

## **International Symposium on Judicial Concepts and Practical Experience in Domestic Violence Cases Trial and the Launching of the Guiding Cases of Anti-Domestic Violence in China**

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My name is Justice Susan Glazebrook and I am the immediate Past President of the International Association of Women Judges, or IAWJ for short. The IAWJ is an association of over 6000 mostly women judges from some 100 jurisdictions around the world and we are dedicated to upholding the rule of law, advancing gender equality and promoting equal access to justice for all.<sup>2</sup>

It is an honour to have been asked to speak at this very important symposium. The World Health Organisation estimates that around one third of women worldwide have been subjected to physical or sexual violence in their lifetime and mostly from intimate partners.<sup>3</sup> Such violence is a gross breach of their human rights and has a negative effect on their health, both physically and mentally.

Family violence also has a huge economic cost, including the cost of health care, productivity losses, as well as the costs associated with policing, criminal justice and social services. Recent research by the IMF has found that violence against women and girls is a major threat to economic development in regions where domestic violence is widespread. The research indicates that an increase in violence against women by 1 percentage point is associated with a 9 per cent lower level of economic activity.<sup>4</sup>

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<sup>2</sup> For more information on the IAWJ see <[www.iawj.org](http://www.iawj.org)>. See also Susan Glazebrook “A history of International Association of Women Judges programmes – then and now” (paper presented to International Association of Women Judges Canadian Chapter/Association Internationale des Femmes Judges Chapitre Canadien conference, Yellowknife, 20-23 June 2022) available on the Courts of New Zealand website: <[www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz)>.

<sup>3</sup> Claudia García-Moreno and others *Violence Against Women Prevalence Estimates, 2018* (World Health Organisation 9 March 2021). The report shows that the most common form of violence against women is violence by a husband or male intimate partner in the forms of physical, sexual or psychological violence.

<sup>4</sup> Rasmane Ouedraogo and David Stenzel “How Domestic Violence is a Threat to Economic Development” (24 November 2021) IMF <[www.imf.org](http://www.imf.org)>.

And there has been an increase in family violence coinciding with COVID-19 lockdowns, constituting what UN Women has called the shadow pandemic.<sup>5</sup> It is unsurprising that family violence spiked with every stay at home order. Victims are with their abusers 24 hours a day and this can amplify the daily stressors that may trigger violence.<sup>6</sup> It is likely too that the increasing effects of climate change will disproportionately affect women and other vulnerable groups. UNICEF has noted that in emergency situations, gender-based violence increases.<sup>7</sup>

The causes of gender-based violence are complex but at least in part they reflect the inequalities in society more generally and the attitude towards women. A very recent UN report revealed no improvement in the level of prejudice shown against women in the last decade - with almost nine out of 10 men and women worldwide still holding biases against women.<sup>8</sup> Particularly worrying is that a staggering 25 per cent of people surveyed believe it is justified for a man to beat his wife.<sup>9</sup>

It must also be noted that the effect of family violence is inter generational. Even if a child is not directly abused (and far too many are) being exposed to family violence can significantly alter a child's development and lead to major issues later in life.<sup>10</sup>

All this highlights the great importance of the topic for this symposium and it is one that has been a focus of the IAWJ for almost 30 years. We have worked with our members and our affiliated women judges associations to strengthen the ability of victims of gender based violence to get justice in our courts but also to educate the wider community on the issues.

Taking just a very few examples, in Malawi the IAWJ, in partnership with the Malawi women judges association, worked with community and tribal leaders to raise awareness about gender-based violence within village communities and refugee camps and we developed training materials and organized multi-sector training workshops for police, prosecutors and judges.

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<sup>5</sup> See: UN Women "The Shadow Pandemic: Violence against women during COVID-19" <[www.unwomen.org](http://www.unwomen.org)>.

<sup>6</sup> See: Minna Lyons and Gayle Brewer "Experiences of Intimate Partner Violence during Lockdown and the COVID-19 Pandemic" (2021) 37 FamViolence 103.

<sup>7</sup> UNICEF "Gender Based Violence in Emergencies" <[www.unicef.org](http://www.unicef.org)>.

<sup>8</sup> Pedro Conceição and others 2023 *Gender Social Norms Index* (United Nations Development Programme, 12 June 2023).

<sup>9</sup> At 8.

<sup>10</sup> Virginia Jackson Hopkins "Family Violence Impacts Children Also" (1997) 11 W.Va.Law 16.

In the Dominican Republic, in partnership with the local women judges association and the National Judicial Training School, we developed a training curriculum focusing on identified needs, including gaps in the knowledge on laws related to gender-based violence, gender stereotypes, as well as sensitization to the challenges and practical obstacles faced by victims. The curriculum emphasized a proactive case management of gender-based violence cases and underlined how gender inequality creates increased vulnerability.

Recently we have been developing, in conjunction with our Kenyan and Ugandan Associations, anti-human trafficking training which includes modules on the impact of trauma on witness testimony, and strategies for creating trauma-informed courts, in which witnesses are better able to tell their stories without intimidation or re-traumatisation. This is of course very relevant to victims of family violence.

More generally at our regional and international biennial conferences we have shared best practice on how to improve case management, to build capacity in the courts and in other relevant agencies to deal with family violence cases, to properly assess risk, to improve services to victims, to combat myths and prejudices related to family violence and to have appropriate procedures to ensure fair hearings and a just outcome, such as alternative ways of giving evidence including behind a screen or remotely from outside the courtroom.

There is no doubt that family violence cases present unique challenges for our courts.<sup>11</sup> First, the complainant and defendant are often in an ongoing relationship and there are likely to be both economic and emotional ongoing ties; secondly, if the parties are living apart at the time, there is a high statistical probability that they will reconcile in the future; thirdly, pressure and coercion by some defendants and family members can distort victims' views and actions at various stages of the complaint and court process; fourthly, the interests of children will often need to be considered; fifthly, there may be concurrent proceedings relating to relationship property or the care of children.<sup>12</sup>

Taking account of all of these dynamics, the priority must be to ensure that all stages of the

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<sup>11</sup> It is reported that mothers who have experienced family violence often get distressed when attending court and giving evidence, especially during cross-examination, which is the most stressful aspect of a court hearing. See: Heather Douglas "Domestic and Family Violence, Mental Health and Well-Being, and Legal Engagement" (2018) 25 *PsychiatryPsycholL* 341 at 345–348.

<sup>12</sup> In New Zealand, the Court may specify family violence in the permanent court record, see *Criminal Procedure Act 2011*, s 16A.

process, including court proceedings, enhance the short-term and long-term safety of victims and ensure appropriate responses, including treatment, for perpetrators.