aimed at improving the experience of victims.

We recommend that the Courts Service continue to prioritise this work, and that in so doing, they maintain their focus on **reducing delays**, in particular, as these are the source of enormous stress for most survivors of sexual violence whose complaints are being prosecuted. Indeed, repeated delays can lead to survivors discontinuing all involvement in the case, and everything possible should be done to reduce the chances of this happening.

### **6 Provide Suitable Court Accommodation:**

Survivors of sexual crime may find it extremely upsetting to have to share space with the perpetrator of the crime, while they wait in the court precincts for the trial to start, during adjournments, lunchtimes and so on. Most defendants are on bail and can come and go at will through the public areas of court buildings before court sits, during adjournments, lunchtimes, etc. This would pose little difficulty if in all court buildings, there were enough private conference rooms where the survivor could be alone with any supporting person/family members/the Garda in the case. Unfortunately, this is not the case. RCNI suggests that survivors of serious crime, including survivors of sexual crime, should have a designated room at their disposal which is off limits to any defendant, any of his supporters or his defence team, every time a case is listed for trial or sentence.

With regard to the internal layout of court rooms: defendants, whether on bail or in custody, should not be allowed to sit anywhere near the victim(s) or other prosecution witnesses, and neither should their supporters. Courts Service staff should be (and often are) alert to detect any attempt to harass the victim by the defendant or his supporters, in court as well as out of it, and where necessary, they should bring the issue of potential harassment to the attention of the presiding judge, so that s/he can give directions to ensure that the victim/witness is not harassed while s/he is in court.

### **Proposed New Key Priority: Victims of Crime**

RCNI proposes that the welfare of victims of crime should have a specific focus within the Strategic Plan. This may well mean that Courts Service staff undergo additional training in specific issues relating to various groups of particularly vulnerable victims. If it is felt that this is too partisan an approach for a Service which must be impartial towards all users, we think a specific focus on especially vulnerable witnesses, would not diminish victims' rights and would have the potential to do much to improve the experience of these witnesses as they face the ordeal of attending court and very likely, having to give evidence and be cross-examined.

### **Conclusion**

## RCNI Submission on Courts Service Strategic Plan 2017-2020 September 2017

RCNI's view is that the existing Priorities are appropriate and useful for victims of crime, and submit that a specific focus on Victims of Crime as a new Priority, has the potential to achieve significant improvements in the enhancement of special measures and the reduction of delays.

RCNI/LPD

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