

Domestic abuse victims find justice process traumatic, despite Scotland's 2019 legal reforms

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Victims and witnesses of domestic abuse are still experiencing trauma within the justice system despite major legal reforms introduced in

2019, research suggests.

Those affected report feeling marginalized, ignored and unsafe throughout their engagement with police, prosecutors and courts—even after the changes, the study found.

And the harm caused to children is still not sufficiently addressed by the [justice system](#), say researchers assessing the impact of the Domestic Abuse (Scotland) Act 2018.

Although [victims](#) have broadly welcomed the legislation—saying it better reflects the reality of domestic abuse—implementation of the law could be better managed, the study team says.

Law change

The Act aimed to improve responses to victims and recognize that abuse can occur in a range of ways over time—not just in one incident as in previous legislation. It also sought to increase courts' capacity to protect adult and [child victims](#) and witnesses.

But the new law has yet to reach its potential, researchers say. Victims reported that there was still a focus on incidents of physical violence rather than ongoing harm and [psychological abuse](#). Their safety was not ensured throughout the process.

Specialist support and advocacy—workers focused on ensuring victims are safe, heard and informed—are essential for victims and their families at every stage of the process, the study team says.

Help is needed from as soon as abuse is reported to long after the end of court proceedings but there are gaps in provision which are exacerbating trauma, the study states.

Partnerships

The Scottish Government-backed study, led by the University of Edinburgh, is part of a statutory three-year review of the legislation's effectiveness.

Research was conducted in partnership with the national charity Scottish Women's Aid and two support and advocacy services for victims of domestic abuse—ASSIST and EDDACS.

ASSIST provides support throughout west central Scotland and EDDACS is a service provided by Edinburgh Women's Aid.

Early implementation of the Act coincided with the advent of COVID-19, which had an unprecedented impact on those experiencing abuse and operation of the [justice](#) system, researchers say.

The research reports on the court experiences of 22 victims and witnesses since the introduction of the 2018 Act.

Lead researcher Claire Houghton, of the University of Edinburgh's School of Social and Political Science, said the new law better reflects how adult victims experience domestic abuse.

But the study found there was limited awareness of what constitutes criminal behavior amongst the public—including victims and witnesses—and the professionals that participants encountered.

Improvements

Victims and witnesses identified areas of the justice response that could be improved. Among them was a need to increase public and

professional awareness of the new legislation and consistent practice in the investigation and prosecution of domestic abuse.

Other suggested improvements included improving victim and [witness](#) safety at all stages of the process, reducing court delays and the number of adjournments and removing adult and child victims/witnesses from court settings.

Further key observations in the study included parents and child witnesses reporting that harm to children was insufficiently recognized. They felt perpetrators were not held accountable for the impact that domestic abuse had on the whole family.

Although there were some positive examples of reporting to the police, this was not the experience of the majority of participants. The immediate aftermath of reporting domestic abuse was a time of particular vulnerability for victims and witnesses.

Day in court

Participants reported that going to court was difficult and, for many, frightening and traumatic. Feeling uninformed, giving evidence in an adversarial process, court adjournments and delays significantly impacted on their mental health.

Respondents raised the potential for courts to empower and provide a sense of closure to victims and witnesses, particularly when support and advocacy was provided.

Safety was not consistently ensured for all participants before, during or after proceedings, according to the study. This was contrary to their expectations that reporting would stop abuse and provide safety for themselves, family and friends.

"Despite their traumatic experiences, most survivors we spoke to were keen that others should report abuse. They felt that increased awareness of the new law, alongside urgent action to improve the justice system's response would be helpful," said Dr. Houghton.

'World leading'

Scottish Women's Aid Chief Executive, Dr. Marsha Scott, said the "world leading" legislation could dramatically change the way the justice system responds to women and children, but there is still work to be done.

"We know that children have little or no access to justice—not even the limited justice their mothers can access—and we want to see that change," said Dr. Scott.

ASSIST Operations Manager Fiona McMullen said victims and their children deserve a swift journey to justice which recognizes domestic abuse as a distinct and unique crime.

"Keeping vulnerable witnesses out of the court room would particularly resonate with ASSIST's experience of supporting victims of domestic abuse and their children," said Ms. McMullen.

Edinburgh Women's Aid Chief Executive Officer Linda Rodgers said specialist [court](#) support services, such as EDDACS and ASSIST, are a vital element in ensuring that women's and children's voices are heard in the justice system.

"Court support should be available to anyone going through the criminal courts for domestic [abuse](#). This [report](#) echoes what women tell us time and time again about their experiences of the justice system," said Ms. Rodgers.

More information: Domestic abuse court experiences—perspectives of victims and witnesses: research findings.

[www.gov.scot/publications/dome ... -witnesses-scotland/](http://www.gov.scot/publications/dome...-witnesses-scotland/)

Domestic Abuse (Scotland) Act 2018: interim reporting requirement.

[www.gov.scot/publications/dome ... -reporting-requirement/](http://www.gov.scot/publications/dome...-reporting-requirement/)

Provided by University of Edinburgh

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