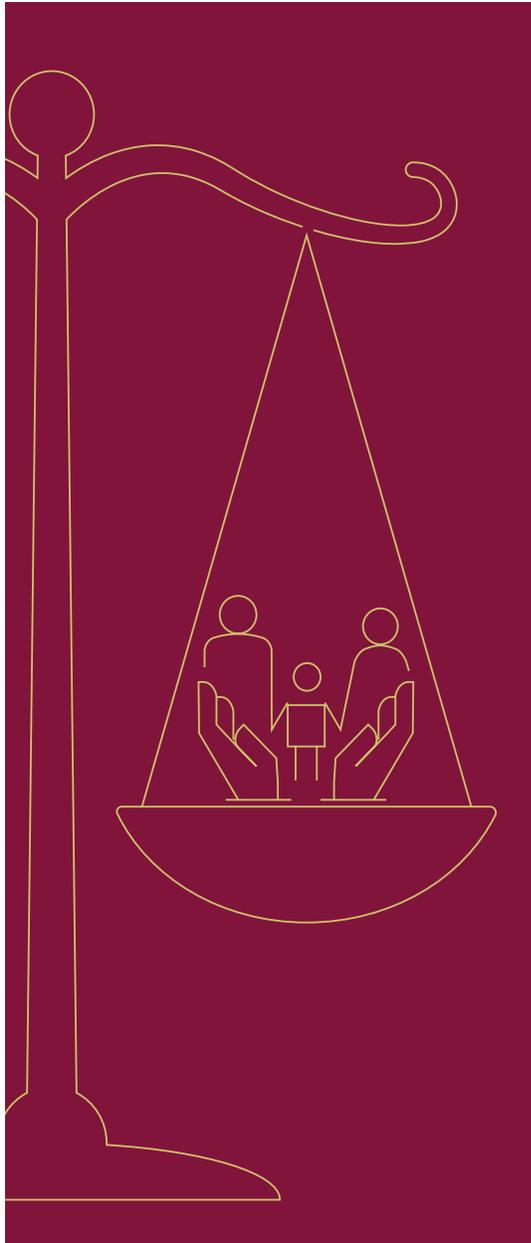

LEGAL BULLETIN

Creating Safety in BC Courts: Key Challenges and Recommendations



Background

Courthouses are not always safe. For survivors of violence, attending court in smaller communities in British Columbia (BC) poses various challenges that impact their safety. This is especially concerning because women living in smaller and more remote communities experience more incidents of violence than those in major urban centres. Women in smaller communities also face numerous challenges that can make it more difficult to escape and report abuse. Further, research shows that court processes can have a detrimental impact on litigants' health. In light of these factors, Rise Women's Legal Centre (Rise) is advocating for courthouses and court processes to be designed to enhance the safety for survivors.

With funding from the Law Foundation of BC, Rise conducted research between April 2021 and March 2022 on the safety of courthouses in smaller communities within BC. We asked: Is there a way to modify courthouses and court processes to make survivors less susceptible to violence by their abuser? To answer our research question, we conducted a literature review, interviewed 25 key informants, and surveyed 25 lawyers attending courthouses in smaller communities in BC. Our findings were evaluated by lawyers, court users, and advocates. This newsletter outlines the challenges, recommendations, and positive findings from our report. To learn more about this research, you can read our report [here](#).

Challenges and Recommendations

#1 Challenge: Lack of Safe or Private Space

The main challenge we identified is the lack of physical space in courthouses. This impacts the ability of opposing parties to be separate from each other. This means that survivor’s only option is often to sit in a small area close to their abuser, for hours, while waiting for their matter to be called. There is also a lack of space for people to meet with their lawyer or support worker which impacts the ability of clients to have private conversations which may be essential to their safety. In smaller communities, being in the courthouse is also difficult for litigants because people are likely to know many, if not all, of the other people in the courthouse. People described feeling that they had no privacy, as they could be seen by other members of their community, and they felt concern that their court matters would not necessarily stay in the courthouse.

Recommendations to Address the Lack of Space

Paging Systems	Interview Rooms	Parking Lot Trailer
We recommend creating paging systems where clerks provide people with either on-premises paging (like the handheld devices that restaurants use) or cellphone texts, allowing them to wait outside the courtroom and in any part of the courthouse.	Interview rooms need to be available in courthouses for court-users to meet with their lawyers and to have private conversations with advocates. For courthouses that do not have additional space to re-design an interview room, we recommend the use of soundproof pods similar to breastfeeding pods seen in airports.	For courthouses that lack additional space to incorporate interview rooms and separate waiting areas, we recommend installing a well-designed trailer outside the courthouse that could be soundproofed, only accessible to lawyers and their clients, and visually monitored in some way to ensure everyone inside is safe.

Additional Challenges

- People **do not feel safe entering** and exiting the courthouse
- **Navigating court alone is stressful** and difficult. Court-users do not know where to go when they arrive at court, and there is often nobody to ask.
- Court is **complex** and **intimidating**.
- The **scheduling** of court within smaller communities can be infrequent, and matters are sometimes adjourned because the court runs out of time to hear all the matters.
- **Child Care Costs** for parents while they are attending court.
- **Facilities and Environment:** minimal to no access to gender neutral washrooms, no trans-inclusive washroom signs, and little to no food accessible within the courthouses.
- **Transportation** to court is expensive and difficult for people without their own vehicle.

The below quote from one of our key-informants highlights the significant challenges court-users face in getting to court in smaller communities.

If you’re coming from Ahousaht, for instance, just to come to Tofino is a forty-five minute boat ride, which

costs you about \$20. We have no transit on the west coast [of Vancouver Island], so if you're coming anywhere from the coast, you're walking or hitchhiking ... and then to get to Port Alberni is two and a half hours each way, and right now there's not really any transit running because of COVID, and when there is transit running ... you have to go ... the day before to make a morning matter [so you also need a hotel]. (Interview with Mollie Law, June 30, 2021)

Recommendations

- **Streamlining Processes and Court Design**
Nearly all the harms associated with attending court would be greatly reduced if the amount of time people spent in court was reduced. We recommend that the government audit courthouses across the province for safety and accessibility concerns and implement recommendations.
- A **Safe Walk** option so that court-users can be escorted to their vehicle if requested.
- Courthouses should hire **Courthouse Navigators** who can help direct court-users when they arrive at court and assist by answering basic questions.
- **Clear Signage** – Having clear, uncluttered, multilingual signage on where people should go within courthouses is fundamental to promote stress-free navigation.
- We recommend increased funding for **Court Support Workers** (ie. **Advocates, victim support workers, Transition House support workers**) with expertise in family violence who can accompany survivors of violence to court and assist with safety planning.
- Expanded role for **McKenzie Friends, Advocates, and Support Workers** to be permitted by the courts to apply for protection orders on behalf of clients given that many people are unrepresented in family court. The Family Law Act also highlights that another person can make a protection order application “on behalf of the ‘at risk’ family member” (section 183(1)).
- **Online Registry** accessible to everyone. The inability to easily access the documents in a court file can be a significant barrier for self-represented litigants seeking legal advice.
- Improving access to **basic needs** (food, water, washrooms). Court users should have access to drinking water in courthouses, plus a vending machine or some source of snacks. Washrooms should be modified to include gender neutral and trans-inclusive washrooms.
- **Room for Cultural Practices and/or Prayer** – We recommend that courthouses create a room that people can use, to complete a prayer, smudge, and/or other practice that may be important for them, before or after their court hearing.
- **Improving the Experience of Giving Testimony** by offering court-users the option of testifying by closed-circuit television, remotely, and/or with a support person. Survivors of violence also need more options to avoid being cross-examined by their abuser.
- **Handouts** that are available online and include information on what to expect at each courthouse may assist court-users in navigating the courthouse and knowing what to expect.
- **Use of Plain Language.** We recommend that courthouse staff continue ongoing efforts to use plain language in all court settings.
- **Accessible Child Care** provided on site could reduce the costs of attending court that are predominantly paid by mothers. We recommend that courthouses have a child-friendly space, or a family room, and employ a qualified child minder.

Positives

#1 Positive Finding: Technology Advancements and Hybrid Model

Prior to the COVID-19 pandemic, people had to physically attend courthouses, with very few exceptions. COVID-19 has been a catalyst for increasing the use of technology in court processes. Our research found that people benefitted from having the option to attend court remotely, because in many cases remote appearances may be safer, and save time and resources. However, some people preferred to attend court in person and felt that they were at a disadvantage when they were attending remotely. Overall, we recommend a hybrid model where court-users have the option of attending in-person or virtually, and clearly communicating to court-users what to expect in both processes. For people who do not have access to the technology required to attend court virtually, we recommend the courthouse has a designated virtual space to allow survivors equal access to virtual hearings. This designated virtual space may be a small room within the courthouse that includes a device to allow a person to attend court virtually instead of having to be physically present in the courtroom.

Additional Positive Findings

- The work of **Sheriffs** in courthouses help people to feel safer.
- **Support dogs** assist victims at court hearings.
- When the people working within courthouses show **kindness** to court-users and prioritize their safety, this makes people feel better supported.

Small communities frequently have **good working relationships** and great collaboration. We heard numerous positive comments within our research about the strong working relationships people had in small communities, and how it was a positive to know everyone on a first-name basis. As one key informant explained: *Our relationships are very special in a small town. We know each other. I know everyone who works in the registry, I know all the Crown counsel and the clerks and sheriffs, so we work together.*

Conclusion

We recognize that many people in BC are also having conversations on courthouse safety and working to make processes safer, more efficient, and less expensive. We hope that the recommendations in this report will contribute to a much larger conversation around the province about how all court users can have more positive and less stressful experiences in court.

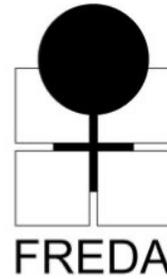
About the Author

Haley Hrymak is Rise’s Research and Community Outreach lawyer. Prior to working with Rise, Haley worked with the federal Crown in Winnipeg and in Vancouver. She is currently a PhD student at UBC where she is conducting research on family violence and the family law system. In addition to her work with Rise, Haley has a consulting practice where she provides education and assists with designing and conducting research that advances systemic change. She also has a podcast, “Talking Papers with Haley Hrymak,” where she speaks with experts about their papers and focuses on social justice research.



About the FVFL Community of Practice

With the support of our local community of practice, the FREDA Centre for Research on Violence Against Women and Children is actively engaging in research and knowledge mobilization as part of the Supporting the Health of Survivors of Family Violence in Family Law (FVFL) Proceedings project. This is a Canada-wide project with the aim of building the capacity of health and social service professionals to work safely and effectively with survivors of family violence. The Communities of Practice project is a collaborative project with the Alliance of Five Centres. This project is funded by the Public Health Agency of Canada (PHAC) and runs November 2020 to November 2024.



The Five Communities of Practice

Centre for Research & Education on Violence Against Women & Children

Western University www.learningtoendabuse.ca

FREDA Centre for Research on Gender-based Violence Against Women and Children

Simon Fraser University www.fredacentre.com

Muriel McQueen Fergusson Centre for Family Violence Research

University of New Brunswick www.unb.ca/mmfc

Recherches Appliquées et Interdisciplinaires sur les Violences intimes, familiales et structurelles

Université Laval www.raiv.ulaval.ca

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Stay in the Loop

Announcements about upcoming webinars, newly released learning briefs, and related project news will be posted to the FREDA Centre's [website](#), [Facebook](#), [Twitter](#), and [Instagram](#). You can also locate information and knowledge mobilization materials from the national communities of practice on the Supporting the Health of Survivors of Family Violence in Family Law Proceedings project [website](#).



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