



VICTIMS' EXPERIENCES OF THE CRIMINAL JUSTICE RESPONSE TO DOMESTIC ABUSE

Beyond GlassWalls

EMMA FORBES

 Feminist
Developments in
Violence and Abuse

VICTIMS' EXPERIENCES
OF THE CRIMINAL JUSTICE
RESPONSE TO DOMESTIC
ABUSE

FEMINIST DEVELOPMENTS IN VIOLENCE AND ABUSE

Series Editors: Dr Hannah Bows, Durham University (UK) and
Professor Nicole Westmarland, Durham University (UK)

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OF THE CRIMINAL
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Beyond GlassWalls

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INVESTOR IN PEOPLE

For my dad Charlie and his GlassWalls' angels

And for my mum, who taught us both all the
most important things.

With love

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At the heart of this book lies the stories of ordinary women who have faced inordinate challenges and achieved extraordinary things. As one of the research participants told me, 'I used to see stained glass in churches and wonder who made it. Now I look at it and think, I can do that'. I am so grateful for all I have learned from them. Thanks to Scottish Women's Aid, the Daisy Project, ASSIST advocacy service and all the amazing women who shared their experiences with me. The beautiful images between the chapters of this book

are reproduced with kind permission from Brian Waugh, artist and sympathetically photographed by Ian Marshall. The photograph at the start of chapter 7 is reproduced with kind permission from Colin Mearns of *The Herald* and *The Evening Times*.

This is the first time I have written a book and juggling it with full-time work in a pandemic was a stretch. Thanks to Professors Nicole Westmarland and Hannah Bows for having faith in my pitch and to Katy Mathers, Kirsty Woods and the fantastic team at Emerald for their patient guidance through the process.

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FOREWORD

The criminal justice system has always struggled to understand the needs of victims. Part of the problem lies in the use of language. “What’s in a name?”, asks Emma Forbes in her Introduction. Quite a lot is the simple answer to her question. The word “victim” is not a suitable term within a court of law, as she points out. The court has to be guided throughout by the presumption of innocence. The prosecutor has to respect that principle too, as do the police. This means that a person cannot be referred to there as a victim unless and until that presumption has been overcome. That is why we use the terms “complainant” and “complainer” instead. But the fact is that those who are brave enough to complain to the police and to come to court in that capacity are almost always victims too.

I was acutely aware, when taking evidence from a complainant in gender violence cases during my time as an Advocate Depute in the High Court of Justiciary that I was not there to represent the complainant, however compelling her case might seem to me to be. I did my best, by careful and patient questioning and by maintaining eye contact with her throughout the whole process as we went over in public all the most intimate details, to set her at ease. But this was done at a distance across the court room, not by standing beside her or offering her any other kind of support. I had to leave it to others to look after her before and after her appearance in court. For those others she was still seen as a complainant until the verdict was announced. I could not speak to her

during any adjournments, and I had to remain detached from her even at the end of the trial. I did not think that gender had much to do with this. It was the system I had to work with, and it was the system that left her friendless and alone.

Decades have passed since those days, and much has been done by means of legislation and policy changes to remove the glass barriers and to redress the balance in favour of the most vulnerable. This is especially with regard to gender violence and domestic abuse, in particular. But there are still problems that have not gone away and, as this perceptive and carefully researched book shows, much still remains to be done. Its value lies in the fact that the writer's understanding has been gathered at first hand from her experience in practice as a prosecutor. So her research has been based on her observations of what actually happens before, in and after court. This provided her with the ideal setting for her discussion with victims at each stage in the process. She knew and understood what they were talking about because she was there too. The result is a vivid and compelling account of the emotions which pull in so many directions as each case evolves, and of the tensions that are created by the time it takes to resolve it.

Against that background the writer seeks to address what she sees as a stubborn misalignment between the policy vision, the legal framework and women's reality. So there are recommendations. They range from small practical changes to improvements in education and reforms to law and to policy. For this reason alone the book deserves to be widely read. But there is much more to it than that. The way it is written draws the reader into the subject in a way that a mere textbook cannot do. Here is someone who feels deeply about the way women are still failed by the system, and who seeks to encourage others to think as deeply about how to address these failures as she does. The way forward, in other words,

lies in the hearts and minds of those who practice in this field. I hope that in that way the book will achieve the success that it so obviously deserves.

David Hope
September 2021