

The Role of Technology in Improving Access to Justice for Victims of Family Violence: Challenges and Opportunities

Leavides Domingo-Cabarrubias, Delanie Woodlock, Christopher Alexander, Mai Sato, Genevieve Grant and Jacqueline Weinberg

Monash University, Australia

Abstract

In Australia, domestic and family violence (DFV) is a major health and human rights issue. Technology is increasingly being recognised as an important tool to assist victims/survivors of DFV in accessing legal services, especially during the COVID-19 pandemic. Technology has been rapidly rolled out to assist victims/survivors obtain legal advice and protection orders, and to participate in judicial processes. This article focuses on the experiences of lawyers in Victoria who have been using technology as part of their work to support victims/survivors of DFV. Interviews with the lawyers reveal that while technology plays a crucial role in enhancing access to justice for victims of DFV, it can also present risks, particularly in view of perpetrators' increasing use of technology to facilitate violence. Technology may also replicate the barriers already faced by many victims when seeking justice. These issues arise because, often, technology is not designed based on the needs of the victims/survivors. This article argues that to ensure the safety and security of DFV victims/survivors and to facilitate their access to justice, the development and design of technology must be victim-centric and trauma-informed.

Keywords: Domestic and family violence; victim-centric; access to justice; technology.

Introduction

Violence against women is recognised as one of the most pressing human rights issues impacting the safety and health of victims and their children. Globally, World Health Organization (WHO) data shows that almost one in three women have been subjected to physical and/or sexual violence at least once in their lifetime. During the outbreak of the COVID-19 pandemic in various parts of the world, government-directed lockdowns, movement restrictions, and stay-at-home orders, as well as associated factors such as unemployment, poor mental health, and financial hardship, significantly increased the risks of domestic and family violence (DFV), while also limiting access to support services. At the same time, travel restrictions during the pandemic brought about an increased reliance on various forms of technology to provide support to victims of DFV. Although the use of technology has been part of the daily practice of many legal practitioners for years, the pandemic hastened the use of technology in many aspects of legal practice.

Even before the pandemic, the use of technology has been recognised as an important avenue for the promotion of women's human rights. In fact, the United Nations Sustainable Development Goals identify technology as a vital tool for promoting gender equality and empowerment. Section 5.b of the Sustainable Development Goals outlines the importance of technology for women's human rights, stating that the goal is to 'enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women'. The Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on Online Violence against Women and Girls from a Human Rights Perspective also highlights the role that technology must play in women's human rights, in particular their right to live a life free from violence and abuse:



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Even though the core international human rights instruments, including those on women's rights, were drafted before the advent of ICT [information and communication technology], they provide a global and dynamic set of rights and obligations with transformative potential, and have a key role to play in the promotion and protection of fundamental human rights, including a woman's rights to live a life free from violence, to freedom of expression, to privacy, to have access to information shared through ICT, and other rights.

While technology has the potential to promote and protect women's human rights and is widely used in providing assistance and support to victims/survivors of DFV, there is a lack of assessment and evaluation into how effective these innovations are. Bringing attention to the experiences of legal practitioners who are actually using technology in their work can contribute to the body of knowledge on the extent to which technology can effectively support victims/survivors of DFV. This article presents the results of a study on the use of technology by lawyers in Victoria working in the area of DFV.

Methods

In 2021, the Australian Centre for Justice Innovation at Monash University was funded by the Victorian Government to conduct an applied research project on how remote technologies can be used to enhance access to justice for victims/survivors of DFV in Australia. The Access to Justice, Family Violence and Technology Research Program (the Legal Tech for Justice Project) will use the Monash Law Clinics (MLCs) as a pilot research site. The project is particularly focused on innovations in the delivery of legal assistance to clients or potential clients of community legal services. As part of the development stages for this project, interviews were conducted with seven legal practitioners in Victoria, who were chosen based on their active involvement in MLCs, particularly in the area of DFV. They were interviewed about their experiences on the use of remote technology to support victims of DFV, and the extent to which COVID-19 changed the ways in which technology is utilised in providing services. The interviewees were also asked to share their insights on the limitations, downsides, and risks in relying on the current forms of technology, as well as the potential for future innovations to address the barriers faced by victims of violence in their engagement with legal processes.¹ Interviews were conducted online using teleconferencing software and lasted up to an hour.

Interviewees were invited to be part of the project based on their expertise and experience in working with victims of DFV. All of the seven legal practitioners had a range of experience providing legal assistance to victims/survivors of DFV and were all involved in the MLC. MLC is a fully funded and accredited community legal service but is unique, as its staff are employed by Monash University and it is used as a teaching facility.

Across the seven practitioners, their experience ranged from several years' experience up to 40 years as a practising lawyer. They also have varying degrees of experience on the use of technology in their work. Based on the interviews, the project analysed common themes in the way the interviewees found technology to be helpful in assisting clients, as well as the challenges that they faced. Overall, the interviews reveal that many of the technologies that are currently utilised fail to recognise the specific barriers and risks that DFV victims face in trying to access justice.

The interviews are supplemented by a review on the use of technology in the provision of services to victims/survivors of DFV in various parts of Australia. While this pilot study focuses on the experiences of only seven lawyers in Victoria, it complements recent studies on the experiences of service providers in the area of DFV throughout Australia that have also pivoted to remote technologies particularly during the pandemic.² At the same time, the focus on legal practitioners fills a significant gap. As shown in the literature review, the studies on the use of technology to support DFV victims focus mostly on the provision of therapeutic and psychological support, as well as family and relationship services in general, and very rarely focus on the legal sector. Focusing on the experiences of legal practitioners is an important starting point to understanding how remote technologies can help DFV victims navigate the justice process and enhance their access to justice.

¹ Ethics approval for the interviews was granted by the Monash University Human Research Ethics Committee on 30 November 2021 (Project ID: 31016).

² See, for example, Fitz-Gibbon, "Access to Justice"; Hinkley, Telepractice; Joshi, Family and Relationship Services; McKibbin, Never Waste a Crisis; OECD and Law & Justice Foundation of NSW, Access to Justice; Pfitzner, "Responding to Women."

Access to Justice: Barriers to Justice for Victims of DFV

To understand how technology can help facilitate access to justice, it is crucial to understand first what ‘access to justice’ means. There is an extensive body of literature exploring the role of technology in improving access to justice,³ but there is no widely accepted understanding of the concept of ‘access to justice’.⁴ While admitting that the concept is not easily defined, Cappelletti and Garth set out two requirements for access to justice. First, the legal system must be equally accessible to all, and second, it must lead to results that are individually and socially just.⁵ To ensure effective access to justice, the first task is to acknowledge the differences between the parties and to identify the barriers that are inhibiting some of the parties from effectively accessing justice. Therefore, the principle of access to justice implies the need for affirmative steps ‘to give practical content to the law’s guarantee of formal equality before the law’.⁶

Legal problems and the need for legal assistance are not equally spread across society but are often determined by and a reflection of other inequalities such as poverty and racial discrimination.⁷ Socioeconomically disadvantaged people are the most at risk to experience legal problems, while at the same time the most unlikely to be able to access appropriate legal support.⁸ Schetzer and Henderson identified that the groups of people in Australia who are most disadvantaged in terms of their access to law and justice are people with low levels of education and literacy; people living in remote, rural and regional areas; Indigenous Australians; and people on low incomes.⁹

In Australia, as in other parts of the world, victims of DFV face barriers specific to them. Financial abuse is a common form of DFV, and women can be restricted from accessing legal assistance when their partners are controlling their finances.¹⁰ For victims who live in rural, regional and remote locations, there are concerns that police, court staff, and relevant service providers know the perpetrator, or for fear that their situation will become known in the community and could lead to ostracism.¹¹ In addition, the complexity of the family law system makes it difficult to navigate legal processes, especially for people who have limited education or low literacy. In a study by Smallwood, victims expressed difficulty in understanding legal language, as well as identifying the forms that need to be completed, and in determining what evidence needs to be put to the Court.¹² For women fleeing violence, this could add to the stress and the anxiety caused by the likelihood of facing an abusive ex-partner in Court.¹³

Women with disabilities are more vulnerable to DFV yet face significant barriers to justice, which can include actual physical access to a courtroom.¹⁴ According to a survey by the Australian Bureau of Statistics, women with a disability are ‘more likely to experience multiple incidents of violence by a male perpetrator’.¹⁵ Despite this, there is a lack of accessible legal services available to women with disabilities, as well as an absence of legal information that is provided in formats and languages appropriate for victims with disabilities.¹⁶

Australian Indigenous women are subjected to higher rates of DFV than non-Indigenous Australian women. Research shows that Indigenous women in remote and regional areas ‘experience rates of family violence up to 45 times higher than other women do’.¹⁷ From 2012–2013 to 2013–2014, 41 per cent of Indigenous homicide victims were killed by a current or previous partner, twice the rate of non-Indigenous victims (22 per cent).¹⁸ First Nations women identify a range of barriers in accessing

³ See, for example, Bell, “Family Law”; Cabral, “Enhance Access”; International Legal Aid Group, “Access to Justice”; The Engine Room, Technology for Legal Empowerment; Toohey “Civil Justice Challenge.”

⁴ According to Justice Sackville, the ideal embodied in the ‘access to justice’ concept embraces the proposition that ‘each person should have effective means of protecting his or her rights or entitlements under the substantive law’. Some authors consider this proposition as an element of the ‘equality before the law’ principle. Sackville, “Assumptions,” 2.

⁵ Cappelletti, “Access to Justice,” 182.

⁶ Sackville in Perry, “Access to Justice Roundtable,” 20.

⁷ OECD and Law & Justice Foundation of NSW, Access to Justice.

⁸ Toohey, “Civil Justice Challenge,” 135.

⁹ Schetzer, “Disadvantaged People.”

¹⁰ Smallwood, Stepping Stones, 6.

¹¹ State of Victoria, Royal Commission, 37.

¹² Smallwood, Stepping Stones, 38.

¹³ Smallwood, Stepping Stones, 38.

¹⁴ Maher, Disability and Violence, 29–30.

¹⁵ Cox, Violence against Women, 4.

¹⁶ Australian Human Rights Commission, Equal before the Law, 19, 20.

¹⁷ VicHealth, Primary Prevention, 9.

¹⁸ Bryant, Homicide in Australia, 24.

justice, which include fear that their children would be removed from their care, geographical barriers, poor police responses and lack of access to legal assistance.¹⁹

Over the past years, there have been concerted efforts to explore how technology can help overcome these barriers. Community legal centres, in particular, have pushed for change in how legal services are delivered to victims, creating innovative approaches to facilitate access to victims.²⁰ These have included remote support for victims in rural locations.²¹ The Victorian Government's Royal Commission into Family Violence, established in 2015 to identify the most effective ways to address family violence, included among its 227 recommendations that all Magistrates' Courts of Victoria should provide facilities for witnesses to give evidence from a place other than a courtroom by means of remote technology, if the victim prefers to do so.²² It also recommended allowing the use of audio-recorded and/or video-recorded evidence in family violence-related criminal proceedings that involve either adults or children. Further, the Royal Commission recommended the use of technology to develop multimedia information about the family violence intervention order (FVIO) process that can be viewed online to assist victims in understanding the process. There was also a recommendation that an online application form for all applicants for a FVIO be rolled out across Victoria. The next section elaborates on the increasing use of technology in legal practice.

Technology and Access to Justice

The legal profession is increasingly recognising the importance of using technology in the legal practice.²³ A report undertaken by the Networked Society Institute of the University of Melbourne states:

Technology is now core to the practice of law for most lawyers with widespread use of email, online legal research and electronic court filing. Process-oriented technologies are gradually increasing with online legal information, simple document assembly, e-discovery, workflow and project management.²⁴

The COVID-19 global public health crisis and subsequent restrictions accelerated pressure on the legal sector to embrace technological change. Court systems and legal service providers had to pivot to remote access technology, not only in Australia but also in other jurisdictions.²⁵ Paperless digital courtrooms were encouraged to allow judges, lawyers and litigants 'to work more effectively in a secure online and virtual environment'.²⁶ This change was rapid, with many legal processes occurring online for the first time. For example, the Supreme Court of the United Kingdom conducted its first remote hearing in March 2020.²⁷ The Federal Court of Australia set out a series of Special Measures Information Notes, with arrangements for the operation of the Court during the pandemic.²⁸ The Notes outlined measures that would ensure the health and safety of the community, including minimising in-person attendance on Court premises, physical distancing, and allowing the Chief Justice to determine whether appeals or Full Court hearings will be conducted in person, electronically, or by a combination of the two.

However, as Moses et al. observe, the increased reliance on technology had also opened new avenues for abuse.²⁹ There is emerging evidence that technology is increasingly being used in the perpetration of DFV.³⁰ Women report being tracked, abused, monitored and coerced through technology, with perpetrators utilising text messages and listening devices as part of their abuse tactics. Perpetrators have also put tracking devices in children's toys and impersonated children's friends to

¹⁹ Langton, *Improving Support Services*, 148.

²⁰ Queensland Association of Independent Legal Services, *Technology*.

²¹ Ragusa, "Rural Australian Women."

²² State of Victoria, *Royal Commission*.

²³ Wang, "Constancy and Change"; Law Society of New South Wales, *Future and Innovation*, 5. See also the Law Society of Western Australia report, which observes that technology is currently 'one of the greatest issues facing the legal profession', and that those who can adapt best to technological changes are the ones who will thrive in the future legal profession. Law Society of Western Australia, *Future of the Legal Profession*, 6.

²⁴ Bennett, *Automated Tools*, 21.

²⁵ Sourdin, "Courts, Mediation and COVID-19." The article provides an overview of Court responses to COVID around the world. Further, the policy brief 'Access to Justice and the COVID-19 Pandemic', co-authored by the OECD and the Law & Justice Foundation of NSW, includes a linked 'Compendium of Country Innovations', which gathers good practice examples to showcase how justice systems from across the globe came up with innovative solutions to maintain service provision during lockdowns. OECD and Law & Justice Foundation of NSW, *Access to Justice*.

²⁶ LexisNexis, "Covid-19."

²⁷ Mahleka, "Access To Justice."

²⁸ The Special Measures Information Notes are found at <https://www.fedcourt.gov.au/covid19/remote-hearings>

²⁹ Moses, "Victim-Survivors," 1.

³⁰ Woodlock, "Abuse of Technology."

circumvent legal orders preventing them from contacting children and their ex-partners.³¹ Often, the advice to women is to disengage from technology, such as changing their numbers and deleting social media accounts, which can further isolate them from the support of family and friends.³² These are among the issues noted by the interview participants.

Experiences in Using Technology to Support Victims/Survivors of DFV

The project adopts a broad view of technology, cognisant of the difficulty in defining exactly what technology means considering its broadness and the rapidness in which it evolves. However, the focus of the project is on the types of technology used in community legal centres and legal aid services, which provide support to disadvantaged people. This is particularly crucial, given that community legal centres have limited resources and lack sophisticated technology and infrastructure, compared to large law firms. Based on the research undertaken, the technological innovations used mainly in law firms include cloud computing, electronic document management systems, artificial intelligence, virtual law firms, online dispute resolution, electronic courts and electronic filing of court documents, and blockchains.³³ The technology that are most frequently used in community legal centres are telephone, videoconferencing, Skype or Zoom, email, online chat, text messaging, websites, self-help centres, and tools that allow clients to access legal information and advice through smartphones or tablets. During the pandemic, services were delivered remotely through a combination of these technologies.³⁴

The project asked open-ended questions on the types of technologies that legal practitioners use to capture the wide range of technological innovations being employed to provide legal services at legal clinics. All of the lawyers interviewed have been using various forms of technology, such as mobile phones, teleconferencing software, and email, in their work. There were four participants who had used technology that was specifically built for DFV victims. Interviewee four had used the FVIO online application form. This process had gone completely online since COVID-19, which has made it easier for people to obtain these orders. Clients are also able to vary or extend orders at online court hearings. However, interviewee four felt that the ease of this process has also allowed people to abuse it, such as perpetrators also cross-applying for orders.

Interviewee five had a range of experiences with various apps that were specifically developed for DFV victims. These include evidence-collection apps and parenting communication apps. Similarly, interviewee one had experience with apps that enable victims to keep a diary of violence as well as safety watches. However, interviewee one was critical of these innovations, expressing that victims do not find them easy to use when they are traumatised. Interviewee one said that ‘victims are already in crisis mode—expecting them to use technologies is a lot’.

Interviewee four described currently being involved in the development of a virtual court program with Orange Door.³⁵ This virtual court will provide victims and affected family members with the opportunity to appear in court remotely; they do not need to be physically inside the courtroom. Clients will be able to use a computer at the Orange Door centre and, therefore, will not need their own devices and technology. Lawyers will provide advice to clients via video chat, and clients will then attend Court via Webex—all from the Orange Door centre. At the time of the interview this was yet to be launched.

Challenges in the Use of Technology Designed for Victims/Survivors of DFV

The participants discussed the numerous challenges they have experienced in previous and current workplaces where technology has been used with victims of DFV. This included a lack of access to technology for victims, technology-facilitated abuse, assumptions about languages spoken, and a lack of understanding of the importance of in-person connection. Interviewees felt that the technological innovations used in DFV were not well researched based on the specific needs of victims, and they were not developed in a survivor-led³⁶ and trauma-informed³⁷ manner.

³¹ Dragiewicz, “What’s Mum’s Password?”

³² Harris, “Digital Coercive Control.”

³³ See Law Society of Western Australia, *Future of the Legal Profession*, for a detailed discussion of these technologies.

³⁴ McKibbin, *Never Waste a Crisis*, 27.

³⁵ Orange Door is a ‘one-stop shop’ for people subjected to domestic and family violence (DFV). They offer an array of services for DFV victims, including legal, housing, counselling, clothing and food services.

³⁶ ‘Survivor-led’ or ‘survivor-defined’ processes, which have been part of the grassroots feminist advocacy since the 1970s, focus on the survivors’ own goals and are sensitive to their unique needs, contexts, and ways of coping. Underpinned by core principles such as collaborative safety planning, encouraging self-determination, involving women in decision-making and believing their accounts of violence, survivor-led approaches have been shown to lead to better outcomes, such as better mental health and increased safety for women and their children. Goodman, “Survivor-Defined Practice,” 165, 170, 175.

³⁷ Trauma-informed practice means adapting practice grounded in an understanding of, and responsiveness to, the impact of trauma experienced by victims of violence. Violence and abuse can have lifelong effects on victims. In particular, trauma ‘profoundly affects

Lack of Access to Technology

Several of the participants noted that there was an inherent assumption that victims/survivors had access to technology and that providing technological innovations would be easy for them to access. However, many of their clients could not access computers and were living in temporary and emergency housing. Interviewee three offered an example of how a client needed to provide a digital signature but could not do this through the only technology she had access to, which was her mobile phone.

Technology-Facilitated Abuse

An emerging issue in DFV is the use of technology as part of a perpetrator's abuse tactics. Participants felt this was not considered when technology is used to communicate with victims as well as provide services to them. Interviewees were concerned that there were little safeguards built into technology used to prevent victims from being tracked and monitored. Interviewee five said that any technological innovation needed to be mindful that victims could access the resources without leaving a trace, such as computer history, as perpetrators would often track their technology use. Similarly, interviewee one felt that there was not enough understanding of how technology can be used by DFV perpetrators, and that victims/survivors may not be able to use technology quickly, such as filling in online forms; therefore, they could be easily monitored by the perpetrator. Interviewee six cautioned that perpetrators will always find new ways to control victims, and that it was 'important to ensure that as technologies develop, safety features also develop in line with new forms of control'.

Assumptions About Languages Spoken

Participants noted that many technological innovations offered to victims are in English. This meant that they were often inaccessible to victims who did not speak English as their main language. Interviewee three stated that she had a client that needed to apply for a FVIO but did not speak English and, therefore, could not complete the online application form. As a way around this, an interpreter was used via phone to take instructions from the victim. The online application was then completed by the lawyer on the client's behalf.

Lack of Understanding of the Importance of In-Person Connection

Participants felt that technological innovations lack what they feel is one of the most important aspects of working with often highly traumatised victims, which is an in-person connection. Interviewee four felt that using a phone did not allow them to observe the victim's body language, which could impede her ability to gain a full picture of the client's situation. Interviewee four said that 'Remote communication leads to a loss of human connection, which is particularly vital given that family violence matters are so emotional'. Similarly, interviewee seven felt that:

no technological interface is as good as face-to-face meetings, which allow the practitioner to observe nonverbal cues, etc. Reliance on technology may mean the practitioner does not have the full picture, and this may have adverse implications for the client.

Likewise, interviewee two felt that the lack of human contact made it difficult to pick up subtleties with people's body language, which can hamper the establishment of the relationship with victims/survivors. According to her, 'technology must assist, not override, the human aspect'.

COVID-19 and the Use of Technology in DFV-Related Work

Participants were asked specifically how technology was used during COVID-19 lockdowns. All the lawyers stated that DFV had increased during the lockdowns, while, at the same time, access to technology for assistance became restricted. Interviewee one said that victims were finding it increasingly difficult to access online resources because perpetrators were also at home with them. Prior to COVID-19, they found that victims were able to covertly access legal services, for example, victims could visit hospitals with the perpetrator, and nurses could take them to see legal advisers in another room. However, during COVID-19 lockdowns there was an overreliance on technology that did not consider issues with accessibility, technological literacy and language barriers.

Nevertheless, several participants mentioned that during COVID-19 lockdowns they were able to provide more inclusive services to those in regional and remote Victoria. Interviewee two felt that there were significant benefits to the use of

thoughts, beliefs and behaviours', and it is important to understand the effects of trauma and trauma reactions and in working with victims/survivors. Therefore, technology should be designed with the physical, psychological, and emotional safety and wellbeing of the victims as the paramount consideration. Domestic Violence NSW, Good Practice Guidelines, 49.

technology during lockdowns, which meant they were able to reach people who may not have been accessible in person, such as people in rural Victoria. Interviewee three noted that prior to COVID-19 most of their clients were based within their catchment area. However, as many other community legal centres closed during lockdowns, they were able to take more clients from regional areas, including at least one interstate client. Interviewee five commented that they also extended their catchment area during these periods, and even had one international client.

Views on How Technology Can Enhance Access to Justice for DFV Victims

Interviewee one felt that more targeted research is needed to first identify the specific barriers that victims are facing, before it can be determined how technology can help overcome these barriers. This process should be victim-centric, as well as being trauma-informed. Interviewee one said:

Technology could be endlessly beneficial—but is likely to be endlessly detrimental if not built in a manner that is accessible to victims. It must be informed by the experiences of victims and the expertise of experts in this space.

Overall, participants felt that when technology is used to enhance access to justice, it should be ensured that it does not replicate the same inequalities and barriers that currently exist in the legal system. Interviewee three highlighted that the use of, and access to, online services and technology can replicate the same inequalities in society, and that there are many people who are not able to utilise such innovations. According to her:

It is not an equal system when not everyone can access the technology, and a victim of family violence may have to leave a family home and may not have access to Wi-Fi, to a home computer or a laptop. In that case, there could be a real disadvantage there in even trying to access the help. I do know, however, that if people are properly linked to services—that could be social workers or charitable organisations—that they may be able to make the technology available to victims of family violence. But from what I have seen, a particularly vulnerable person who may be rendered homeless and every day has struggles, ... their priorities may not necessarily turn to accessing technology and they may be left behind.

Interviewee two asserted that service providers must work on any existing shortcomings in the provision of services, before adding technology into the mix. They said, 'I'm not sure that technology can be seen in isolation from the whole range of other factors that are relevant to what people need'. Interviewee two also felt that technology could be a double-edged sword, with victims who are able to use and access technology finding benefits in the innovations, whereas for those who cannot access technology it can be of enormous detriment.

Discussion

The interviews with seven legal professionals show that technology is now widely used when working with victims of DFV. However, most of this technology has not been specifically designed for this purpose and, therefore, has its limitations. Even technological innovations purposefully designed for victims of DFV do not seem to be developed in a victim-centric and trauma-informed manner. While many of the technologies used have been rapidly rolled out due to the COVID-19 pandemic, participants believe it is essential that technology does not replicate the existing inequalities in the justice system but is used in ways that enhance victims' access to legal processes. However, they were cautiously optimistic about the benefits of technology, noting that it enabled access to the legal system for those in rural and remote communities and for victims that did not want to physically attend court.

One of the key findings of this project is that the design of any technology for access to justice for victims of DFV needs to be victim-centred and not provider-centred.³⁸ The design of technology, as well as the monitoring and evaluation of its performance, must include the views and experiences of the users. While the tendency for technology to be provider-centred has been an issue since before the spread of COVID-19, the rapid rollout of technological innovations in the legal system has led to a lack of evaluation and evidence into their effectiveness. A recent study by Sourdin and Zeleznikow points out that one of the current issues associated with the use of technology is that decision-making is often not human-centred, but rather undertaken without taking into consideration the needs of end users.³⁹ They contend that this is one of the issues that needs to be re-evaluated so that advances in technology used in the legal system can lead to user-centric innovations that last beyond the COVID-19 crisis.

³⁸ Banks, Australian Innovations, 229.

³⁹ Sourdin, "Courts, Mediation and COVID-19."

The project also found that in-person legal advice and support remain necessary, particularly for victims of DFV. As the participants highlighted, the ability to pick up body language and form a human connection is often vital to form a complete picture of what is happening to the client and how to provide the best support for them. Therefore, technology should not be used as a replacement for in-person legal support, which should remain a crucial part of legal services. Rather, technology can enhance and support legal services, such as in determining situations where in-person support is needed and guiding the user to it.⁴⁰ Evidence on the use of remote technology highlights that support needs to be offered in a variety of modes of delivery.⁴¹

Lastly, the project stresses the importance of regularly undertaking assessments and evaluations of how technology is being used in the legal sector, to understand what works, what needs to be improved, and what needs to be replicated. This is to ensure that technology can truly meet the specific needs of the community, particularly the disadvantaged population such as victims/survivors of DFV.

Conclusion

Technology plays a crucial role in ensuring effective access to justice for victims of DFV and has contributed significantly to ensuring continuity of justice services for victims during the pandemic. However, if not designed and implemented carefully, technology can reinforce, or exacerbate, existing inequalities. Technological innovations must be developed with a 'recognition that needs will be greater for some people and communities than for others'.⁴² This means that users who are at the most risk, and that face the most barriers to justice, should be at the centre of the development and design of technological innovations. Most importantly, the safety and security of victims of DFV need to be taken into consideration at every step of technology development, to ensure that the innovations offered by legal services are victim-centric, survivor-led, and trauma-informed.

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⁴⁰ The Engine Room, Technology for Legal Empowerment, 9.

⁴¹ OECD and Law & Justice Foundation of NSW, Access to Justice, 50.

⁴² McKibbin, Never Waste a Crisis, 56.

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