

tackling violence against women
a consultation document

tackling
violence
against
women



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7 May 1999

Dear Mr Kirkwood

VIOLENCE AGAINST WOMEN – NI CONSULTATION DOCUMENT

I am enclosing copies of the "Tackling Violence against Women" consultation document which was launched by the Secretary of State at the "Listening to Women" event held on 26 April 1999 in Belfast Castle.

I would like to thank you for your contribution to this document which brings together, for the first time, a wide range of information on violence against women in Northern Ireland, including incidence of such violence and details of legislative and service provision. It has been compiled with the assistance of Northern Ireland Government Departments, the Cabinet Office Women's Unit and local experts.

Further copies of the document are available from Mrs Edgar (Tel 529300). The consultation period ends on 30 June 1999.

Yours sincerely

Francine O'Neill

FRANCINE O'NEILL



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An Equal Opportunities Organisation



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FOREWORD

The Government is committed to building a fair and equal society in Northern Ireland where everyone has the opportunity to participate fully. If women are not safe in their homes, if they are afraid to go out at night, if they cannot raise their children in safety, how can they play a full role in creating a better future? Until violence against women is condemned by all as totally unacceptable, inequality will continue to exist.

For too long the issue of violence against women has been sidelined as belonging to the police, to the social services or in the privacy of the home. While the statutory agencies and the voluntary sector have done much good work, much more needs to be done. A solid foundation for partnership is already in place and we intend to build on it. This document sets out current legislative and service provision and raises a number of questions as to the way forward.

Violence against women is a problem we must all share. Government is playing its part. In particular, last year we introduced in Northern Ireland legislation which develops and strengthens the civil law on domestic violence. However, Government alone cannot end the cycle of violence against women. I urge you to participate in this consultation exercise in order to ensure that we work together towards the elimination of these crimes. By enabling women to live without fear and to feel valued, we will build an even better society for our children.

MARJORIE MOWLAM

1. INTRODUCTION

1.1 The Government's Commitment

Violence in society is unacceptable in any form. The Government is committed to reducing crime, promoting citizenship, equality and family values and building a responsible and safe society for the future. Integral to this is the need to reduce the incidence of violence against women, to provide protection, support and justice for women where violence has occurred and to promote and develop a culture where such violence is not tolerated. The purpose of this document is to initiate dialogue on tackling all forms of violence against women in Northern Ireland, with a view to producing an action plan for preventing such violence.

1.2 UK Strategy on Violence against Women - an International Priority

The 4th United Nations (UN) Conference on Women in Beijing in September 1995 highlighted violence against women as a priority area for action by national Governments. Such violence is a major obstacle to the ongoing development towards equality. This document addresses the issue of violence against women in Northern Ireland as a contribution to the fulfilment of the UK Government's commitment to the Global Platform for Action agreed at the conference.

The document should be read alongside "Living Without Fear: An Integrated Approach to Violence Against Women" which covers England and Wales and deals with issues that are not the responsibility of the Northern Ireland Government, such as women in the international context. A separate strategy has been drawn up by the Scottish Office.

1.3 Setting the Context

The problem of violence against women is exacerbated in Northern Ireland by local circumstances. This is a conservative society where traditional beliefs value the family unit and reinforce the subordinate role of women in it. The violence of the Troubles has overshadowed other forms of violence and affected attitudes to the police and the legal process. It is vital to understand the consequences of the Troubles and the damage done to the community and its value system. There is inevitably a connection between acceptance and tolerance of violent and coercive behaviour in public and its existence in the home. To live one's life free from violence and intimidation is a basic human right. The Good Friday Agreement, reached in multi-party negotiations on the future institutional structures and arrangements for Northern Ireland, has a clear human rights remit which is in line with the international commitment to eliminate violence against women.

1.4 The Social and Economic Cost

Violence against women has costs not only in terms of the impact and consequences for individual women but also for their families and the whole community. Solutions to the problem of violence should be placed in the broader context of public expenditure since the hidden costs impact on a multiplicity of socio-economic areas - law and order, health and personal social services, employment, housing, education, social security, transport and the rural economy.

1.5 A Cross-Sectoral Issue

Responsibility for policies relating to violence against women in Northern Ireland lies with a wide range of Government Departments and agencies. The courts, the judiciary, the police, the churches, local authorities, the Health

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Service, housing associations, Non-Governmental Organisations (NGOs), women's organisations and the voluntary sector also have a part to play. In the private sector, the legal profession has an important role. Some very useful inter-agency work already takes place. However, no cohesive overall plan exists to combat violence in its many forms and there is no central co-ordination between all the organisations and professional groups working in the field. This document seeks to identify these roles so as to inform and improve working partnerships amongst the various Departments, agencies and voluntary organisations.

1.6 The Need for Consultation

The Government wishes to encourage and support a constructive exchange of views on the prevention of violence against women in Northern Ireland. Integral to the success of this initiative is the support not only of Government Departments and agencies but also of organisations representing the interests of women who have been or are at risk of becoming victims of violence and individual women themselves. This document is therefore being issued as a consultation document in the first instance. It sets out details of current provision and raises questions regarding future action. It will be refined in the light of the responses received and will form the basis of an action plan to tackle violence against women in Northern Ireland.

1.7 Address for Responses and Further Copies

Written responses and requests for further copies should be addressed to:

Mrs D Edgar
Industrial Relations and Equality Division
Department of Economic Development
Netherleigh
Massey Avenue
BELFAST
BT4 2JP

Responses are invited by 30 June 1999

In line with normal practice, your responses may be made available to Members of Parliament and the Northern Ireland Assembly, to the public or to outside bodies which request them. If you indicate that you do not wish your response to be made available to any of these, this will be respected.

2. DEFINITION

Violence against women is a fundamental violation of human rights and human dignity. It takes many forms and there are numerous definitions but the one which best serves the purpose of this document is the one adopted by the UN General Assembly as follows:

“the term violence against women means any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.”

Violence against women therefore includes a range of abuses such as:

- rape and sexual assault
- physical violence
- psychological, emotional and social abuse
- intimidation, threats and stalking
- sexual harassment

These abuses reflect an imbalance of power between men and women and also more general gender inequalities.

3. PROPOSED ACTION PLAN

3.1 Purpose, Principles and Objectives

Purpose

This document is the initial phase in the development of an action plan, the purpose of which is:

to create a safer environment for women at home and in public by progressively eliminating all forms of violence against women and empowering women to challenge abusive behaviour.

Principles

Women have the right to be free from violence or the threat of violence in all aspects of their daily lives.

For practical purposes this means:-

- in the home and in personal relationships;
- in public places;
- in places of education, training or work and
- while travelling from one place to another.

Objectives

The objectives of the action plan are:

prevention - to prevent, remove or diminish the incidence of violence by various means including promoting changes of attitudes and creating safer physical environments;

provision - to provide adequate services to deal with the consequences of violence against women and to help women rebuild their lives;

protection - to protect victims and potential victims from repeat victimisation or harassment by perpetrators; to ensure that the legal system effectively fulfils its crucial role in protecting women through the availability of protection orders and dealing effectively with perpetrators of violence.

Violence against women can take place in almost any setting or context. The location of the violent act will affect the response, the likelihood of it being reported

and the short and long term solutions. Finding effective responses and solutions will require that the objectives directly complement each other. Many of the proposals outlined in the following sections include some elements of each approach.

3.2 Effect on Children and Young People

Behaviour learned within the family and relationships experienced within the home lay the foundations for adult life. Witnessing violence in the home can have the effect of teaching that violence is a normal and therefore legitimate response to problems. An effective action plan will recognise the impact of violence against women on their children and seek to prevent, protect against and provide for the consequences of such violence against children.

3.3 Domestic Violence

Domestic violence is a crime which occurs within close adult relationships. While it is recognised that males are the main perpetrators of domestic violence, it should be noted that men can also be victims. There are issues surrounding domestic violence which require special consideration in an action plan. These include under-reporting and under-recording of incidents and, in addition, the ambivalence of victims towards the criminal process and the alternative of civil remedies. For these reasons, parts of this document are devoted specifically to domestic violence.

4. INCIDENCE

4.1 Violent Crime

The Report on Criminal Victimization in 11 Industrialised Countries published in 1996 indicated that Northern Ireland had an overall victimisation rate for the crimes surveyed of 17%, which was the lowest rate for all the countries surveyed; the figures for Scotland and England and Wales were 26% and 31% respectively.

Violent crime includes offences against the person (murder, manslaughter, infanticide, attempted murder, grievous bodily harm (GBH), assault occasioning actual bodily harm (AOABH)), robbery and sexual offences.

The tables below show the figures for notifiable offences of violence as recorded by the Royal Ulster Constabulary (RUC) for the calendar years 1996 and 1997.

Table 1 Violent Crime - Recorded Notifiable Offences by Sex of Victims

1996

Male			Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
Violence Against the Person	3,922	70	1,645	29	73	1	5,640	100
Sexual Offences	324	19	1,417	81	4	0	1,745	100
Robbery	866	50	295	17	564	33	1,725	100
Total	5,112	56	3,357	37	641	7	9,110	100

1997

Male			Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
Violence Against the Person	3,594	70	1,446	28	114	2	5,154	100
Sexual Offences	296	20	1,144	79	4	0	1,444	100
Robbery	809	49	254	15	590	36	1,653	100
Total	4,699	57	2,844	34	708	9	8,251	100

Source: RUC Central Statistics Unit

Violent crime represented 13.3% of all notifiable offences recorded by the police in both 1996 and 1997. In 1996, a total of 68,549 notifiable offences were recorded; 9,110 of these were for violent crime. Offences against the person accounted for 8% of these, 3% were sexual offences and 3% were robbery offences. Of the 62,222 notifiable offences recorded in 1997, 8,251 were for violent crime. Again, offences against the person accounted for 8%, 2% were sexual offences and 3% were robbery offences. Of all violent crime recorded, women represent around a third of all victims (37% in 1996 and 34% in 1997).

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Table 2 Offences of Violence against the person

	Male		Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
1996 Homicide ⁽¹⁾	31	79	8	21	0	0	39	100
Attempted Murder	56	79	13	18	2	3	71	100
Other	3,835	69	1,624	29	71	1	5,530	100
Total	3,922	70	1,645	29	73	1	5,640	100

Row percentages may not add to 100 due to rounding

	Male		Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
1997 Homicide ⁽¹⁾	31	74	11	26	0	0	42	100
Attempted Murder	82	71	17	15	17	15	116	100
Other	3,481	70	1,418	28	97	2	4,996	100
Total	3,594	70	1,446	28	114	2	5,154	100

Row percentages may not add to 100 due to rounding

⁽¹⁾ Includes Murder, Manslaughter and Infanticide

Females were the victims of 29% of the 5,640 offences of violence against the person in 1996, compared to 28% of the 5,154 offences in 1997. In 1996 there were 110 recorded offences of homicide or attempted murder, females were the victims in 19% (21) of these cases. In 1997 the figures rose to 158, females were the victim in 18% (28) of these cases. In the 'other' category, which includes offences such as wounding, GBH and AOABH, females were the victim in 29% of cases recorded in 1996 and 28% of those recorded in 1997.

Table 3 Sexual Offences

1996

Male			Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
Rape	0	0	264	100	0	0	264	100
Attempted Rape	0	0	28	100	0	0	28	100
Indecent Assault	223	23	768	77	0	0	991	100
Other ⁽¹⁾	101	22	357	77	4	1	462	100
Total	324	19	1,417	81	4	0	1,745	100

Row percentages may not add to 100 due to rounding

1997

Male			Female		Unknown		Total	
	Number	%	Number	%	Number	%	Number	%
Rape	0	0	268	100	0	0	268	100
Attempted Rape	0	0	26	100	0	0	26	100
Indecent Assault	179	23	614	77	0	0	793	100
Other ⁽¹⁾	117	33	236	66	4	1	357	100
Total	296	20	1,144	79	4	0	1,444	100

Row percentages may not add to 100 due to rounding

⁽¹⁾ Includes Incest

Source: RUC Central Statistics Unit

Females are consistently the victim in 4 out of every 5 sexual offence cases. Females were the victim in 81% of cases recorded in 1996 and 79% of those recorded in 1997.

In 1996, there were 292 offences of rape or attempted rape on females - 17% of all sexual offences recorded in that year. The corresponding figure for 1997 was 294 cases of rape or attempted rape, 20% of all recorded sexual offences. Females were the victim of 77% of the offences of indecent assault recorded in each of these years. In the 'other' category, which includes offences such as unlawful carnal knowledge and abduction, females were the victim in 77% of cases recorded in 1996 and 66% of those recorded in 1997.

4.2 Domestic Violence

There is no separate criminal offence of domestic violence in Northern Ireland. Victims who wish to bring forward charges related to domestic violence are likely to use offences listed under the Offences Against the Person Act 1861 - GBH, AOABH and common assault.

A research document published in 1993, "Bringing it out into the open: Domestic Violence in Northern Ireland" by McWilliams and McKiernan ⁽¹⁾ focuses on three key aspects of domestic violence - that it is most frequently directed against women by men, that it is intentional and that it involves physical aggression. The prevalence of emotional abuse was also recognised in the research.

The recommendations in that publication informed the Northern Ireland policy statement "Tackling Domestic Violence", which was published jointly by the Department of Health and Social Services (DHSS) and the Northern Ireland Office (NIO) in June 1995.

The policy statement defines domestic violence as follows:

"Domestic violence is the use of physical or emotional force or threat within close adult relationships in a way that causes harm or distress to victims. In addition to actual or threatened physical or sexual assault and damage to property, domestic violence includes non-physical intimidation, such as persistent verbal abuse, emotional blackmail and enforced social or financial deprivation. Having abused once, perpetrators usually persist, intensifying and escalating the maltreatment".

Despite the research that has been done, it is still impossible to make an accurate statement on the prevalence of domestic violence. This is partly to do with the lack of consistency in recording incidents. Because domestic violence involves the use of physical or emotional force or threat within close adult relationships, its impact and consequences tend to be hidden and minimised.

Individuals experiencing domestic violence might find it difficult to report to the police or other agencies for many reasons, including: the emotional relationship between the victim and the perpetrator; fear of reprisals; pressure from the family/local community to remain in the relationship; worry about the effect on their children whether they stay or leave; financial dependence upon their partner; not knowing a safe place to go or the sources of help and advice available. Repeated abuse may undermine a woman's confidence in her ability to take decisions and act.

Pregnancy is a time when abuse may start or escalate. A survey of 127 women living in refuges in Northern Ireland found that 60% reported violence and abuse during pregnancy, 13% lost babies as a result and 22% reported a threatened loss of their babies ⁽²⁾.

Far from being a rare occurrence, domestic violence is a frequent event in the lives of a sizeable proportion of women. It is rarely a one-off crime; it is repetitive and often increases in intensity. The true extent is unknown but estimates suggest that it affects between 1 in 4 and 1 in 10 families. The 1996 McWilliams and Spence publication "Taking Domestic Violence Seriously: Issues for the Civil and Criminal Justice System" ⁽¹⁾ indicated that "between 1990-1994, 21 women were killed by their partners in Northern Ireland. This represents 48% of all women murdered during this five year period. In contrast, 8% of all male homicides (7 out of 83) were domestic violence related".

On average two women are seriously assaulted by their male partners every day in Northern Ireland. Recent statistics provided by the RUC for 1997 and 1998 (given opposite) show a substantial increase in domestic violence incidents. In 1998, RUC figures show that

⁽¹⁾ Centre for Research on Women - University of Ulster.

⁽²⁾ Casey M Domestic Violence against Women: The Women's Perspective UCD 1989.

10 people (8 women, 2 men) were killed in circumstances where a partner or close family member is the only suspect (ie cases not yet tried). The increase may in part be explained by increased public awareness of the problem and the avenues open to those who suffer from it and by the fact that the police, through the establishment of Domestic Violence Officers (DVOs) in each Sub-Division, and other professionals are increasingly proactive in their response to domestic violence incidents.

Domestic Incidents Reported

	1997	1998
Domestic Incidents attended by the police	8,509	14,429
Physical Violence was involved	3,805	6,385
Murder	2	10
Rape	10	21
GBH	51	60
AOABH	411	670
Common Assault	1,899	3,223
Criminal Damage	504	884
Breach of Personal Protection and Exclusion Orders	427	603

In addition to under-reporting of domestic violence incidents by victims, any statistics in this area must be considered in the context that police action is restricted by the law ie the powers of arrest available to the officer, the existence of sufficient evidence and in particular the willingness of the victim to take action against the offender and pursue the case through the Courts.

A focus only on abuse resulting in injury overlooks the reality of violent domestic relationships which are characterised by power and control most usually being exerted by a man over a woman partner. Psychological abuse, threats, manipulation and coercion are for some women the most difficult aspects to contend with.

4.3 Prosecutions

The average immediate custodial sentence in 1996 for those convicted of sexual offences was 3 years and 4 months, with rape attracting the longest average sentence of 7 years 2 months. Those convicted of sexual offences at the Crown Court and the Magistrates' Court were given average immediate custodial sentences of 4 years 2 months and 6 months respectively. Of 184 sentences given to those found guilty of sexual offences at all courts in 1996, 81 or 44% were given immediate custody, 44 or 24% were given suspended sentences, 23 or 12% were given community supervision, 29 or 16% were given a fine and 7 or 4% were given a conditional discharge.

In 1996, just over 30% of all rape cases resulted in a successful prosecution. Conviction rates for all other sexual offence categories, in that year, varied between 73% and 100%.

Of the 264 recorded cases of rape that year, 211 or 80% of victims knew the perpetrator. 25% of all recorded rapes were carried out by a relative of the victim (husband, father, step-parent, other member of immediate family or other relative).

The criminal justice system has seen the category of Complainant Declined to Prosecute (CDP) rise from 15.2% to 23% between 1992 and 1996. This category contributes to the overall crime clearance rate which has remained stable since 1992, whereas, while the recorded crime rate rose by 11% between 1987 and 1996, the overall clearance rate decreased from 43% to 34%. The statistics held by the police indicate an increasing pattern of complainants declining to prosecute across different categories of offence, for example offences against the person rising from 25% in 1992 to 39% in 1996 and sexual offences from 18% to 33% during the same period.

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4.4 Civil Law - Personal Protection and Exclusion Orders

The number of personal protection orders has been increasing over the period 1991-1996. Interim orders have increased by 45% from 1,582 in 1991 to 2,293 in 1996. Full orders have remained relatively stable at around 1,000 per annum. Exclusion orders have also increased across the same period with interim orders increasing by 49% from 1,535 in 1991 to 2,290 in 1996. Full orders have again remained relatively stable at around 900 per annum. Despite the increase in both personal protection and exclusion orders from 1991, both 1996 and 1997 saw small increases from 1995 figures.

4.5 Fear of Crime

The 1996/97 Community Attitudes Survey interviewed almost 1,500 people about their fear of crime and their perceptions of the likelihood of being victims of crime. There were no particular differences in the perceptions of males and females towards common offences of burglary, vandalism, robbery, drug abuse and car crime. However, greater proportions of females expected to be victims of such crimes. The proportional differences were greatest for muggings/robbery (8% of females compared to 4% of males).

In the Fear of Crime and Likelihood of Victimization Research Findings 2/96, fear of rape was most acute among the younger age groups (46% of 16-21 year olds, compared to 28% of 22-30 year olds). Most females (62%) were "not very worried" or "not at all worried" about being raped, 23% were "very worried" and 15% were "fairly worried" indicating that more than one out of every three women interviewed was worried about being raped. However, only 2% thought it "fairly likely".

Public Transport

As part of the ongoing monitoring of public transport Charter standards ⁽³⁾ passengers on services provided by Citybus, Northern Ireland Railways (NIR) and Ulsterbus were asked about their fears of travelling on public transport. Women account for 64% of Citybus passengers, 66% of Ulsterbus passengers and 51% of NIR passengers. Few passengers, either men or women, expressed fear about travelling on public transport in daylight. Concerns about safety relate largely to travel at night. In most cases women were twice as likely to express fear than men. Levels of fear were greatest among female passengers travelling after dark on NIR services.

A summary of the findings is given in the Table opposite.

⁽³⁾ Public Transport Monitoring Study undertaken by Price Waterhouse Coopers on behalf of the NI Transport Holding Company (20 April to 10 June 1998)

Table 4 Travel on public transport

Those which expressed some fear			
NORTHERN IRELAND RAILWAYS	% All Passengers	% of Males	% of Females
Onboard trains during daylight	1.0%	0.7%	1.2%
Onboard trains when dark	12.0%	6.0%	18.3%
Waiting at stations during daylight	1.0%	0.8%	0.3%
Waiting at stations when dark	15.0%	9.5%	21.9%

Those which expressed some fear			
ULSTERBUS	% All Passengers	% of Males	% of Females
Onboard buses during daylight	1.0%	0.6%	0.8%
Onboard buses when dark	4.0%	2.5%	5.2%
Waiting at stations during daylight	2.0%	1.2%	1.5%
Waiting at stations when dark	12.0%	6.2%	11.5%

Those which expressed some fear			
CITYBUS	% All Passengers	% of Males	% of Females
Onboard buses during daylight	1.0%	0.0%	1.1%
Onboard buses when dark	10.0%	6.8%	13.2%
Waiting at stations during daylight	3.0%	2.1%	3.7%
Waiting at stations when dark	18.0%	10.3%	24.4%

Drunks, fear of being alone and lack of security were the main reasons given by passengers for their fears about travelling on public transport after dark.

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4.6 Under-reporting of Crime

Statistics of crime recorded by the police provide a measure of the amount of crime with which they are faced, but this is only a partial picture of the crime committed. Evidence on the extent of under-reporting is available from a number of victims surveys including the Continuous Household Survey and the Northern Ireland Crime Survey. These generally indicate that the propensity to report crime is influenced by a number of factors, including severity of the offence, whether the offender is known to the victim, the ease with which the report can be made, insurance claim requirements, public attitudes to the police and public attitudes to certain offences (eg sexual offences).

A recent British Crime Survey suggests that incomplete reporting and recording mean that only just over a quarter of crimes are estimated to end up in police records.

5. PREVENTION

5.1 Introduction

Violence against women has a high cost in social and economic terms. While the estimated cost has not been calculated in Northern Ireland, Crime Concern have published a report which estimated the financial impact of domestic violence on one borough of London to be around £90 per household per annum. Costs identified included police and court time, health provision costs, the cost of refuge accommodation, greater dependence on benefits and the need for social intervention. The costs to individual women are immeasurable. Fear of violence and of sexual attack limits the lives of many women who, as a result, may never go out at night alone. Society as a whole suffers from these women's inability to participate as full and equal members and from the effects of domestic violence on children.

Prevention initiatives aim to prevent violence ever happening. These may include working in schools to educate young people about conflict resolution, respectful relationships and self-esteem. They may also involve the creation of safer physical environments through local authorities and service providers improving lighting and introducing Closed Circuit Television (CCTV). They include raising awareness and changing community attitudes through national and local campaigns. Other initiatives such as improved training for professionals, support for survivors of violence and programmes for perpetrators of violence which are covered in the next chapters, should also help prevent violence.

To be successful in preventing violence against women, a culture where violence is not tolerated needs to be promoted and developed. Ideas that justify violence against women, such as believing that violence within relationships is not a crime and blaming the victim must be challenged. Public attitude campaigns can help

to achieve this. Key players include district councils, district partnerships, community safety partnerships, the media, academics (including criminologists) and central government.

Increasing the status of women should go some way to discrediting the ideas and beliefs based on gender stereotypes that underpin violence against women. Government is committed to the principle of 50:50 ratio of women and men in public appointments. This should further increase the number of women in decision-making roles. Women's economic independence is crucial to achieving equality and preventing violence against women. A reduction in gender differences in occupations should reduce the gap in men and women's incomes. Steps are being taken by Government to encourage girls to enter traditionally male professions by encouraging teenage girls to study science, engineering and technology.

5.2 The Role of Schools

Working with young people to promote and develop a culture where violence against women is not tolerated is pivotal to prevention. Adolescence is a crucial developmental time for the successful formation of healthy, non-violent relationships in later life. Such work is also a means of helping young people who may be subject to child abuse themselves or witnessing domestic violence. Schools have an important role to play in reinforcing socially acceptable attitudes. The Northern Ireland curriculum provides a range of opportunities to raise awareness among children of issues such as human rights, tolerance and how to resolve differences in a non-violent way. The statutory educational themes of Education for Mutual Understanding (EMU) and Health Education, the objectives of which are taught through the main subjects of the curriculum, form the basis of provision. EMU is particularly relevant in that it seeks to foster self-respect, respect for others and the improvement of relationships. Health Education includes provisions to enable

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young people to deal with relationships within the family, with peers and with others. For example, at Key Stage 4 pupils may choose from a number of modules within the heading of Social and Environmental Studies covering various areas of personal and social education. A teachers guide, "Rights and Responsibilities within the Community, Family Life and Parenting and Law in Society", which covers the specific issue of violence in the family with particular reference to women and children, is also available. The Northern Ireland Council for the Curriculum, Examinations and Assessments (CCEA) is currently undertaking a wide ranging review to determine the needs of pupils beyond 2001.

5.3 Youth Service

The Youth Service also has a role in trying to raise awareness and promote tolerance. As part of the ongoing Youth Service Policy Review, it has been proposed that certain working groups be set up to take key issues further. One of these, "The Involvement of Young People", has a specific role in arranging focus groups to consider issues such as social need, gender, ethnicity and sexuality.

Additionally, following a long-term evaluation of the Youth curriculum by the Education and Training Inspectorate, the objectives have been reviewed and a central theme established of Personal and Social Development founded on the three principles of participation, acceptance and understanding of others, and development of appropriate values and beliefs. This theme and the three principles will lie at the centre of provision in the Youth Service and their influence will be monitored by the Inspectorate.

5.4 Violence in the Workplace

Violence at work is a widespread but largely unrecognised problem. It is preventable and an environment and culture where workplace violence is seen as unacceptable must be created.

As well as the immediate physical effects, violence can have long-term effects such as stress and depression. Women at work should be safe in the physical sense that they are not required to work in dangerous surroundings or put into positions of conflict with or potential violence from the public without adequate protection. Occupations with a high risk of physical or verbal attack include nursing, care workers and those working in education or welfare.

Under the Health and Safety at Work (Northern Ireland) Order 1978, the Health and Safety Executive for Northern Ireland (HSENI) has primary responsibility for enforcement of work-related health and safety legislation in Northern Ireland. HSENI liaises closely with the Health and Safety Executive in Great Britain (HSE) which has responsibility for developing the Government's policy on work-related violence. Other parties with a role to play include the Department of Health and Social Services, District Councils, Department of Education, employers in both the private and public sector, trade unions, trade associations and professional bodies.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 (RIDDOR) places a statutory responsibility on employers to report acts of non-consensual physical violence committed against employees in the workplace where the injury results in fatality, a major injury and/or incapacity to do normal work for more than three days.

There is a legal requirement on employers, under the Management of Health and Safety at Work Regulations (Northern Ireland) 1992 to assess the risks of violence to employees and to put in place, if necessary, control measures to protect them. HSE has published generic guidance, "Violence at Work: A Guide for Employers", along with publications which address violence to staff in the education, retail, finance and health sectors.

Employers have a responsibility to ensure the safety of their staff through complying with health and safety measures and by creating a working environment which promotes equality and respect for the individual. It is crucial for employers to create an atmosphere in which sexual harassment of any kind is not tolerated and is dealt with firmly and effectively. The Equal Opportunities Commission guidance recommends that the equal opportunities policies of all employers should ensure that everyone knows where responsibility for dealing with sexual harassment lies and what recourse is open to those affected by it. This will provide a general background against which incidents leading to violence against women will be less likely to develop.

National Health Service

The high incidence of violence against women in the National Health Service (NHS) prompted the publication in November 1998 of "A Review of violence to NHS staff working in the Community". Health and Personal Social Services (HPSS) in Northern Ireland were included in this review. The research highlighted a lack of training to deal with violent incidents, a lack of exchange of information between agencies regarding violent individuals and differences in systems for tracing staff when away from base. There was also, however, evidence of excellent practice. The detailed recommendations of the review are contained in the guidance document "Safer Working in the Community: A Guide for NHS Managers and Staff" on reducing the risks from violence and aggression published by the NHS Executive and the Royal College of Nursing (RCN). This guidance was made available to all HPSS employers in Northern Ireland.

5.5 Public Transport

Women should be able to travel from one place to another without fear for their personal safety. The recently published White Paper - "A New Deal for Transport: Better for Everyone" set out the Government's new framework for transport policy in the United Kingdom. The White Paper made it clear that the outcomes of an integrated policy should include wider choice, better planning and better connections, a better deal for cycling and walking, improvements in bus and train services, better safety and personal security for those using transport systems and hence a more inclusive society.

In November 1998, the Department of the Environment for Northern Ireland (DOE(NI)) published "Moving Forward" which examined the specific challenges and opportunities for transport in Northern Ireland. It affirms the need to have gender differences in transport use fully recognised in transport policies which deal with travel of any sort.

The key stakeholders are DOE(NI), the RUC, Northern Ireland Transport Holding Company, Translink, the General Consumer Council for Northern Ireland, voluntary organisations representing women's interests, transport employees, passenger groups and women who travel by any means.

The public transport companies have taken steps to improve the personal safety of their passengers and staff. New bus and railway stations are built to high standards with good lighting and areas are continually monitored by CCTV. Particular attention is paid to the design of waiting areas so that passengers are given unobstructed views of their surroundings. At railway stations, shelters are arranged so that they do not face each other on opposite platforms. This helps avoid direct eye contact which can be intimidating and lead to confrontational situations between waiting passengers.

PREVENTION

NIR has an ongoing programme of station refurbishment which includes a range of measures to improve personal security. They are currently carrying out a "Station Accessibility Study" which will look at issues such as lighting, clear signalling and the use of surveillance equipment. In Great Britain, the Government, British Transport Police and Crime Concern have recently launched the Secure Stations Scheme which has led to the establishment of national standards in security. NIR intend to benchmark their stations to the standards required in the Secure Stations Scheme and upgrade their refurbishment programme, if necessary, to achieve these standards.

DOE(NI) in partnership with Translink has recently produced a Bus Stop Design Guide which sets out good practice. The standards described in the document are intended to improve the operating conditions for buses and comfort, quality, accessibility and personal security for passengers. This guide will assist DOE(NI) to specify standards in its schedule of needs when it enters into new arrangements for the provision of bus shelters throughout Northern Ireland.

Citybus has installed video cameras on some of its buses. These have been a useful deterrent to physical attacks and abuse of passengers and drivers. Evidence gathered by these cameras has been used successfully to prosecute people who have committed crimes on board buses. Translink has also tackled the problems of stone throwing and vandalism by working with community organisations on education and awareness programmes.

The continuous monitoring of public transport standards offers an opportunity to measure the impact of initiatives taken by Translink to allay the fears of passengers.

6. PROVISION AND PROTECTION

The protection of women from violence, particularly where it is ongoing or likely to be repeated as in domestic violence, is closely linked to the provision of services to support and assist women. Protection can include a wide range of initiatives to increase women's safety. These range from safe accommodation for women fleeing from domestic violence to practical help for women dealing with the long-term consequences of violence. The crucial role of the legal system in protecting women, for example through the availability of non-molestation orders for women and by dealing effectively with perpetrators of violence, is highlighted in Chapter 7.

No matter how advanced the legal remedies available to victims of violence, they are meaningless if equal attention has not been paid to the context in which they are delivered, and to the role of each person with whom the victim of violence is likely to come into contact as she seeks help. This is the strength of the inter-agency approach which has been successfully used to tackle domestic violence in other jurisdictions.

This chapter will outline how the inter-agency approach to domestic violence has been adopted in Northern Ireland. It will consider the role of each professional person and agency likely to be involved in a domestic violence case and will outline measures taken in relation to assisting women who have suffered violence.

6.1 Inter-Agency Co-operation

Regional Forum on Domestic Violence

In response to the recommendations of the 1993 research study by McWilliams and McKiernan, referred to above, a Regional Forum on Domestic Violence (the 'Forum') was established in Northern Ireland in September 1995. The Forum, which has an independent Chair, brings

together the main statutory and voluntary interests and provides the focal point for co-ordinating action in taking forward the objectives set out in the policy framework. These are: to raise public awareness of domestic violence as a serious problem; to challenge seriously the attitudes and behaviour of those who perpetrate or condone it; to improve support and treatment services for survivors and to build a clearer picture of the nature and extent of domestic violence. Much of the work of the Forum is done by five working groups covering inter-agency co-operation, criminal justice, education and training, research and information and the Churches.

The 1996 research document by McWilliams and Spence, referred to above, highlighted issues to be addressed by the criminal justice system in Northern Ireland. The recommendations in the report are being taken forward by the Forum's criminal justice working group.

This sub-group is currently considering inter-agency models in the USA - the Duluth (Minnesota) and Quincy (Massachusetts) models - which could be initiated in Northern Ireland. The Duluth model is a domestic violence intervention project spearheaded in 1981. It institutionalises practices and policies which make perpetrators accountable and ensures the safety of victims in the processing of criminal and civil related domestic violence cases. It provides for the co-operation of criminal justice agencies and shelter workers and has significantly reduced the numbers of domestic violence homicides in Duluth.

The Quincy Domestic Abuse Programme is based on the principle of close co-ordination among several criminal justice agencies and women's support agencies. The programme has been so successful that there had not been a domestic violence killing of a woman in Quincy from 1987 until 1998 when there were two killings. This has given rise to a major investigation into how the system had failed the victims.

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Local Inter-Agency Groups

Local inter-agency groups have been established in all eleven Northern Ireland Health and Social Services Community Trusts. Their purpose is to co-ordinate action against domestic violence within their area, to identify common priorities for service development, to develop interlocking procedures for the management of individual cases and to identify the opportunities for development of joint projects. Significant progress has been made by the local groups, particularly those longest established, whose work has included: training seminars, publication of directories of local services for victims and the publication of good practice guidelines. The Forum is currently engaged in assisting the local groups in setting their objectives and in helping identify problems.

6.2 Sources of Advice, Counselling and Support

Victims of violence by strangers will usually proceed through the criminal justice system, and much which is discussed below is also relevant to women in that situation. A victim of domestic violence may disclose her predicament to one of a number of professionals, and the role of each of these is discussed below:

Police

In the case of domestic violence, the immediate police response will be by uniformed officers or detectives from the Criminal Investigation Department (CID). The officers will take the necessary immediate steps to protect victims and enforce the law against perpetrators. There has, since 1991, been a stated pro-arrest policy whereby officers are instructed that where there is sufficient evidence, the perpetrator should be arrested. Incidents which involve sexual violence will be dealt with by specially trained Child Abuse and Rape Enquiry (CARE) officers.

Since September 1997, specially trained Domestic Violence Officers have been

introduced into all RUC sub-divisions. Their role is to provide practical help and support, inform victims of other available services, encourage the reporting of offences and help minimise the withdrawal of complaints.

Solicitor

People in Northern Ireland are very aware of solicitors as a reference point when they have many kinds of problems, including domestic or other violence. A woman may also come to a solicitor with a very different problem and disclose domestic violence while there. Many victims of domestic violence may be eligible for legal aid, but others will not, and this may discourage them from seeking legal assistance. The help of a solicitor or barrister may be invaluable to a women facing an abuser in court.

Health and Social Services

The Royal College of General Practitioners produced guidelines on domestic violence in 1992. These were updated in 1998 and disseminated to its members.

All nurses receive education and training on domestic violence during their pre-registration training in order to recognise and be able to respond appropriately in situations of domestic violence. In addition, nurses, midwives and health visitors receive updates and more in-depth education and training in post-registration courses to assist them to provide support, counselling and, where appropriate and with the women's consent, make referrals to other relevant bodies.

The Guidance on Professional Practice for Nurses, Midwives and Health Visitors issued in support of the Children (Northern Ireland) Order 1995 identifies domestic violence as having a detrimental effect on children's development. The guidance also acknowledges the need for Accident & Emergency nurses to pay attention to any injuries to children, antenatal women and parents and guardians which

can be due to violence. Nursing, midwifery and health visiting professions are involved in the regional and local domestic violence forums.

The Health and Social Services Boards and Trusts have a statutory duty to protect children. Reflecting this, in cases of domestic violence efforts are concentrated on the child. Although there is no statutory duty to provide services for adult victims of domestic violence, there is a need to provide support and treatment, which has the dual advantage of helping the victim and protecting the child.

In March 1996, the HSE issued guidance on abuse of vulnerable adults, which defines various types of abuse and the groups in which it can occur. It sets out the key issues involved in the prevention, detection, reporting and investigation of abuse and follow-up action. Vulnerable adults include elderly people, people with a learning or physical disability and people with mental illness. Vulnerable adults cannot always protect themselves from abuse which can take many forms including neglect and can occur in any setting. People with disabilities are at greater risk of all forms of abuse and violence than the general population. Women with learning difficulties are particularly vulnerable to sexual abuse.

Health Boards have used the guidance to prepare policy statements from which Trusts and other providers have developed operational statements and codes of practice. Training on abuse awareness is given to relevant staff. In addition, funding has been made available to the voluntary organisation Action on Elder Abuse and towards the cost of the Elder Abuse Response Line in Northern Ireland.

Churches

A recently established inter-denominational subgroup of the Forum is preparing a strategy for involvement of Churches in the effort to respond effectively to domestic violence. "When Home is Where the Hurt is..... - Thinking it Through and Taking Action - a Strategy for Churches" was published in May 1997 by the Conference of Religions in Ireland - Northern Commission.

Voluntary Sector

Since 1978, Northern Ireland Women's Aid Federation (NIWAF) has been the primary agency working in the field of domestic violence, providing a specialised service of support and protection to women and children who are abused or are at risk from violence within the home. NIWAF provides temporary refuge to women and children suffering emotional, physical or sexual abuse. In 1996/97 over 11,000 women sought help from NIWAF. 916 women and 1,462 children were given emergency temporary accommodation. Refuge provision stands at 300 bed spaces in 11 refuges in 9 areas. 8 disabled units exist in refuges in Belfast, Foyle, North Down, Fermanagh, Coleraine, Cookstown and Craigavon. In addition, there are 20 'move on' houses for families who move out of the refuge. Further refuge places are under construction, which will bring the total number of available bed spaces to 412 which meets the recommended target of one unit per 10,000 population ⁽⁴⁾. The addresses of the refuges are confidential and partners are not allowed on the premises.

NIWAF launched a regional 24 hour telephone helpline in March 1995. 4,300 calls were received during 1996/97 and 6,417 during 1997/98.

In conjunction with other organisations, NIWAF has run a number of publicity campaigns since 1995. "Help is at Hand" was launched in March

⁽⁴⁾ 1976 House of Commons Select Committee Paper on Violence in the Family (Session 1975-76 Battered Wives)

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1995 to raise public awareness about the issue of domestic violence and to make known the number of the regional telephone helpline which opened at the same time. In November 1995, the "No Fear" campaign was launched and a further advertising campaign, assisted by Government funding, was run on radio and TV in December/January 1997/98. A Northern Ireland version of the GB leaflet "Domestic Violence: Don't Stand for It" was published and widely distributed during 1998.

During the last two years, the Forum and NIWAF have been pro-active in raising awareness across a wide spectrum of interests through seminars, conferences, meetings and contributions to information literature. Topics covered in the seminars and conferences have included inter-agency co-operation, prevention strategies, publicity and international criminal justice initiatives. Training packs and videos have been produced which are used in the training of social workers, police, and women's groups. During 1995/96 over 4,000 RUC Officers used NIWAF training materials and in 1997/98 approximately 2,000 staff from Health and Social Services, Inter-agency Groups, and Youth Services participated in NIWAF's external training courses.

A training pack "Violence on the Edge" was developed by NIWAF in 1998 for use by trainers to provide effective support for ethnic minority women and children at risk of domestic violence. Ethnic minority communities currently make up approximately 2% of the Northern Ireland population. The three largest ethnic minority communities are estimated to be Chinese (8,000), Travellers (1,200) and Indian (1,000). Traditionally, these are tight knit communities. Notions of family honour or shame play an important part in these cultures and can severely constrain an abused women's ability to contact police or social services or to separate from a violent partner.

Victim Support is an independent registered charity which offers help to victims of crime. Its services are free and confidential. Staff come from all sections of the community and are specially trained to help victims. Victim Support also runs a Crown Court witness service for those attending court as victims or witnesses.

Other assistance is available from women's groups/centres, the Rape Crisis Centre, the marriage guidance organisations Relate and Accord, the Samaritans, Alcoholics Anonymous and other groups eg Gamblers Anonymous, Nexus, which provides support for victims of child abuse, and Citizens's Advice Bureaux.

Northern Ireland Housing Executive

The Northern Ireland Housing Executive (NIHE) is represented on the Forum and is committed to addressing the problem of domestic violence on inter-agency basis.

NIHE has a statutory duty under the Housing (Northern Ireland) Order 1998 to assess persons presenting as homeless and, where necessary, provide interim accommodation which may in instances of domestic violence include placement in a Women's Aid refuge. Domestic violence is recognised as a reason for priority re-housing.

In 1998, 607 families cited domestic violence as the reason for re-housing. This is an average of 11 each week. Injured parties can contact their local Housing Executive District Office or, in the case of Belfast, the Homeless Advice Unit (temporary accommodation will be provided on the same day).

NIHE normally requires verification of circumstances in order to determine whether priority re-housing status should be awarded. However, in the case of domestic violence a flexible approach is adopted whereby confirmation from a Women's Aid refuge or other relevant agency will be adequate for the purpose of arriving at a decision.

6.3 Legal Process - Court Proceedings

Court Staff

Should a case go to court, court staff will make every effort to ensure that women who have suffered from violence within the home are treated with sensitivity. Where possible, separate waiting areas will be provided and staff will try to accommodate any special needs to make attendance at court easier. In particular, staff can arrange a tour of the courthouse prior to the date fixed for hearing so that women know what to expect.

Court staff have attended seminars on the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (discussed in detail in Chapter 7) and are involved in a number of initiatives which are looking at the issues arising from violence in the home.

Judiciary

The Judicial Studies Board is responsible for overseeing all aspects of judicial training. Over the past 2 years, the Board has organised a number of seminars relating to violence in the home and members of the judiciary from the several court tiers have attended these events. In addition, the members of the judiciary have attended seminars on violence in the home which have been organised by the Judicial Studies Board in England and Wales and other organisations.

Members of the judiciary are also involved in several of the initiatives which are currently being taken forward by the Forum. Matters such as the order in which cases are disposed of fall to the discretion of the individual judge who retains overall control of the Court's business.

Prison Service

All visitors to prisons in Northern Ireland must receive an invitation and this must be produced at the time of the visit. Each visit is supervised by prison officers. Any visitor who is concerned

about safety during a visit should inform the prison authorities so that closer supervision can be provided.

As part of a sentence awarded by a court, a judge can apply certain conditions. For example, if the offender has a record of being violent the judge can recommend that the prison service provide anger management programmes. While the prison service provides a range of programmes, at present it is not compulsory for an offender in prison to attend.

Probation Service

The Probation Board for Northern Ireland (PBNI) recognises domestic violence as a serious and complex issue which requires skill and sensitive handling. It works closely with NIWAF and has trained a core group of staff in handling domestic violence. It offers a 24 week programme - "Men Overcoming Domestic Violence" which challenges attitudes, beliefs and behaviours and teaches offenders alternatives to coercive, dominating and violent behaviours. Attendance is an additional requirement of a Probation Order. Failure to attend, or further violent behaviour, may result in a breach of the order and the offender being returned to court.

The programme is based on the tried, tested and highly successful programmes run in North America (eg the Duluth programme). Research in the UK and PBNI's own evaluation of this programme, indicate very positive results in terms of change of attitudes and, more particularly, reduction in violence. These results have been validated by the partners of participants. A parallel support programme is run by NIWAF for the partners of participants.

7. CRIMINAL AND CIVIL JUSTICE

Justice is a central strand of the Government's approach to the protection and safety of women. This chapter focuses on the basic legal remedies which are available to women who have been the victims of violence. The first section looks at the criminal and civil remedies available in respect of violence and harassment generally. The second section concentrates on the criminal and civil remedies available specifically in cases where the violence is in the domestic context, and looks beyond the protective remedies to the financial, childcare and associated assistance available when a woman leaves a violent partner.

A. VIOLENCE OUTSIDE DOMESTIC RELATIONSHIPS

7.1 The Police Response

The police are very often the first point of contact with the legal system in its broadest sense whether, ultimately, criminal or civil proceedings are pursued. Police are charged with investigation of all crimes of violence and the severity of the crime will dictate the specific police response, eg minor physical assaults will be dealt with by uniformed police, more serious offences will be dealt with by CID and those incidents which involve sexual violence will be dealt with by CARE officers. CARE units exist in each of the 12 RUC Divisions. These units recognise the severe trauma of sexual offences and take a victim-focused approach to crime. There are 4 CARE suites in Northern Ireland which offer special assistance facilities and where medical examinations can take place.

The role of the Crime Prevention Officer is to raise public awareness and provide people with the knowledge to prevent crime and avoid risk. These officers will give talks in a variety of forums - schools, Women's Institute meetings and other women's groups - to raise awareness and give guidance on personal safety. Leaflets

entitled "Free from Fear" and "Lady Take Care" have been produced to support this work.

7.2 The Criminal Justice Response

The applicable law

Offences against the person

A wide range of charges may be brought in respect of violent crimes. Such charges include common assault and battery, AOABH, GBH, wounding, manslaughter, murder as well as sexual offences and associated offences such as false imprisonment.

Harassment or putting a person in fear of violence

The Protection from Harassment (Northern Ireland) Order 1997 was introduced as a response to the problem of stalking, but addresses a broader range of problem situations. It creates two new criminal offences and a civil remedy to cover situations where the victim is being harassed. The legislation defines harassment as including alarming or causing distress to the victim.

The first and lesser criminal offence is that of harassment, which occurs where the offender does something which amounts to harassment of the victim on at least two occasions. The defendant can be arrested, and the maximum penalty is a fine of £5,000 or six months in prison. The second, greater offence, is that of putting someone in fear of violence. It occurs where the course of conduct leads someone to fear on at least two occasions that violence will be used against them. The maximum penalty is a term of five years' imprisonment and/or a fine. When it convicts someone of these offences, a court may make a restraining order, prohibiting future harassment, and breach of this order will also be a criminal offence.

The trial process

The victim's role in a criminal trial is often a harrowing one. Under intense questioning in an unfamiliar and intimidating setting the victim must recount the traumatic events of the offence. The following issues are particularly relevant to women victims of violence:

- protection is offered to vulnerable and intimidated witnesses, including the possibility of giving evidence by video-link, with the witness in another room;
- although the defendant can no longer cross-examine a child witness in person (Article 81(b) of the Police and Criminal Evidence (Northern Ireland) Order 1989, as inserted by Article 5 of the Children's Evidence (Northern Ireland) Order 1995), he can still conduct his defence in person and cross-examine an adult victim - including cross-examination as to the details of a sexual assault;
- the judge's consent is now required for the victim of a sexual offence to be cross-examined about her past sexual history, and such questioning must be relevant to the incident in question, not merely to her credibility. However, relevance to issue and to credibility can shade into each other, for example where the issue at stake is consent in a rape case, and the trauma to the victim and prejudicial effect of the questions, as well as the underlying assumptions about a woman's sexual history, all give cause for concern; and
- the requirement that a victim's report of a sexual offence is corroborated was repealed by the Criminal Justice (Northern Ireland) Order 1996, Article 45.

Guidance to DPP and/or police on care of witnesses

In 1998, a Code of Practice for Victims of Crime was issued by organisations and agencies working in the criminal justice sector. The Code

sets out the minimum standards of service that any victim can expect to receive when in contact with those organisations.

In the Code of Practice, it states that the Office of the Director of Public Prosecutions (DPP) will consult with a victim before any trial and this consultation will be properly organised and conducted in a professional manner, with sensitivity, courtesy and understanding. To achieve this, they will make arrangements with the investigating police officer for the victim to attend a consultation, where possible provide a properly equipped and furnished consultation room, explain the purpose of the consultation and the roles of the other people attending, answer any questions a victim may have arising from the consultation and arrange for a female police officer to attend if the victim wishes. After the trial is over, the DPP representative can answer any questions in relation to the verdict.

Both the DPP and the RUC have clear guidance on care of witnesses, and both subscribe to the NIO's Code of Practice for Victims of Crime. The police inform a victim about the progress of the investigation at certain key stages (eg when a suspect has been charged and will appear at a court hearing; when a decision whether to prosecute has been made; when the outcome of the trial is known; when the suspect is not to be taken to court). If a victim contacts the DPP directly, a decision to reduce charges, or not to proceed with a case, will be explained.

The Northern Ireland Court Service leaflet "Witness in Court", provides advice to all witnesses who are required to give evidence in a criminal court. It gives details on court procedures, such as what a witness should do before attending court, what a witness should do on arrival at court, where to sit and advice on giving evidence.

There are certain legal measures which can be taken to assist victims and witnesses. Examples of the measures available include - the use of a television link, the use of video evidence by children, screening of witnesses, witnesses' names and addresses being withheld from court, agreeing witness statements with defence counsel so that the witness need not attend court and ensuring that only those witnesses required to attend are so informed.

The Victim Support Crown Court witness service currently operates in Antrim and Belfast Crown Courts but it is intended that the service will be extended to other Crown Court venues in Northern Ireland. Trained staff and volunteers can arrange pre-trial visits to the courtroom, provide information about court proceedings, accompany the witness into the courtroom and afterwards, offer the opportunity to talk about the experience.

Proposals to improve court procedures

The protection and assistance which may be offered to vulnerable or intimidated witnesses has been considered by a dedicated working group set up in May 1998 and legislation (Youth Justice and Criminal Evidence Bill) is now proceeding through Parliament. The Bill will give the courts a wide range of powers to assist vulnerable or intimidated witnesses as they give evidence, including the power to allow evidence to be given by means of live CCTV link to the court, where this is deemed appropriate. Other measures which the court may sanction include the use of screens, giving evidence in private, use of video-recorded evidence in chief and use of communication aids.

The Bill also contains provisions to prevent defendants from cross-examining their alleged victims in person in cases of rape or serious sexual offences, and to make clearer the limited circumstances in which a victim of such an offence may be cross-examined about her previous sexual behaviour.

Sentencing and punishment

A judge's discretion on sentencing arises in the context of the penalties as set out in the relevant legislation and, in exercising that discretion, account will be taken of all relevant factors.

The 1996 McWilliams and Spence report showed that defendants in domestic violence cases in Northern Ireland appear to receive, on average, more lenient sentences than those charged with the same offence where the victim was a male. In UK sentencing practice, the fact that a crime of violence was committed in a domestic context is not treated as an aggravating factor. Therefore, a domestic assailant is likely to receive a lighter sentence than someone who committed a crime of violence in the context of, for example, terrorism or armed robbery, which in sentencing practice are regarded as aggravating factors.

The Northern Ireland Judicial Studies Board has produced a volume of guideline cases dealing with violent crime, sexual offences and other categories.

Supervision of released offenders

The Northern Ireland Prison Service has a wide discretion, under the provision of the Prison Act 1953 and the Prison Rules, to authorise the temporary release of prisoners. This discretion is exercised in the form of a number of administrative schemes which are designed to help prisoners re-integrate and re-socialise within the community towards the end of their sentences and to meet need in times of bereavement or serious illness within the immediate family at any point in the sentence. All such releases are subject to an assessment of risk - both to the community at large and to the prisoner. Although the Prison Service has no formal system of notification of releases to victims, all temporary and final releases are automatically notified to the police. In the case of sex offenders, police will notify DHSS of releases.

Registration of sex offenders

The Sex Offenders Act 1997, which came into force in Northern Ireland on 1 September 1997, introduced a compulsory register of sex offenders. All convicted and cautioned sex offenders, including those convicted abroad, who have committed an offence covered by the Act must register their name and address with the police and also any change of name or address. This legislation enables closer monitoring of known sex offenders living in the community. Failure to comply with this requirement is punishable by a fine and/or imprisonment for up to six months.

With effect from 1 May 1999, sex offender orders came into force in Northern Ireland under the provisions of the Criminal Justice (Northern Ireland) Order 1998. The police can apply for a sex offender order against any convicted or cautioned sex offender whose present behaviour in the community gives the police reasonable cause for concern that an order is necessary to protect the public from serious harm. It is a civil order, similar to an injunction, and provided the defendant does not breach its terms he will not be affected by it. An order may be made in respect of those not included in the Sex Offenders Act 1997 (ie those imprisoned or released prior to that Act coming into force) and will carry with it a requirement for the person to be subject to the notification provisions contained in the Act, if this is not already the case. Breach of an order without reasonable excuse will be a criminal offence with a maximum penalty on indictment of five years in prison.

7.3 Civil Justice Response

Injunction preventing harassment

A civil remedy is also provided by the Protection from Harassment (Northern Ireland) Order 1997 (the '1997 Order'). A victim may make a claim in civil proceedings (ie a claim for damages) where she has been harassed on at least two occasions.

The court may award damages, but the more important remedy for the victim is likely to be an injunction - a court order restraining the defendant from harassing her. If civil proceedings have been initiated and the court has granted an injunction for the purpose of restraining the defendant from harassing the plaintiff, the plaintiff can, if she considers that the defendant has done anything which he is prohibited from doing by the "non-harassment injunction", apply to the court for the issue of a warrant for the arrest of the defendant.

A defendant will be guilty of harassment or putting someone in fear of violence even if he did not realise that it was likely to cause alarm, distress or fear, so long as a reasonable person would have realised this.

Injunction in assault and trespass proceedings

An alternative remedy under the civil law, which was in fact the only civil route open to victims of violence before the 1997 Order came into operation, is to prove that a tort such as assault or battery has been committed in order to obtain an injunction under the court's general jurisdiction.

B. VIOLENCE WITHIN DOMESTIC RELATIONSHIPS

7.4 Criminal Law

Like any other violent crime, domestic assaults may be prosecuted by the police in the criminal courts. As described earlier, a wide range of charges may be brought.

7.5 Civil Law

Protective remedies before March 1999

The law before March 1999 - other family members

The most common form of legal action taken by the victim in relation to domestic violence was an application for personal protection or

exclusion orders, dealt with below. However, this application was only available to a current spouse or cohabitee. Former spouses as well as other family members, had, until March 1999, to rely on the High Court or County Court's general power to grant injunctions for commission of a tort, such as assault or trespass. Such injunctions do not have a power of arrest attached to them automatically, and enforcement for breach of the order is not undertaken by the police but by the applicant by way of contempt proceedings.

The position of family members other than partners has been improved a little by the fact that they can now take proceedings and the police may prosecute a family member under the 1997 Order.

The law before March 1999 - the Domestic Proceedings (Northern Ireland) Order 1980

Under the Domestic Proceedings (Northern Ireland) Order 1980, which was replaced by the Family Homes and Domestic Violence (Northern Ireland) Order 1998 ('the 1998 Order') in March 1999, a current spouse or cohabitee could apply to a magistrate's court for a personal protection or exclusion order. A personal protection order, of up to two years duration, was available where a partner used or threatened violence against her and it was shown that an order was necessary for her protection or that of a child of the family, and forbade him from molesting them. An exclusion order, of up to six months duration, was available where a partner used or threatened violence against them, or where a personal protection order was breached. It excluded the partner from the matrimonial home or the property where the applicant was living, and could also exclude him from a defined area around the home.

Both personal protection and exclusion orders were renewable. An interim order was also available where emergency protection was

needed before the applicant's partner could be notified of the proceedings. It was valid for up to five weeks. Breach of a personal protection or exclusion order was a criminal offence, punishable by a maximum term of three months imprisonment and/or a fine of up to £2,500. The popularity of the remedies is illustrated by the fact that 2,293 interim and 994 full personal protection orders were made in 1996, along with an almost identical number of interim and full exclusion orders (2,290 and 993).

The new law after March 1999 - the Family Homes and Domestic Violence (Northern Ireland) Order 1998

As the above indicates, the law on protection from domestic violence in Northern Ireland has developed in an ad hoc and piecemeal way, with different remedies being available to different people in different courts, on proof of different criteria, and with different penalties for breach, enforced in different ways. The 1998 Order which came into operation on 29 March 1999, seeks to address these criticisms by replacing the existing legislation with a single code which both improves and extends the protection available. It is a major plank in the Government's initiative to combat domestic violence and goes further than the equivalent English legislation in the protection it offers.

Main features of the Family Homes and Domestic Violence (Northern Ireland) Order 1998

The new legislation offers the protection of a new set of orders to a wider range of applicants than previously. The remedies are available to "associated persons", defined to include spouses, cohabitees, former spouses and cohabitees, engaged and formerly engaged couples, other family members, people who are parents of the same child or parties to the same family proceedings and people who are living together in a relationship which is not purely commercial (this excludes lodgers, but includes for example gay couples or friends sharing a house).

The old personal protection and exclusion orders are replaced by non-molestation and occupation orders. The non-molestation order prevents the perpetrator from "molesting" the applicant. Molestation is not defined in the 1998 Order, but English case-law has held the term to include anything done to vex, harass or annoy the applicant. The court may grant an order whenever it deems it necessary - ensuring that the order is always available to those who require protection. A non-molestation order is available for a specified or unlimited period of time, at the judge's discretion.

The occupation order is available to a spouse, cohabitee or former spouse/cohabitee or to another associated person with a legal interest in the house. It allows the court to exclude a violent person not only from the house but also from a defined area around it. They may also be excluded from any other defined area, such as, for example a school or workplace. In Northern Ireland, the court's discretion to provide the same level of protection to all victims of domestic violence has not been fettered and the nature of a cohabiting couple's relationship must be considered where an occupation order is sought, as has always been the case. An occupation order in favour of someone who has a legal interest in the house may be for a specified or an indefinite period, but the maximum duration for an order in favour of a former spouse, cohabitee or former cohabitee with no interest in the property is twelve months. However, an order may be renewed on an unlimited number of occasions, if it is proved that it is still needed.

Breach of an order made for protective purposes is a criminal offence and the police powers of arrest have been clarified so that an arrest without warrant can be made. The offence will be punishable with a maximum fine of £2,500 and/or a term of imprisonment of three months, the same as that previously available for a breach of a personal protection or exclusion order. The RUC's pro-arrest policy in domestic

violence cases reinforces the fact that a domestic assault is as much a crime as an assault on a stranger.

The 1998 Order amends the provisions of the Children (Northern Ireland) Order 1995 to allow the court, for the first time, to remove a suspected abuser from the family home instead of removing the child under an interim care order or emergency protection order. Although not directly applicable to women, this provision may be of some indirect benefit, by removing a violent family member from the home.

The Children legislation will also be amended so that when the court is considering whether or not to make a residence or contact order in favour of someone who has a non-molestation order made against him, it will have to consider whether the child is at risk of harm as a result of seeing or hearing the ill-treatment of another person if the order is made. The new Article 12A of the Children (Northern Ireland) Order 1995 (as inserted by Article 28 of the 1998 Order) applies where a non-molestation order has been made or the court considers that such an order should be made. This provision, which is not replicated in the equivalent English legislation, was introduced because of the evidence that child contact visits are occasions on which there is a particularly high risk from a violent ex-partner, with resulting detrimental effects on the children.

A provision is included in the 1998 Order to allow third parties to act on behalf of victims of domestic violence, for example, to apply for a non-molestation or occupation order. Further consultation will be undertaken before rules of court are drawn up to specify who can act in this way, what their exact role is to be, and under what conditions they may do so, and this provision has not been brought into force at the same time as the rest of the Order.

The courts already have power to transfer certain tenancies between spouses when they

divorce. This power is extended under the Order to allow a transfer when an occupation order is made, and to give the court equivalent powers in relation to cohabiters.

Those who fall outside the new legislation

Not all those at risk from violence by a person known to them can benefit from the new legislation, as some may be outside the definition of "associated persons", for example women who are being stalked by an ex-boyfriend with whom they never cohabited. However, these people should be able to claim the protection of the Protection from Harassment (Northern Ireland) Order 1997, and the two pieces of legislation complement each other in providing a much more comprehensive and effective range of domestic violence remedies than previously available.

7.6 Other Remedies available to those leaving a violent partner

The financial and childcare aspects of ending a violent relationship are not different in procedure or basic substance from the same aspects of ending any marital or cohabitational relationship. However, the context of violence gives rise to particular problems which are worth mentioning.

Maintenance

A spouse may apply to the magistrates' court for maintenance during the marriage under the Domestic Proceedings (Northern Ireland) Order 1980. Maintenance is available on one of five grounds, including the respondent having behaved in such a way that it is unreasonable to expect the applicant to go on living with him. Clearly, violence will be within this definition. Maintenance can be sought by a spouse at the same time as a non-molestation or occupation order, but a cohabitee may not apply for maintenance. However, both spouses and cohabiters may have a clause inserted in an

occupation order requiring an excluded partner to discharge some or all of the expenses in relation to the property. The 1998 Order makes it clear that these are intended to be referable to the house, and not to be "back door maintenance" for cohabiters.

Maintenance is also available from the High Court or County Court during the marriage. Maintenance pending suit may be awarded between the issue of divorce proceedings and the divorce decree, and maintenance is also available after divorce.

The difficulty with any form of maintenance following a violent relationship may be that a demand for maintenance will exacerbate the situation, and that the respondent will simply refuse to pay. Despite the magistrates' court's more user-friendly enforcement procedures, such as the attachment of earnings order, it may prove near-impossible, or dangerous to obtain maintenance, and women leaving violent relationships will often look to social security, rather than maintenance as their primary source of income when they leave.

Child Support

The Government believes that both parents have a responsibility to maintain their children and the Child Support Agency exists to arrange or collect the appropriate maintenance on behalf of children whose parents live apart. Anyone with care of a child can apply to the Agency for a maintenance assessment from a non-resident parent. Parents with children who apply for certain social security benefits, are required by law to co-operate with the Agency to obtain maintenance unless they can show that to do so would create a risk of them, or any child living with them, suffering harm or undue distress. Should the Agency refuse to accept that there is such a risk, parents can appeal to an independent tribunal. Failure to co-operate without good cause will lead to a reduction in benefit. The Agency is sensitive to the concerns

of parents about confidentiality and will not reveal a parent's address or any information which could lead to that address being discovered. There are no charges for the Agency's services.

Child residence and contact

It is well-documented that handover times on contact visits between violent fathers and their children are among the most dangerous for women who have suffered domestic violence. Social Services and other contact centres (eg Relate/DHSS project at Knock Presbyterian Church) may offer a rally-point service for staggered drop-off and pick-up times. However, since March 1999 the courts in Northern Ireland have to take into account the existence of a non-molestation order, and the risk to a child of witnessing violence to another person, when considering a residence or contact order in favour of the violent parent. This initiative has been taken in other jurisdictions with some, for example, Australia, New Zealand and certain states in the US such as Massachusetts, going further and refusing contact with children to violent fathers.

Separation

The magistrates' court maintenance order discussed above is commonly referred to as a "separation order" in layperson's language in Northern Ireland. Although it does not effect a legal separation, it is sometimes used as proof of separation for an applicant to get priority NIHE rehousing when she leaves her husband. A non-molestation order should have the same effect in indicating that a victim of domestic violence is not voluntarily homeless, and should obtain priority for rehousing.

Judicial Separation and Divorce

Judicial separation is available in Northern Ireland on proof of one of five facts, including the fact that the respondent has behaved in such a way that the applicant can no longer be expected to live with him. Judicial separation does not allow parties to remarry. In the case of divorce, the sole ground is irretrievable breakdown of the marriage, and that fact is one of five ways of proving it. This year, the Office of Law Reform will be conducting a consultation exercise as to whether the ground for divorce should be reformed in Northern Ireland. If the ground for divorce were to be reformed to consist only of a non-fault ground (such as a period of separation), the position of victims of domestic violence would have to be considered.

Criminal Injuries compensation

Subject to certain qualifying conditions, compensation for criminal injuries is available in respect of injuries sustained by the innocent victims of violent offences whether the perpetrators were family members or strangers. Compensation under the scheme, however, may not be payable unless: the person who caused the injury is prosecuted (or there is a sufficient reason why this could not happen); the victim and the perpetrator have stopped living together (unless there are exceptional circumstances which prevent them from ceasing to live in the same household); and the criminal who caused the injury cannot benefit from the compensation paid. This may give rise to difficulties where a woman has not left a violent relationship.

A Guide to Criminal Injuries Compensation in Northern Ireland is available from the Compensation Agency.

8. CONCLUSION

The Government has made a clear and unequivocal commitment to reducing the damaging effects of violence against women. This is in line with action being taken to reduce crime generally, to promote citizenship and family values and to build a responsible and safe society for the future.

This document outlines the broad framework within which the main concerns about violence against women will be considered. It is clear that much good practice already exists. Inter-agency working has proved to be effective and this work must be built on. Future action to tackle violence against women will be based on the principles of preventing such violence wherever possible and providing protection, support and justice for women where violence has occurred.

A number of specific consultation questions follow. In addition to these, we should like to know from all who read it:

- Does it define the problem correctly?
- Does it cover all the relevant issues?
- Are there additional areas which we should be targeting?

The issues involved are complex and the views of all agencies, organisations and individuals who respond to this consultation document will be considered carefully.

26 April 1999

▼ Questions for Consultation

1. What are the current gaps in data recording incidents of violence? What additional statistics should be available?
2. How can gender-disaggregated data and statistics on domestic violence and gender-specific violence be better collected?
3. What methods can be used to increase reporting and accurate recording of (i) sexual assaults and (ii) domestic violence?
4. Should there be one common definition of domestic violence for use by all agencies and what should it be? How can the recording systems of the different agencies be made more compatible?
5. What action can be taken to reduce the high CDP rate for cases of (i) sexual assault and (ii) domestic violence?
6. Are you aware of any research on violence against women which would add to the knowledge of the scale of the problem, solutions or difficulties experienced by those suffering violence?
7. What further research should be commissioned in this area?
8. How can public attitudes to violence against women be changed?
9. Should there be rolling violence against women awareness campaigns targeting different audiences eg perpetrators, victims, the community at large?
10. What role can Government, employers and trade unions play in reducing violence at work?
11. Do City/District Councils have a role to play in the protection of women from violence?
12. Are you aware of effective integrated models of service provision operating in Northern Ireland in the field of violence against women? How should deficiencies in co-ordinating structures be overcome?
13. How should service provision and performance be better monitored, evaluated and reviewed?
14. Should the policy document "Tackling Domestic Violence - a Policy for Northern Ireland" be revised in light of progress made since 1995? Alternatively should any new policy objectives be added?
15. The Regional Forum on Domestic Violence was set up initially for 2 years. A progress report was submitted to the Government in October 1997 with the recommendation that the Forum be invited to continue with its existing remit and membership for a further 2 years. Is there a need for the Forum to continue in its present form after 1999 or would it be more appropriate to have a Regional Forum with a wider remit encompassing all the areas covered in this consultation document?
16. What kind of training and guidance should be provided for professionals (judiciary, police, lawyers, health workers etc) working in the field of violence against women?
17. How should the response of police, medical services, social services, courts and the prosecution system to victims of violence be further improved?
18. What steps do agencies need to take to ensure that women gain or retain a sense of personal control and involvement in action designed to protect them?
19. Are perpetrator programmes effective? Do you know of programmes which have been evaluated with successful outcomes?
20. Should criminal injuries compensation be reviewed (as in England and Wales) to consider larger awards to rape/sexual assault victims and adult survivors of childhood abuse?

Useful Contacts

Northern Ireland Women's Aid Federation

129 University Street

BELFAST

BT7 1HP

Tel: (01232) 249041

24 hour helpline (01232) 331818

Royal Ulster Constabulary Community Affairs

Tel: (01232) 650222

(Ask for local Domestic Violence Officer)

Criminal Injuries Agency

Royston House

34 Upper Queen Street

BELFAST

BT1 6FD

Tel: (01232) 249944

Child Support Agency

Great Northern Tower

17 Great Victoria Street

BELFAST

BT2 7AD

Tel: (01232) 896896

Northern Ireland Housing Executive

Client Services

Adelaide Street

BELFAST

Tel: (01232) 240588

Victim Support

Northern Ireland Regional Office

BELFAST

Tel: (01232) 244039

The Samaritans

Linkline

Tel: (0345) 909090

Rape Crisis and Sexual Abuse Centre

29 Donegall Street

BELFAST

BT1 2EG

Tel: Crisis Line (01232) 249696

Nexus Institute Northern Ireland

119 University Street

BELFAST

Tel: (01232) 326803

Also

38 Clarendon Street

LONDONDERRY

Tel: (01504) 260566

Relate Marriage Guidance

76 Dublin Road

BELFAST

Tel: (01232) 323454

Accord

Catholic Marriage Counselling Service

Administration Office

56 Lisburn Road

BELFAST

Tel: (01232) 233002

Alcoholics Anonymous

Central Service Office

152 Lisburn Road

BELFAST

Tel: (01232) 681084

Gamblers Anonymous

100 Great Patrick Street

BELFAST

Tel: (01232) 249185

Also

The Resource Centre

Carnhill

LONDONDERRY

Tel: (01504) 351329

Citizens Advice Bureau

Regional Office

11 Upper Crescent

BELFAST

Tel: (01232) 231120

Action on Elder Abuse helpline

Tel: (0800) 7314141

Glossary

AOABH	Assault Occasioning Actual Bodily Harm
CCEA	Council for the Curriculum, Examinations and Assessments
CCTV	Closed Circuit Television
CDP	Complainant Declined to Prosecute
CID	Criminal Investigation Department
CARE	Child Abuse and Rape Enquiry
DOE(NI)	Department of the Environment for Northern Ireland
DHSS	Department of Health and Social Services
DVO	Domestic Violence Officer
DPP	Director of Public Prosecutions
EMU	Education for Mutual Understanding
GBH	Grievous Bodily Harm
HPSS	Health and Personal Social Services
HSENI	Health and Safety Executive for Northern Ireland
NIO	Northern Ireland Office
NIR	Northern Ireland Railways
NHS	National Health Service
NIWAF	Northern Ireland Women's Aid Federation
NIHE	Northern Ireland Housing Executive
NGOs	Non-Governmental Organisations
PBNI	Probation Board for Northern Ireland
RCN	Royal College of Nursing
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
RUC	Royal Ulster Constabulary
UN	United Nations