

Access to Justice for Victims of Domestic Violence in Russia

Final Seminar

7 March 2019, St Petersburg

The seminar began with a presentation of two publications resulting from the Project.

[Recommendations for Russian lawyers on legal assistance to victims of domestic abuse](#) have been developed by Valentina Frolova and Mari Davtyan specifically for this project.

The booklet contains evidence-based practical advice, tools and algorithms that will be helpful not only for lawyers representing victims of domestic abuse but also for law enforcement officers and judges.



Valentina Frolova

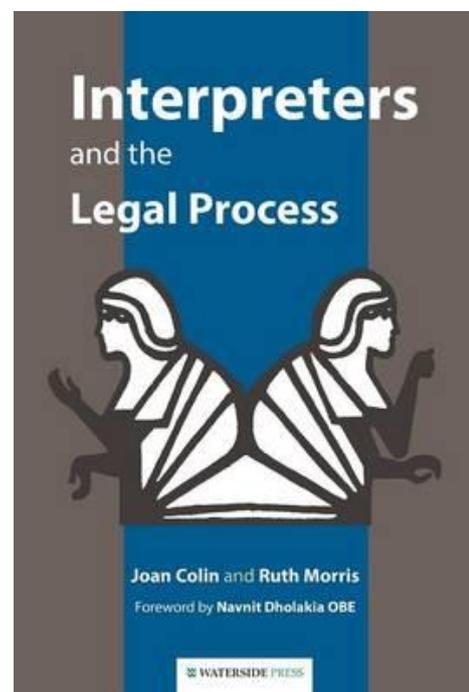
The booklet provides guidelines on:

- Initial consultation of victims; risk identification and assessment;
- Planning safety measures and legal action;
- Working with health services, police and forensic experts in criminal and administrative proceedings;
- Russian legislation and practice;
- Russia's obligations under international conventions and most recent ECtHR judgments on DA.

Maria Rasumovskaya presented [a Russian version](#) of the handbook "Interpreters and the Legal Process" by Joan Colin and Ruth Morris (Waterstone Press, 1996)

We would like to express our thanks to the authors for giving their permission to publish the Russian version of their book for the purposes of the Project.

Ruth Morris and Joan Colin hope that the book will help all participants in all judicial proceedings to communicate effectively with each other through the professional interpreters engaged to facilitate communication.



STUDY VISIT TO THE UK ON DOMESTIC ABUSE

Then the lawyers shared their impressions of the study visit to the UK in February 2019.

The programme included visits to Parliament, law firms and professional associations, meetings with judges, police officers and NGO workers, and observing trials in English courts. 12 delegates from St Petersburg, Moscow, Nizhny Novgorod and Cherepovets took part in the visit.

25.02.19 Visit to Parliament



The visit was hosted by Tracy Brabin, Labour MP for Batley and Spen since October 2016, after the murder of Jo Cox.

Tracy shared with the delegates the details of her work, talked about her daily duties and described the procedure of Parliamentary debates and voting. She then took the delegates on a tour of the Palace of Westminster.



Russian lawyers with Tracy Brabin

26.02.19 Visit to Westminster Magistrates Court



At Westminster Magistrates Court the Russian delegates met with Chief Magistrate for England and Wales Emma Arbuthnot, Deputy Senior District Judge Tan Ikram and the court team of professionals working on domestic abuse cases.

The delegates learned about the magistrates' courts and the role of magistrates. Unlike professional judges who have 15-20 years previous experience of working as solicitors or barristers, magistrates come from various strata of society and their work is unpaid. Yet they deal with 90% of criminal cases that come to magistrates' courts in England and Wales.

Although magistrates are volunteers, they are not amateurs. The selection process is rigorous, including several tough interviews and a challenging written test. Selected candidates undertake intense training and rehearsal in relevant areas of the law and judicial practise. Once they have begun to sit, they are expected to visit prisons, young offender programmes and punitive community projects to see and understand what they do and how they work to punish and rehabilitate. They will also attend conferences and day-long seminars on, for example, domestic abuse, restorative justice, race and gender bias, drug offending and other significant areas of their work. They are expected to continue to undertake online and classroom learning and development throughout their time on the bench.

Jack Smith, head of domestic abuse police department Charing Cross, talked about the work of police officers when they are called to an address in case of a domestic abuse incident.

The duties of police officers in such cases will be:

- protect victims and children;
- document evidence using police notepads, questionnaires and lapel video cameras;
- arrest the perpetrator and put him in police custody up to 24 hours, regardless of the victim's view on his detention;
- collect evidence, interview witnesses and use restraining orders, including upon acquittal;
- forward the case documents to CPS.

Police officers are trained to identify domestic abuse behaviour, to protect victims and prevent further abuse, especially in cases where children are involved.

Probation service will assess risks, prepare pre-sentence reports and suggest correctional programmes for community sentences. A special court coordinator is appointed to coordinate the work of all agencies and professionals engaged in dealing with domestic abuse cases. The decision on sentencing is made by the bench alone. None of the recommendations made is binding in any way.

Observing the English approach, Russian lawyers realise that restrictions or sanctions alone are not sufficient. It is important to create a well-coordinated system of joint work performed by various agencies and trained professionals. And the society should be prepared to support public funding of this kind of system.



Judge Ikram receives a travel guide to St Petersburg

The delegation observed trials in the morning session chaired by Judge Ikram. The Russian lawyers were impressed by the detailed approach the court takes considering the circumstances of each individual case. The judge would always try to speak clearly so that all present in court understand the logic behind his decisions.

Quotes from a Programme participant:

On Tuesdays and Thursdays this court decides domestic abuse cases. This type of crime includes abuse against parents and children.

In the courtroom, apart from magistrates, prosecutors, clerks, defendants and their lawyers, we saw:

- a legal advisor to help the court on legal matters – a magistrate has no legal background and volunteers his time!*
- a probation officer to assess risks and recommend a rehabilitation programme considering the likelihood of change in the perpetrator's behaviour;*
- a police officer specially trained in dealing with domestic abuse.*

A victim of domestic abuse is not a party to a trial and therefore is not obliged to be present at a hearing. She can even choose not to give evidence. The court will use such evidence as a video recording from a lapel camera or a phone call to 999. And this will be considered sufficient.

The trial itself looks completely different! Great attention is given to the essence of crime, not to technicalities: "What energy affects on mom to call the police for her son? There must have been a lot going on behind it," says the judge to the defendant.

During the final speeches, the judge asks the solicitor: Please explain how I can impose a penalty you request. Let's come to a mutual decision.

It's a different level of justice. A different level of attitude towards people. A different level of respect towards the court!

28.02.19 Visit to Central Criminal Court of England and Wales

The Russian delegates visited the Old Bailey court where they observed several jury trials, among them the cross examination of a member of the far-right neo-Nazi organisation National Action and a closing speech of the prosecutor at the Shoram airshow crash trial. A week later, the accused pilot was found not guilty of manslaughter by gross negligence.



In all trials the Russian lawyers noticed high quality of evidence presentation. The jury members, the judge and all parties have album folders containing colour maps, photos, transcriptions of texts / phone conversations and other relevant documents. And again, judges made a great impression on the delegates. Their professional manner of conducting hearings shows dignity and respect toward all present in the courtroom; they always stress the importance of the equality of arms and always explain their reasoning and decisions to the defendants and the public.

A quote from a Programme participant:

“Watching an English judge you see the magic of justice.”

01.03.19 Visit to The Royal Courts of Justice

At the High Court of Justice dealing at first instance with all high value and high importance cases, the delegates observed civil proceedings against the police and against NHS. And again they admired the patience and attentiveness of English judges. When a plaintiff said she was too stressed to give testimony in court because she was not feeling well after a long journey and having had to walk up and down the stairs, the judge asked the counsel to make arrangements that his client could use staff lifts in the Court premises and be offered a cup of tea upon arrival each morning. The plaintiff then agreed to begin cross examination, on a condition that the hearing be adjourned if she felt unable to proceed.



A hearing at The High Court of Justice

27.02.19 Session on police work in collaboration with NGOs in Epsom, Surrey

Lionel Blackman, director of Solicitors International Human Rights Group, introduced the speakers:

- PC Bridie Anderson, Force Advisor on Domestic Abuse, Stalking and Harassment
- Charlotte Toms, Outreach Advocate
- Anthony Whitehead, Magistrate

Bridie's role involves a lot of partnership working, including work with the county and local borough councils, voluntary groups and charities, specialist DA services and colleagues from the Crown Prosecution Service and other police forces. She works hard to ensure the force's response to DA and Stalking is current, effective and in line with legislation. She focuses on ensuring the victim is at the heart of the process and that perpetrators are targeted and held to account. A lot of her role involves training and awareness raising both internally and to wider audiences including the NHS.

Bridie said that the police now understand the need to move away from the 'physical harm model' of assessing risk – it does not work in domestic abuse. Highest risk indicator of lethality is power imbalance and controlling behaviour. She gave examples from her own practice where she had to deal with domestic abuse situations at people's homes and used her professional judgment and observation skills to identify abusive behaviour, even though the victim wouldn't complain.

She also mentioned that the Crown Prosecution Service Domestic Abuse Guidelines contain some very clear messages about victim behaviours:

- Victims in abusive relationships form trauma bonds and are very likely to re-establish the relationship with the abuser, and this should be seen as further evidence of the nature of the abuse, not a reason for their evidence to be deemed as potentially undermining.
- Providing support and protection for complainants and witnesses is a crucial aspect of domestic abuse cases.
- Prosecutors need to understand the vulnerability of domestic abuse complainants, particularly the control, coercion, psychological abuse and intimidation experienced.
- Complainants will react differently and behave differently (current circumstances and/or past experiences will often influence how they behave or react), and prosecutors should be aware that this behaviour should not be used to determine their credibility.



Bridie Anderson (second from the right) with her team

Charlotte Toms has worked in domestic abuse outreach services for the past 7 years. She has been embedded in Surrey Police in her current role for two years as an Outreach Advocate in the Safeguarding Investigation Unit.

Charlotte's role has included direct outreach support with clients, working in the Specialist Domestic Violence Courts and multi-agency working. Her current role involves providing immediate support to victims who are in crisis, increasing awareness of domestic abuse support services, increasing awareness of coercive controlling behaviour and supporting police officers to risk assess correctly and understand the impact of domestic abuse.

She engages with victims who do not want to pursue complaints or are unsure if they want to support police prosecutions.

She also runs training for police staff in North Surrey, teaching them how to understand and identify the needs of victims and survivor vulnerabilities.

Charlotte regularly participates in Daily Management Meetings to help identify risk in DA cases.



Charlotte Toms





Magistrate Antony Whitehead



Russian lawyers in Epsom, Surrey

One should bear in mind that a significant number of the victims of domestic abuse are male – more than 40 per cent, according to this report (<https://www.theguardian.com/society/2010/sep/05/men-victims-domestic-violence>).

The court also needs to be scrupulously cautious, having in mind that in a very small number of cases allegations of abuse are fabricated, usually because the individuals concerned are in the middle of a nasty divorce, or negotiating custody of children, or seeking revenge on a partner who has left them.

Quotes from a Programme participant:

Police of England and Wales investigate murder cases.

Statistics on domestic abuse:

2 women are killed by a current or former male partner every week!

2 men are murdered every month!

While in Russia the Investigative Committee casts the blame on police for overlooking potential killers, in England the police reveal that most of domestic murders happen after a long period of controlling behaviour by the perpetrator who may have not used physical violence at all.

While in Russia physical assault in families has been decriminalised, English legislators introduced criminal responsibility for psychological abuse!

While in Russia a duty police officer could tell a victim, “Call us when you are actually being killed,” British officers would warn a young woman who has met a new partner that this man has been known as an abuser!

While in Russia regional police departments compete for a higher number of solved cases, in England police are proud when the crime rates are reduced.

28.02.19 Visit to Beck Fitzgerald law firm

From the training programmes in St Petersburg, Russian lawyers learned about the professional legal community in England and Wales, its traditional division into solicitors and barristers, and about the gradual developments in this complex system. It was interesting to hear that even this classical traditional system is receptive to changes.

The work of Beck Fitzgerald law firm is an example of the dynamics on the legal market. This specialist family law firm was set up three years ago, providing advice on divorce, children's rights and domestic abuse.

The firm's team of specialist lawyers and advisers help domestic abuse victims to find the right solution. This might involve an urgent application to court for a non-molestation order or an order asking the abuser to leave the home in which the victim is living. It might include a warning letter or a series of negotiations. The expert team will listen to victims, discuss their needs and advise them on the options open to them and the likely consequences.

The law firm works with domestic abuse agencies nationally and receives referrals throughout the country. The lawyers can ensure that any necessary court application is made within 24 hours wherever possible. They provide legal advice and representation to approximately 30 women per month.



Russian lawyers with Partners Jenny Beck and Susan Fitzgerald

01.03.19 Session at Kingston University on the work with male perpetrators

Dermot Brady, senior lecturer in social work at Kingston University, talked about domestic abuse interventions in the UK.

First coordinated community response to domestic violence was introduced as a pilot project in Duluth, Minnesota, about 30 years ago; since then interventions were developed in other countries, including the UK. Many organisations, such as Respect, DViP, as well as Probation Service provide various programmes aimed to prevent re-offending, protect victims and repair damage in the family.

Methods used in these programmes are similar to those applied in the work with offenders sentenced to community penalties. Those who sign up to a programme learn how to analyse own behaviour and reactions, thoughts and actions, how to manage anger and control oneself, how to support the decision to change one's life style.

One of the domestic abuse interventions called "Caring Dads" is a 17-week programme of group and individual sessions designed to help fathers to rebuild trust and planning for the future, recognise and challenge abuse and neglect and to re-establish relations with their children.

Getting to know more about legal systems abroad does not mean we should copy the experience of other countries directly. However, this knowledge can inspire us to think critically about the system at home. Lawyers, especially if they unite efforts in representing clients of a particular vulnerable group, can change a lot.

The Project outcomes give us hope to believe that, at least in St Petersburg, the Leningrad Region, Moscow, Nizhny Novgorod, Kaliningrad, Pskov and Cherepovets we will see some progress in the near future.

In the UK, consistent work to combat domestic abuse started in mid 1970s. The response to domestic abuse has significantly changed within the life of one generation. We hope that more and more experienced and young professionals will make their contribution to the fight against domestic abuse in Russia.

Quotes from Programme participants:

England is not ideal, yet we are lagging behind. But we have the power to change everything! One shouldn't expect instant results. We should simply begin the work from self. Each of us.

You can ask: why study in the UK?

I will answer: it opens one's mind stiffened by one system. In the same way as travels to Russian regions do. Only a 100 times more effectively.