

LADY CHIEF JUSTICE OF NORTHERN IRELAND
QUB CONFERENCE ON VICTIMS' EXPERIENCES OF THE LEGAL
SYSTEM
GREAT HALL, LANYON BUILDING, THE QUEEN'S UNIVERSITY OF
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Justice, Trauma and Procedural Fairness in the Courts

Good afternoon.

It is a pleasure to join you today and to be able to contribute to a conference which brings together such a thoughtful and wide-ranging community of expertise.

I want to express my thanks and congratulations to Professor Armour and Dr. McGaughey for putting together a programme which reflects not only a strong intellectual engagement with the subject of victims' experiences but also a deliberate commitment to interdisciplinary insight.

The origins of this event are telling. When Dr. McGaughey invited me to address the conference, she told me of the influence of her own participation in a Women's Aid panel event which brought together psychologists and lawyers to explore survivors' experiences of domestic abuse within court processes. That experience of seeing different disciplines engage with the same issue from distinct but complementary perspectives has clearly shaped the ambition for today. It is an ambition which deserves to be recognised and commended reflecting as it does a growing awareness that the challenges faced by victims who are engaged in the legal system cannot be fully understood, still less addressed, within the boundaries of any single professional framework. The experience of victims is not shaped by a single

institution or discipline. It is shaped by the interactions between them. Law, procedure, psychological understanding, service provision and public confidence all meet in the lived reality of those who must navigate the justice system after experiencing harm. It follows that responsibility for improvement is collective. No single part of the system can deliver it alone.

It is right, therefore, to locate the role of the courts and the judiciary within this wider legal ecosystem. Courts do not operate in a vacuum. They are one part, albeit a central and key part, of a broader system through which society responds to harm. Decisions taken by the courts are shaped by evidence gathered by others, by advocacy presented within structured frameworks, and by support provided to those who participate. At the same time, the way in which courts operate has a profound influence on how justice is experienced by victims.

For many victims, engagement with the justice system is not an abstract or civic encounter. It arises from deeply personal circumstances, often distressing and sometimes life-altering. I know that court process can be unfamiliar and difficult to navigate for those who encounter it not as a legal professional but as a participant in proceedings. The language of the law can feel remote, and the structure of hearings can appear formal and intimidating. In both criminal and family contexts, victims may be required to recount painful experiences, sometimes repeatedly, and to do so under conditions of scrutiny and challenge. Unfortunately, delays can extend that experience over months or years, prolonging uncertainty and emotional strain. These are not incidental features of the system from the perspective of those who experience them but rather they define the realities of justice.

From a judicial standpoint, our primary duty is clear and constant. It is to decide cases fairly and independently, applying the law to the evidence

without fear or favour. That principle is fundamental and cannot be compromised, however, fairness must be understood in its full dimension. As I have previously observed, fairness is not merely a question of outcome; it is also a question of process. It is a question of whether proceedings are conducted in a way that is intelligible, respectful, and proportionate, and whether unnecessary harm is avoided to those involved.

For victims in particular, confidence in the system is shaped not only by the decision reached, but by the experience of participating in the process that leads to that decision. This places a particular responsibility on the judiciary to be not only guardians of legal principle, but active participants in an evolving system which seeks to respond more effectively to those it serves.

In recent years, there has been increasing recognition, within the justice system and beyond, of the significance of trauma and its effects. A trauma-informed approach to justice does not alter legal standards or diminish the rights of other parties and nor does it seek to transform courts into therapeutic settings. Courts must remain places where evidence is tested, issues are contested and legal principles are applied rigorously. However, what a trauma-informed approach does require of us is that we reflect on how individuals experience those processes and whether they are able to participate effectively within them.

Such an approach begins with understanding. Trauma can affect memory, communication and behaviour in ways that may not align with conventional expectations. In a courtroom setting, this may mean that individuals struggle to present events in a linear or consistent way. They may display signs of distress, detachment or difficulty in recall. Without an informed perspective, these responses can be misinterpreted. With understanding and insight, they

can be recognised for what they are: not necessarily indicators of unreliability, but possibly natural responses to traumatic experience.

Alongside understanding and insight, there is a practical dimension. A trauma-informed system seeks, where possible, to reduce avoidable stressors. Uncertainty about court procedures, last-minute changes, repeated adjournments or lack of communication can all heighten anxiety. Clear information, structured case management and predictable processes can make a significant difference. Similarly, the way in which evidence is taken, including the availability of special measures or remote facilities, can affect whether an individual is able to give their best evidence.

Central to this discussion must be recognition of the risk of replicating or intensifying the original harm, in short, the risk of retraumatisation. I am acutely aware that retraumatisation is raised consistently by victims and those who work closely with them. We know that within legal proceedings, the risk of retraumatisation may arise through repeated recounting of events without coordination, through prolonged delay, through uncertainty about outcomes, or through direct confrontation in circumstances that feel unsafe or overwhelming.

I must emphasise that it is important to recognise that some degree of unease is inherent in the administration of justice. Evidence must be examined and challenged. Proceedings cannot be entirely shielded from discomfort. The critical question, however, is where necessity ends and avoidable harm begins. That distinction is not always straightforward, but it is one that the system must continue to examine with care.

The judiciary has a central role in this regard. Judges shape the conduct of proceedings through case management, through decision-making about evidence, and through the tone and structure of the courtroom environment.

Judicial awareness of trauma and vulnerability can influence how cases are managed, how evidence is received, and how participants experience the process. Active case management can reduce unnecessary delay. Early identification of vulnerability can ensure that appropriate measures are put in place. Clear communication from the bench can help individuals understand what is happening and what is expected of them, including in relation to how cross-examination is conducted. None of these approaches require a departure from judicial impartiality. Rather, they reflect the proper exercise of judicial responsibility to ensure that proceedings are conducted fairly and efficiently.

In recognition of this, judicial training in Northern Ireland has incorporated trauma-informed practice, equipping judges with a deeper understanding of how trauma may present and how courtroom management can support effective participation without compromising fairness. It has also involved third party organisations and those experienced in trauma as guest speakers.

Family justice which, as many of you will know, was my area of practice at the Bar, offers a particularly clear illustration of the intersection between process and experience. These are cases which often involve the most sensitive issues: allegations of domestic abuse, decisions about children, and ongoing relationships between parties. The emotional stakes are high, and the potential for harm through process is correspondingly significant.

The work of my Judicial Family Working Group and related initiatives of the shadow Family Justice Board reflect a conscious effort to address these challenges within existing structures. Last year, I issued guidance to judges dealing with family proceedings involving domestic abuse. The guidance supports a consistent, child-centred and timely approach, recognising the realities of coercive control and the impact of delay. The emphasis on

timeliness is important. Delay is not a neutral feature of the justice system. It can prolong exposure to harm, extend uncertainty and deepen the emotional impact on those involved. Efforts to streamline cases, including the development of early resolution models, some of which the judiciary are piloting currently, therefore are not simply matters of efficiency. They are measures which directly affect the wellbeing of those who come before the courts.

I divert slightly here to reflect that transparency is another dimension which bears directly on victim experience. For many, the justice system can seem opaque. Decisions may be difficult to understand, and processes appear remote or inaccessible. My Media in Family Court Pilot seeks, in a carefully controlled way, to address this by allowing responsible reporting of anonymised proceedings. The aim is to improve public understanding and confidence, while preserving the privacy essential to family cases. I have also sought the legislative change necessary to allow the broadcasting of proceedings in the Court of Appeal and of sentencing decisions in the Crown Court. Transparency in this context is not an end in itself. It is a means of fostering trust, ensuring accountability, and enabling informed discussion about how the system operates.

In the criminal sphere, specialist and problem-solving approaches provide further insight into how systems can be designed with experience in mind. The Domestic Abuse Contest Court represents a practical example of how focusing on a particular category of cases can improve both outcomes and process. By structuring hearings, providing consistency, and facilitating access to support and remote evidence facilities, the model seeks to create conditions in which complainants can participate more effectively. The reported improvement in outcomes when measured by reference to the rate of

attrition is notable but equally important is the structured and supported experience offered to those involved.

The development of specialist approaches, including consideration of a broader domestic abuse court model, reflects a recognition that traditional processes do not always meet the needs of particular case types. Similarly, problem-solving courts, such as the Substance Misuse Court, which takes a holistic approach to offenders, illustrate how addressing underlying causes of offending can reduce reoffending and, in doing so, reduce future victimisation. From a victim perspective, preventing harm is fundamental.

In pursuing this work, we must also maintain a clear balance. The rights of defendants, the presumption of innocence and the integrity of the trial process are fundamental principles. A trauma-informed approach does not diminish those principles. Rather, it supports a system in which all participants are able to engage effectively, and in which evidence is given in conditions that support clarity and reliability. In that sense, attention to victim experience strengthens rather than weakens the fairness of proceedings.

It is essential to emphasise, however, that a trauma-informed approach cannot be delivered by the judiciary alone. It requires coordination across the entire system. Police practices, prosecutorial decisions, defence advocacy, court administration, support services and policy frameworks all contribute to how victims experience justice. Structures which bring these elements together, such as cross-agency boards and collaborative initiatives, are therefore of central importance.

We need to ensure full communication between all those engaged, and not just remote or email communication. I firmly believe that personal face to face conversations or personal telephone calls have the potential to save time and

improve the system, particularly when it comes to informing victims of the progress of their cases.

An aspiration to deliver a trauma-informed approach must place particular emphasis on the importance of listening to victims themselves in shaping how the justice system develops. Much of the progress we have seen in recent years has not emerged solely from internal reform or institutional reflection. It has been driven in no small part by the articulation of experience by those who have engaged directly with the system, often in circumstances of considerable difficulty.

The value of the victim voice lies in its immediacy. Victims provide insight into how processes operate in practice, rather than how they are intended to function in design. They highlight points of friction which may not be visible from within institutions, and they can draw attention to aspects of procedure which, while routine to those who operate within the system, can be confusing, burdensome or distressing to those encountering them for the first time. In that sense, listening to victims is not simply an exercise in consultation, it is a necessary component of understanding the effectiveness of the system as a whole.

At the same time, it is important to recognise the distinction between individual experience and structured evidence. Individual accounts can be powerful and instructive, but they do not, in isolation, provide a complete basis for system-wide reform. Experiences will vary, and systems must respond to patterns and trends rather than isolated instances. A system that seeks to be trauma-informed must also be willing to learn, to test assumptions and to adapt in light of new knowledge. This is where the role of research and evidence becomes central.

Academic work, including the research that has informed this conference, allows individual experiences to be examined in aggregate, identifying common themes, recurring challenges and areas where intervention may be most effective. Understanding victim experience, evaluating initiatives and learning from comparative practice are all essential to progress.

Also central is institutional representation of victims' voices. In Northern Ireland, the role of the Commissioner for Victims of Crime is particularly important. The Commissioner plays a critical role in gathering and representing the experiences of victims, in identifying systemic issues, and in ensuring that those perspectives are brought into policy discussion at the highest level. That role is vital in bridging the gap between individual experience and institutional response. It ensures that the voices of victims are not only heard, but are also translated into coherent, actionable insights. I have seen this firsthand through my own engagement with the Commissioner, whose insight, experience, and capacity for constructive challenge make a significant contribution to my Sentencing Group.

Ultimately, listening to victims is not simply about gathering information. It is about recognising that the legitimacy of the justice system depends, in part, on how it is experienced by those who pass through it. Ensuring that those experiences are understood, taken seriously, and reflected in the continued development of the system is an essential part of maintaining public confidence and delivering justice in its fullest sense.

For the judiciary, engaging with these insights is both important and appropriate. While the courts must maintain their independence and their focus on the determination of individual cases, we operate within this wider framework of learning and improvement. Awareness of victim experience, informed by both research and structured feedback, can assist in shaping how

judicial functions are exercised in practice, particularly in areas such as case management, communication and the handling of vulnerability.

To this, I want to add some words of caution. Any discussion of trauma-informed practice must engage candidly with its limits, and with the tensions that inevitably arise when different fundamental principles intersect. That is particularly so within a justice system which is founded on the rule of law, the presumption of innocence, and the right to a fair trial. Ensuring that victims are treated with dignity, supported in their participation, and protected from unnecessary harm is an essential objective. It must, however, be pursued in a way which preserves, rather than compromises, the fairness and integrity of proceedings as a whole.

The balance is not always straightforward. A trauma-informed approach seeks to minimise avoidable distress and to recognise the impact of trauma on those who give evidence. At the same time, the court must ensure that evidence is properly tested. The adversarial process, with all its inherent challenge, remains the mechanism through which factual disputes are resolved. Defence representatives must be able to ask questions which probe reliability and credibility. Judges must ensure that both sides have a fair opportunity to present their case. These are not optional features; they are fundamental safeguards.

The question, therefore, is not whether to choose between trauma awareness and fair trial rights, but how to ensure that they are properly aligned. In many respects, they are mutually reinforcing. A witness who is supported and able to participate effectively is more likely to give clear and reliable evidence. A process which is structured, predictable and properly managed benefits all parties. Fairness is enhanced, not diminished, when proceedings are conducted in a way that allows each participant to engage fully.

Nonetheless, there are risks which must be acknowledged. One such risk is that of over-correction. In responding to legitimate concerns about victim experience, there is a danger that measures designed to support one party may be perceived, rightly or wrongly, as disadvantaging another. If that perception takes hold, it has the potential to undermine confidence in the system as a whole. It is therefore essential that reforms are carefully calibrated, clearly explained, and consistently applied.

Closely linked to this is the risk of perceived bias. The judiciary must remain, and must be seen to remain, impartial. A trauma-informed approach cannot involve assumptions about the credibility of witnesses or the merits of a case. It must not result in differential treatment which affects the fairness of proceedings. Rather, it operates at the level of process, ensuring that individuals are able to give their evidence in appropriate conditions while leaving the assessment of that evidence to established legal standards.

The manner in which this distinction is maintained is of critical importance. Judicial interventions, for example, must be directed at ensuring propriety and fairness in questioning, not at shaping the substance of the evidence. Decisions about special measures must be grounded in clear criteria and applied consistently. Communication from the bench must be measured and neutral, avoiding any suggestion of preconceived views. In short, the application of trauma-informed practice must itself be disciplined by the principles of judicial impartiality.

The judiciary has a particular responsibility in maintaining confidence across all parties to proceedings. Victims must feel that they are heard, respected and able to participate without unnecessary harm. Defendants must be confident that their rights are fully protected and that the process is fair. The public, observing from outside, must have confidence that justice is being

administered impartially and in accordance with the law. These are not competing constituencies; they are all essential to the legitimacy of the system.

Maintaining that confidence requires clarity about what trauma-informed practice is, and what it is not. It is not about lowering evidential standards or altering burdens of proof. It is not about favouring one party over another. It is about ensuring that the process through which evidence is given and tested does not introduce unnecessary distortion or harm. When properly understood, it supports the integrity of the justice system rather than detracting from it.

There is, therefore, an important discipline in how this work is taken forward. Reforms must be evidence-based, proportionate and subject to review. Training and guidance must emphasise both awareness of trauma and adherence to fundamental legal principles. Dialogue between the judiciary, the profession, and those working with victims must continue, ensuring that different perspectives are understood and appropriately balanced.

Ultimately, the goal is not to resolve these tensions entirely, because some degree of tension is inherent in the nature of justice, but to manage them thoughtfully and transparently. A justice system which acknowledges these complexities, and which engages with them openly, is better placed to maintain confidence and to deliver fairness in its fullest sense.

Reflecting on where we are now, it is apparent that the growing prominence of victim experience in justice discourse represents a significant and necessary development. It arises, in part, from a greater understanding of trauma and its effects, informed by research and practice. It reflects also a broader societal expectation that institutions should be accountable not only for what they do, but for how they do it. Perhaps most importantly, it reflects the persistence and clarity with which victims themselves have articulated their experiences,

often highlighting that the processes designed to deliver justice can, at times, feel difficult, inaccessible or even re-traumatising.

Recognising that reality does not require us to depart from fundamental legal principles. It does require us to examine more closely how those principles operate in practice, and to consider whether the processes through which justice is delivered are aligned, as far as possible, with the needs of those who must engage with them.

Looking ahead, there are clear areas for continued focus. Embedding trauma awareness across all parts of the system remains an ongoing task. Reducing delay, particularly in cases involving vulnerability, is a persistent challenge. Expanding and evaluating specialist models will require sustained effort and support. Improving communication with victims so that they understand processes and decisions must remain a priority. Above all, ensuring that the system listens to and learns from victims themselves will be essential to meaningful progress.

Let me conclude with some final thoughts. Victims come into the justice system at moments of profound vulnerability. They do not choose the circumstances that bring them there. But we shape what happens next. The question for all of us, across our different roles, is not only whether the right legal outcome is achieved, but whether the process by which it is achieved is one that respects dignity, enables participation and avoids unnecessary harm.

The work underway in this jurisdiction reflects a commitment to engaging with that question seriously and thoughtfully. It is incremental, and at times challenging, but it is grounded in a recognition that justice is not only something that is done, it is something that is experienced.

A justice system that is fair, independent and grounded in the rule of law must also be one that is aware, humane and responsive to the realities of

trauma. That is not an optional aspiration. It is essential to maintaining public confidence in justice, particularly among those who rely on it most.

Thank you.