

Report on Northern Ireland
International Juvenile Justice Observatory

**‘Managing Victims and Witnesses of Crime in Northern
Ireland’**

**‘Listen to the child-Justice befriends the
child’ JUST/2013/JPEN/AG/4601**



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Introduction

The **International Juvenile Justice Observatory (IJJO)** is an international Foundation of Public Interest based in Brussels (Belgium). Since its inception in 2002, the core mission of the IJJO is to defend the rights of children and juveniles in conflict with the law and at risk of social exclusion, including victims and witnesses of crime; to improve juvenile justice systems and public policies in the world; guarantee the implementation of international standards adopted by the United Nations and conduct the exchange of innovative best practices in the field. The IJJO's activities cover all phases of action in the process of violence, from citizen security policies, social prevention of situations of risk and violence, and the administration of justice to children and young adults, to crime and penitentiary policies designed to achieve effective social integration and entry into the labour market. The Observatory's main lines of action include research and innovation; cooperation and technical assistance; training and professional development; generation and management of innovation; awareness and advocacy.

Launched by the IJJO in 2009, the **European Council for Juvenile Justice (ECJJ)** is a network of juvenile justice institutions and experts coming from the twenty-eight Member States of the European Union. Managed from Brussels, the ECJJ produces outstanding initiatives and research thanks to the management and support of the IJJO's secretariat and coordination. It acts as a pool of institutions composed of public administrations, civil society and universities mainly, providing and sharing knowledgeable inputs in the field of juvenile justice to assist European institutions (COE, EC, FRA among others) and policy makers in developing inspiring initiatives such as research, capacity-building and advocacy work aiming to improve the effectiveness of juvenile justice policies based on evidence. The Social Activities and Practices Institute (SAPI) is member of the ECJJ since 2012.

The International Juvenile Justice Observatory works not only to promote the rights of the children and young people in conflict with the law, but also aims to guarantee the promotion of rights of children victims of crime. IJJO believes that children victims of crime are particularly vulnerable, either through their personal characteristics or through the circumstances of the crime and should benefit from measures tailored to their situation. Therefore, one of the core missions of the organization is the establishment of the fair, effective and humane criminal justice system that respects the fundamental rights of suspects and offenders, as well as those of victims, and that is



based on the principle that victims should be adequately recognized and treated with respect for their dignity.

Recently, the IJJO has been engaged into the following activities regarding the protection of the children victims of crime:

1. Meeting of Experts on the level of implementation in the different Member States of the Council Framework Decision 2001/220 / JHA - European Commission, on 18 and 19 February 2010. The International Juvenile Justice Observatory was invited to this meeting to address the specific problem of minor victims in court cases.
2. Report '*Speaking Freely*'- ¹ violence against minors in detention.
3. Project '*Ending Violence against Children in Custody*'².

The IJJO has also developed the initiatives for the protection of child victims, in particular the protection of **rights of victims during criminal proceedings, prevention of violence on children in custody** and **prevention of child trafficking**.

The positions and the priorities of IJJO in order to improve the situation of **victims during criminal proceedings** include:

1. Interventions in order to reduce excessive delays and pending trial, as it may cause overwhelming emotional and psychological harm for the minor victim.
2. Solve the lack of experts (including psychologists) dealing with child victims in court.
3. Development of specific protection frameworks specialized for vulnerable groups of victims, to avoid a second victimization – the cases when the child victim is confronted with the offender during his/her testimony are of major concern.

For the prevention of **violence on children in custody** the IJJO has the following initiatives:

1. Project '*Speaking Freely*': Political and legal analysis project intended to directly involve young people that have experienced detention in the research and advocacy activities.
2. Project '*Ending Violence against Children in Custody*' : project, designed to collect the data regarding the violence in detention in 5 European countries: Austria, Romania, Cyprus, England, Netherlands. An advocacy activity was also conducted during the project.

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http://www.crae.org.uk/media/29853/speaking_freely_ending_violence_against_children_in_custody_european_research_report_condensed.pdf

² <http://www.violencefreecustody.org.uk/>



Finally, the initiatives of the IJJO in order to stop **child trafficking** include:

1. Definition of common standards that ensure the collection of sufficient and coordinated data to deal with a complex problem.
2. The best interests of the child should be a primary consideration for the Community legislation on child victims of trafficking.
3. The implementation of the legislation should be monitored on the regular basis



I. Project 'Listen to the Child – Justice Befriends the Child'

International Juvenile Justice Observatory has been engaged in the project initiated by **Social Activities and Practices Institute** of Bulgaria in collaboration with **FONPC** (Romania), **'Il Fiore del deserto'** (Italy), **'La Voix de l'Enfance'** (France) entitled **'Listen to the Child – Justice Befriends the Child'**. The project aims at improving the situation of child victims or witnesses of crime involved in legal proceedings through the introduction of an integrated approach towards children, based on the personalized assessment of their specific needs and which point of reference is the child's best interest. In particular, the objectives of the project are:

- Create specialized child-friendly interviewing premises;
- To train a national specialized interviewing team;
- Create a sustainable program for continuing education for magistrates at the National Justice Institute;
- Introduce to the curriculum training program for the police officer;
- Propose Standards for hearing child victims or witnesses of crime involved in legal procedures.

The project is important for Bulgaria and Romania where there is an ongoing policy reform of justice systems, regarding the differentiation of juvenile justice systems, more attentive to respect the specificities of the children involved in legal proceedings.

Expected Results:

A major outcome will be a first time formation, of a common approach, clear methodology and model for unifying the various psycho-social, medical, and legal researches in a holistic child assessment. One of the goals is demonstrate through its products opportunities for basing different intervention (judicial, protection and rehabilitation) on holistic assessment and the child's best interest.

Another important goal is to prevent secondary victimization thanks a multidisciplinary approach, for building this goals a group of expert will produce specific work instruments, such as an educational toolkit (guidebook and training movie). All the materials will be made available in five languages. The project will advance the improvement of multidisciplinary and integrated practices as well as conceptualizing the practices around the child in all partner countries, as well as European Union level. An important goal is to contribute to the overall elimination of the 'competency to testify' assessment that is present in Bulgaria and Romania.



II. Legal Framework for Managing a Victim or a Witness of Crime in Northern Ireland

Over the past two decades in Northern Ireland there have been a raft of legislative and policy initiatives aimed at ensuring that child witnesses are able to give their best evidence and receive the support they need. Key amongst them has been:

- the Children's Evidence (Northern Ireland) Order 1995, which allows for witness evidence by children to be given via video link and bars defendants from cross-examining child witnesses personally;
- the Criminal Evidence (Northern Ireland) Order 1999 which makes provisions for physical measures to reduce the stress of children giving evidence at trial, such as informal dress, screening of witnesses from the accused, live link CCTV and the use of pre-recorded interviews.
- Other developments have included: publication of a Code of Practice for Victims of Crime (NIO, 1998) and setting up the Vulnerable or Intimidated Witnesses Steering Group (VIVW).

The VIVW has a central role in managing cross-agency issues impacting on victims and witnesses across the criminal justice system and is responsible for coordinating key areas of service development and delivery. The Victim and Witness Steering Group is a sub-group of the Criminal Justice Board for Northern Ireland and is chaired by the Department of Justice. It is made up of representatives from the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, Northern Ireland Courts and Tribunals Service, Northern Ireland Prison Service, Probation Board for Northern Ireland, Youth Justice Agency of Northern Ireland, Victim Support Northern Ireland and the NSPCC (National Society for the Prevention of Cruelty to Children). The steering reviews the outcomes of the Northern Ireland Victim and Witness Survey to get victims' views on the criminal justice system; reviews the feedback and complaints received to identify common problems, and take necessary action to improve performance; ask Victim Support Northern Ireland and the NSPCC for feedback they have received from victims; and give the Criminal Justice Board updates on performance.

Northern Ireland Office (2007) also launched a five-year victim and witness strategy, 'Bridging the Gap', with the aim of enhancing the victim and witness experience of the criminal justice system by improving service delivery. Developments have included: publication of a crosscutting Victims' Code of Practice (DoJ, 2011b) revision of 'Achieving Best Evidence' guidance to include guidance on the



provision of pre-trial therapy (DoJ, 2011a) and plans to introduce intermediaries to Northern Ireland as a matter of priority. 'Co-operating to Safeguard Children' (DHSSPS, 2006) gives the legal framework of child protection in Northern Ireland and underlines the role and responsibilities of many professional agencies.

Sexual Violence

In Northern Ireland key policy developments have included the publication of the joint DHSSPS and NIO (2008) strategy '*Tackling Sexual Violence & Abuse: A regional Strategy 2008–2013*' and the associated actions plans which have been developed and taken forward by sub-groups of the Inter-departmental Group on Preventing Sexual Violence. The aim of this regional strategy is to 'implement an effective, collaborative and cohesive approach to tackling and reducing sexual violence and abuse'. A major element of the support component of the strategy is to provide a sexual assault referral centre (SARC) for Northern Ireland. It is planned that this new facility will be located in the Antrim Area Hospital and will provide services to children and young people as well as adults. It is hoped that the development of a SARC in Northern Ireland will provide a supportive environment for victims, which may subsequently be used to assist in the successful prosecution of offenders.



III. The Process and the Main Aspects of the System as to Managing Victims or Witnesses of Crime in Northern Ireland

A number of organizations and agencies are involved in managing victims of crime in Northern Ireland, first and foremost **Police Service of Northern Ireland (PSNI)**. The crime can be reported to the police in various ways through the emergency number, number for non-urgent matters, alternatively, information can be given anonymously to the independent charity Crimestoppers or third-party reporting – if the victim do not want to report the crime, someone else can report it for him/her. Police Service also gives an opportunity to victims of crime to report the crime with written statement or through a video recorded statement. When the crime has been reported, the Police Service of Northern Ireland gives the victim a Victim Information Card which provides the victim of crime with Crime Reference Number, the name and contact details of his/her investigating officer and where they are stationed. Police also provides the victim with the leaflet 'Information for victims of crime'.³ Such leaflet includes the contacts of the police (phone number and the web-site), contacts of Victim Support organizations in Northern Ireland, information about the procedure in the court, information about the possibility of further support after the trial and information about compensation. Providing information to the victims of crime from the first interaction is in full compliance with the Article 4 'Right to receive information from the first contact with a competent authority' of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The Police Service also tells the victim of crime details of the PSNI Contact Management Support Unit which the victim of crime can contact if his/her investigating officer is unavailable. If the crime is serious or sensitive, then a detective may be appointed to investigate. The police also have specially trained officers to deal with specific crime such as sexual crime, hate related incidents and domestic violence. The victim of crime is able to speak to an officer of the same sex if she/he wishes. In cases, where the victim has difficulty understanding English, or if he or she is deaf or hard of hearing, an interpreter will be called to assist. Such practice of taking into account the need of victim who do not understand or speak the language of the criminal proceeding and providing the victim with the interpreter is in full compliance with the Article 7 'Right to interpretation and translation' of the

³ http://www.nidirect.gov.uk/information_for_victims_of_crime_leaflet_-_january_2012.pdf?rev=1



DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Police Service of Northern Ireland updates the victim within 10 days of what we they are doing to investigate the crime and if there has been a significant change regarding the investigation e.g. when someone has been arrested for the offence or has been charged to appear in court, which is in full compliance with the Article 6, Paragraph 1 and 2 'Right to receive information about their case' of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

In case of murder, manslaughter or road death, the Police appoints a Family Liaison Officer to manage communication between victim and the police investigation team. In case of child abuse or rape, the case of victim is investigated by a specialist team. When the victim applies for compensation, the Police Service of Northern Ireland gives the necessary information to the Compensation Agency and issues the relevant certificates as soon as possible. When the police have a suspect for an offence and the identity of that person is in dispute, they may wish to carry out an identity procedure. In this case, the victim is asked to pick out the person who he or she thinks committed the alleged offence. In order to carry out the identification procedure the police frequently uses one of several methods including a process known as Video Identification Parade Electronic Recording - commonly known as 'VIPER'. This means that the identification procedure is prepared in the form of a DVD disc and is shown to the victim by the police officer on a laptop or computer. The advantage of this electronic process is that the victim can view the DVD disc in places other than the police station.

After the crime has been reported and during the investigation procedure, the **Police Service of Northern Ireland** puts the victim of crime in touch with **Victim Support Northern Ireland** -a charity providing support to people who are victims of or have witnessed crime. The organization also gives the possibility for victims of crime to get in touch with them prior to contacting the police and provides the emergency numbers of National Supportline and local Victim Support NI office on their web-site. Victim Support NI provides the services free of charge and does not take a percentage from any award made. Ensuring the access to the victim support services which are free of charge corresponds to the Article 8 and 9 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT



AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

All **Victim Support Northern Ireland** staff and volunteers are carefully selected and offer the following services:

- The opportunity to speak to them in confidence about one's experience.
- If the victim experienced a violent crime, give the information, advice and support through the Criminal Injury Compensation process.
- If the victim has to attend court, Victim Support Northern Ireland accompanies the victim throughout the process.
- Gives a victim an opportunity to visit a court before the trial, and explain what happens in court.
- Arrange a separate waiting area for the victim at the court
- After the trial has ended, Victim Support Northern Ireland continues to support the victim.

Victim Support NI also has information about other organisations offering help, such as counselling, and gives contact details to the victims of crime if they would find that helpful. This information can also be found on their website.

At the same time, the **NSPCC Young Witness Service** provides support and information for children and young people under the age of 18 who may have to give evidence in court, either as a victim or as a witness. The service also aims to help parents and carers support their child through the court process. NSPCC Young Witness Service usually offers support and information before, during and after trial, including the opportunity to see the court before the trial and to practise speaking on the TV-link equipment where this will be used at trial. The Agency also assesses the needs of the witness or victim and works with other criminal justice agencies to meet those needs, as provided by the Article 22 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA which obliges the Member States to ensure that victims of crime receive assessment in order to identify the specific protection needs. At trial, the Young Witness Volunteer, or in their absence the Young Witness Worker is available to accompany the young witness into the court or TV link room. Post-trial follow-up aims to provide debriefing for the young witness and his/her parents/carers, and addresses onward referral (particularly for counselling or post-abuse treatment work). The Service also provides the court with



information about the needs, wishes and feelings of the young witness. Currently NSPCC are drafting assessment documents which, if ratified by court users, will inform the court of the child's capacity, vulnerability and needs.

Both the Witness Service and the Young Witness Service are available in all courts.

The Public Prosecution Service for Northern Ireland is the main prosecuting authority for Northern Ireland and it is committed to making sure that the best interests of the victim or witness of crime are taken into account as far as possible. In all cases, the Public Prosecution Service for Northern Ireland writes the victim of crime when they have made a decision on whether or not to prosecute. If they have decided not to prosecute, they will tell the victim why. In more serious cases, they give the detailed reasons for that decision. In all cases the victim can ask for detailed reasons to be given or ask to meet with the decision maker in the case. If the Public Prosecution Service for Northern Ireland decides not to prosecute, and the victim does not agree with that decision, he or she can ask them to review it, which is in full compliance with the Article 11, Paragraph 1 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA . It can be done directly or through a nominated representative (for example, a family member, solicitor, support group or public representative). If the Public Prosecution Service for Northern Ireland decides to prosecute, the case will go to court. The victim has to give evidence if this is necessary to prove the case. The Public Prosecution Service for Northern Ireland will give a victim the information about coming to court to give evidence.

Where appropriate, the Public Prosecution Service for Northern Ireland applies for court orders, such as a Compensation Order (an order which requires the defendant to pay compensation to the victim) or a Sexual Offences Prevention Order (to protect the victim from serious sexual harm from the defendant). For certain serious offences, if the Director of Public Prosecutions considers that a sentence given in the Crown Court is unduly lenient (not strict enough) he or she may refer the case to the Court of Appeal. During the trial the victim has an opportunity to give a statement to the court to describe what effect the crime has had on him/her, for example emotionally, medically, physically, socially (such as any resultant relationship difficulties) or financially. This is called a victim impact statement and it can be presented to the judge before sentence is passed.

Once the trial is over, the victim may still need a support or an explanation of certain parts of the case and therefore, has a possibility to contact the police investigating officer, Public Prosecution



Service or Victim Support. The victim can also obtain the information about when the offender of his/her case is due to be released from prison or hospital (or, if they have been given a supervised sentence, the terms they have to keep to) he or she can contact the Northern Ireland Prison Service, the Probation Board for Northern Ireland or the Mentally Disordered Offenders' Unit, the Department of Justice. A victim can receive details of:

- periods of temporary release granted to the offender;
- the month and year in which the offender is expected to be released from custody;
- any conditions of their release; and
- any breaches of those conditions which would result in the offender being returned to custody.

Receiving the information and details about the release/escape of the offender is in full compliance with the Article 6, Paragraph 5 'Right to receive information about their case' of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

A victim or a witness of a violent crime can qualify for compensation under the NI Criminal Injuries Compensation Scheme 2009. The Compensation Agency deals with three main types of compensation: criminal injuries; criminal damage; and compensation covered under the Justice and Security (NI) Act 2007.

To qualify for criminal injuries compensation the victim or witness should report the injury to the police as soon as possible. They must also tell the police all that they know about how the injury happened and co-operate with them and in any prosecution. The initial decision taken by the Compensation Agency can be reviewed. This review will also be carried out by Agency staff. Local Victim Support office can provide victims and witnesses with help, information and ongoing support throughout the criminal injury compensation claim process. They can assist them complete the application form, help with any subsequent review application and, if an appeal is submitted, they are able to represent them at the appeal hearing.

To qualify for criminal damage compensation the victim or witness must, within 10 days of the damage happening, serve a Notice of Intention to apply for compensation on the Department of Justice and the local police. They have to make the actual application within four months. This may be extended to a maximum of six months on written request to the Compensation Agency. They may also claim compensation for loss or damage suffered as a result of action taken under the Justice and





Security (NI) Act 2007. The Compensation Agency has published guidance on the different schemes and victims can get this information from the Agency, any police station or their local Victim Support office. A court can order a defendant to pay the victim a compensation if they are found guilty of a crime against victim or victim's property. However, the victim has to give the police full details of the loss.



IV. Specific Procedures for Children Victims of Crime and the Main Differences from Procedures for Adults

Whilst a range of professionals are responsible for the provision of services to families, the role of investigating child abuse allegations ostensibly falls to social services and the police. 'Co-operating to Safeguard Children' provides the policy framework for child protection in Northern Ireland and outlines the roles and responsibilities of various agencies and professionals. Where there is reason to believe that a child may be suffering, or is likely to suffer, significant harm, it is the duty of health and social care trusts to make enquiries to help them decide on action needed to safeguard or promote the child's welfare. Investigation will involve conducting an initial assessment and liaising with the family and key professionals to assess the children's need for support and/or protection. In some instances, this may involve bringing public law proceedings under the Children Order (NI) 1995 to remove children from the care of their parents. Where there is suspicion that a crime against a child has been committed, social services must inform the police.

The police have a duty and responsibility to investigate criminal offences committed against children. Their role is to:

- find out whether a crime has been committed;
- identify those responsible; and
- secure the best possible evidence for criminal proceedings.

Although differing in focus, the functions of police and social services are complementary. The police, together with social services, have responsibility for investigating allegations of child maltreatment. Depending on the nature of the allegation, they will either work together with social services to jointly investigate or will investigate a suspected criminal offence as a single agency. Current guidance suggests that almost all sexual offences and allegations of serious physical abuse and neglect necessitate police involvement, while cases which involve purely emotional harm and less serious forms of physical abuse and neglect are normally dealt with by social services only.

Victims or witnesses under the age of 18 are entitled, subject to the discretion of the court, to certain special measures when being interviewed or giving testimony in court. The police should explain to the victim/ witness about special measures and ask which ones they want. The prosecutor must also know which measures the victim/witness wants to apply to the court for and is responsible for making an application to the court. The court must satisfy itself that the special measure or



combination of special measures is likely to maximise the quality of the witness evidence before granting an application. Whilst these measures are focused on achieving best evidence they nevertheless also help protect the victim/ witness from secondary victimisation. There is a presumption that all child victims/ witnesses will give the evidence in chief by a videorecorded statement and any other evidence by live link unless the court is satisfied that this will not maximise the quality of the child's evidence. The child can opt out, provided the court is satisfied that not giving evidence in that way will not diminish the quality of the child's evidence. Where a child witness does opt out, there is a presumption that the child will give evidence from behind a screen. This presumption does not apply if the court considers it would not maximise the quality of the child's evidence. The child can opt out if the court agrees based on the application of the prosecutor. In coming to a view about video-recorded evidence-in-chief children and/or the carers who have parental responsibility for them should be given enough information for them to come to an informed decision. Where a video recorded interview is made before a child victim's/ witness' 18th birthday, the witness is eligible for video recorded evidence in chief and live link special measures directions after his/her 18th birthday.

A short summary of the available special measures for child victims/witnesses of crime is provided below:

- screens around the witness box to prevent the victim from having to see the defendant and the defendant from seeing the victim. However, the victim is still seen by the judge, jury, lawyers and barristers and, in some courts, the public gallery.
- giving evidence via a live TV link outside the courtroom – the victim can see the courtroom and people in the courtroom, including the defendant, can see the victim on a television screen
- giving evidence in private - members of the public and the press can be excluded from the court in some cases
- judges and barristers removing their wigs and gowns in the Crown Court to make the proceedings seem less intimidating
- a video recorded interview with the victim before the trial to be admitted by the court as the evidence - a live link or screen can be used when you are cross-examined by the defence a communicator or interpreter;
- Examination through an intermediary appointed by the court ;
- Evidence given in private in sexual offence cases and cases involving intimidation ;



- Aids to communications for overcoming physical difficulties with understanding or answering questions such as alphabet boards;

One of the special measures provides for vulnerable victims and witnesses, including children, to be examined through an intermediary. In implementing this special measure, both the Ministry of Justice and the Department of Justice have established formal Registered Intermediary schemes. Registered Intermediaries are professionals with specialist skills in communication. They are recruited and selected by both government departments and complete accredited training. Registered Intermediaries are subject to Codes of Practice and Ethics, and have a Procedural Guidance Manual to follow. Their function is, following an assessment of the victim/witness, to facilitate communication during the police investigation and at trial between the victim/witness and others in the criminal justice process, such as police officers and advocates. In addition to these special measures, other provisions exist to help children achieve their best evidence. For example, the defendant may not cross-examine the child in person and there are restrictions on evidence and questions about complainants' sexual behaviour. Achieving best evidence guidance also highlights that active consideration should be given to the location of the interview and the layout of the room in which it is to take place. Providing special measures for intimidated or vulnerable victims corresponds to the Article 23, Paragraph 3 of the DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

Children as vulnerable or intimidated witnesses can also receive social support at all stages of the investigation. The Achieving Best Evidence guidance identifies three distinct roles for witness support. They are:

- Interview support provided by someone independent of the police, such as a friend or relative, but not necessarily so;
- Pre-trial support provided to the witness in the period between the interview and the start of any trial; and
- Court witness support from a person who may be known to the witness, but who is not a party to the proceedings. Support may also be given during live link testimony. Amendments to the special measures legislation made by the Coroners and Justice Act 2009 and the Justice Act (Northern





Ireland) 2011 include provision for a supporter to be present when a vulnerable or intimidated victim/witness is giving evidence in the live link room.



V. Data and Statistics on the Number of Children Affected, as Victims or Witnesses

Number of children affected, as victims or witnesses, within the last three years.

627 Young Witnesses Supported from 1 April 2011 – 31 March 2012,

Victims	370	5-9 Years Old	22	Female	186	Sexual Offence	80
		10-13 Years Old	66	Male	184	Physical Offence	237
		14-17 Years Old	276			Other Offence	53
		Over 18 Years Old	6				

Witnesses	257	5-9 Years Old	6	Female	136	Sexual Offence	21
		10-13 Years Old	34	Male	121	Physical Offence	146
		14-17 Years Old	213			Other Offence	90
		Over 18 Years Old	4				

776 Young Witnesses Supported from 1 April 2012 – 31 March 2013

Victims	448	5-9 Years Old	17	Female	202	Sexual Offence	38
		10-13 Years Old	74	Male	246	Physical Offence	294
		14-17 Years Old	343			Other Offence	116
		Over 18 Years Old	14				

Witnesses	328	5-9 Years Old	7	Female	167	Sexual Offence	31
		10-13 Years Old	49	Male	161	Physical Offence	207
		14-17 Years Old	268			Other Offence	90
		Over 18 Years Old	4				

632 Young Witnesses Supported from 1 April 2013 – 31 March 2014

Victims	360	5-9 Years Old	15	Female	183	Sexual Offence	77
		10-13 Years Old	65	Male	177	Physical Offence	218
		14-17 Years Old	277			Other Offence	65



		Over 18 Years Old	3				
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Witnesses	272	5-9 Years Old	5	Female	145	Sexual Offence	38
		10-13 Years Old	40	Male	127	Physical Offence	178
		14-17 Years Old	223			Other Offence	56
		Over 18 Years Old	4				

Type of violence they are affected by

In Northern Ireland, the PSNI records data on crimes committed against children and adults across a range of offences. Analysis of violent crimes against children recorded by the PSNI (sexual offences, offences against the person and crimes with a domestic motivation) shows that children account for a significant proportion of victims (Bunting, 2011). Between 1 April 2008 and 31 March 2010:

- 63,325 sexual offences and offences against the person were recorded by the PSNI, 19% of which (11,927) involved children and young people aged 0–17 years as victims;
- Of the 11,927 violent offences involving child victims, 18% were sexual offences (n=2194) and 82% offences against the person (n=9733);
- Sexual offences against child victims represented 56% of all sexual crime;
- Offences against the person involving child victims represented 16% of all offences against the persons.



VI. Assessment of Needs of the Child Victim/Witness of Crime

Informing the child about his/her rights at the assessment process

In Northern Ireland all victims and witnesses are provided with a range of information on their rights and on the progress of the case from the moment they report a crime and throughout criminal proceedings including after judgment and sentencing. Details on what information should be provided, when the information should be provided and by whom are all set out in the Victims' Code of Practice for victims and in the Witness Charter for witnesses⁴³. There are no specific provisions relating to children, so a child has the right receive the same information as an adult witness or victim. Nor are there provisions on how this information should be provided to a child. In Northern Ireland work has also commenced on the development of a statutory Victim Charter. The Charter will set out how victims of crime should be treated and the standards of service to be provided by the organisations in the criminal justice system. It will set out clear milestones for the provision of information, how it will be provided and by whom. A Witness Charter will similarly be brought forward during the period of the new five year victim and witness strategy (2013-18).

Legal framework of assessment of child's needs

A victim or witness under 18 is automatically regarded as being vulnerable and therefore eligible to be considered for special measures. The primary focus of such measures is achieving high quality evidence during interviews and when providing testimony in court, though they inevitably help to protect the child's welfare as well. In implementing special measures a raft of policies and guidance have been developed to assist criminal justice professionals in identifying, assessing and supporting vulnerable witnesses. Key amongst these is:

- 'Achieving Best Evidence in Criminal Proceedings : Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy' (CJSNI, 2012) developed by the Department of Justice⁴ provides recommendations on how to plan and conduct the interviews with children and vulnerable and intimidated victims or witnesses of crime. It also provides detailed description of different categories of vulnerability together with prompts and behavioural indicators which can be used to identify different witness group.
- Victims' Code of Practice (DoJ, 2011) sets out victims' rights and agency obligations.

⁴ http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/abe_2012.pdf



- 'A guide to Northern Ireland's criminal justice system for victims and witnesses of crime' (DoJ, 2010).
- Victim's Charter (DoJ, 2014) - The Charter sets out the entitlements and services that victims of crime in Northern Ireland can expect to receive from a range of service providers. It will be placed on a statutory footing in late 2015.

General factors explored via an assessment prior to interview include:

- The child's preferred name/form of address;
- The child's ability and willingness to talk within a formal interview setting to a police officer, children's social care worker or other trained interviewer;
- An explanation to the child of the reason for an interview;
- The ground rules for the interview;
- The opportunity to practice answering open questions;
- The child's cognitive, social and emotional development (e.g. does the child appear to be 'streetwise' but in reality has limited understanding?);
- The child's use of language and understanding of relevant concepts such as time and age (as a general rule of thumb, an intermediary may be able to help improve the quality of evidence of any child who is unable to detect and cope with misunderstanding, particularly in the court context, i.e. if a child seems unlikely to be able to recognise a problematic question or tell the questioner that they have not understood, assessment by an intermediary should be considered);
- Any special requirements the child may have (e.g. do they suffer from separation anxiety or have an impairment? Are they known to have suffered past abuse, or to have previously undergone an investigative interview?);
- Any apparent clinical or psychiatric problems (e.g. panic attacks, depression) that may impact upon the interview, and for which the child may require referral for a formal assessment; and
- An assessment of the child's competency to give consent to interview and medical examination.

In case of vulnerable or intimidated witnesses or victims, the police aims to identify their needs and pass the information about identified needs to the Public Prosecution Service so they can continue to support the victim.

The police are the key criminal justice agency responsible for witness care. At the point of statement police officers are required to complete an initial needs assessment for each civilian victim and witness with the aim of providing a snapshot of victim and witness needs at the earliest stage,



triggering relevant support and assisting the charging prosecutor's decision. Post charge the Witness Care Unit has primary responsibility for victim and witness care. As well as criminal justice agencies, the witness may also be involved with a range of other voluntary and statutory organisation, depending on the nature of their needs and/or the offence. Where police or WCUs have identified a witness as vulnerable they can refer on to support agencies such as Victim Support or Witness Services. However, recognition of specific needs of the witness in relation to their vulnerability will be based on police/WCU identification of vulnerability as well as the quality information of shared with support agencies.

Contact person a child victim or witness of crime can address in case of confusion or anxiety.

NSPCC Young Witness Service provides support and information to young prosecution witnesses and children victims of crime, in criminal cases, in accordance with Children's Evidence Order. The Service gives an opportunity for children to contact trained volunteers, qualified Young Witness Worker or professional counsellors with backgrounds in jobs like teaching, healthcare and social work.



VII. Examples of Best Practices in Providing Support to Victims of Crime and Violence in Northern Ireland

1. A Multi-Agency Risk Assessment Conference

A Multi-Agency Risk Assessment Conference (MARAC) is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, as well as housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a co-ordinated action plan. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other fora to safeguard children and manage the behaviour of the perpetrator. At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is represented by an IDVA who speaks on their behalf.

The MARAC Model

The primary focus of the MARAC is to safeguard the women survivors of abuse, while linking with other agencies to safeguard children and manage perpetrator behaviour. High-risk domestic violence is a pattern of abuse, which presents a risk of serious harm or homicide; approximately 10 percent of all domestic abuse in Northern Ireland results in serious harm and death. Only high-risk cases are referred to the MARAC given limited resources. Organizations are legally able to share information on high-risk cases, through the Information Sharing Protocol, which aims to facilitate the exchange of information for the purposes of prioritizing the safety of the domestic violence survivors and their children. Coordinated action planning is an important way of reducing the potential danger to high risk survivors and improving the safety of other family members, especially children. As every case is different, the representatives present at the MARAC discuss each situation and identify appropriate actions accordingly, which often fall within the scope of the respective mandates of the participating agencies.

Typical actions might include :

All agencies: Identifying high-risk victims through files so they can provide an enhanced and responsive service in the event of an incident.



Police: Placing the survivor's home on 'cocoon watch' (a measure established with a victim's consent), where immediate neighbours or those with a direct view of a woman's home watch the property to prevent the risk of future trespassing or contact from the perpetrator. Any suspicious activity is communicated to a local police officer responsible for taking further action against the perpetrator if required. Other crime prevention measures include increasing the security of a building or a survivor's home to prevent further attacks; or providing panic alarms.

Health: Ensuring that the survivor is separated from the perpetrator during medical visits so that health care workers can provide confidential treatment and support to women and girls.

Independent Domestic Violence Advisors (IDVAs): Providing women an update on the actions to be taken by the MARAC where safe; providing ongoing psycho-social support; assisting survivors to attend legal, medical and other appointments; seek legal assistance; identify new housing and education or employment opportunities; follow-up coordination and communication with all agencies; ongoing risk assessment with survivors; and providing updates on repeat victimization to the MARAC.

Children and Young People's Services: Agreeing to undertake an initial assessment of children involved in MARAC cases as appropriate; making referrals to children and adolescent mental health services; and providing additional support to the family. **Housing Authorities:** Assisting survivors to find alternative accommodation; processing applications for housing benefits and services for the homeless; and implementing safety devices on the home property.

Education Administrators: Sharing information with appropriate staff to support children effectively; and monitoring school performance and behavioural issues. **Probation:** Using information from MARAC for pre-sentence report writing.

Adult services: Making referrals to vulnerable adult teams and/or non-governmental organization support.

Shelter: Providing safe accommodation; and providing ongoing psycho-social, legal, referral and other support.

Drug and Alcohol team: Fast tracking access to specialist services and support.

Structure and Process

Cases can be referred to a MARAC by any frontline agency that has agreed to the Information Sharing Protocol and has undertaken a risk assessment with a survivor that determines the case meets the high-risk threshold. CAADA developed risk identification tool for determining high-risk cases,



although the police and health professionals also refer high-risk survivors to the MARAC. MARACs are chaired by the Detective Inspector of the Community Safety Unit of the local borough police. The local borough police usually have a dedicated MARAC coordinator or a Domestic Violence Project Officer, who is responsible for the coordination of the MARAC partnership and administration of the monthly meetings. Independent Domestic Violence Advisors are trained specialists responsible for case management of all MARAC cases, liaising and providing a single point of contact between victims and the MARAC partner agencies, with a focus on ensuring the safety of survivors. A variety of organizations supporting domestic abuse survivors may have an independent advisor who works directly with survivors to assess the level of risk they are facing, provides advice and support by discussing the range of options available to them and helps develop coordinated safety plans. Independent advisors often work very closely with the police. During MARAC meetings, relevant information regarding each case is shared, options for increasing the safety of the survivor are discussed, and a coordinated action plan is created. Actions related to the police might include: pursuing the perpetrator and working in partnership with the Advisor on engaging with survivors to support safety planning and supporting the prosecution of the perpetrator. All agencies, including the police, are responsible for ensuring their actions are carried out and for recording the outcome of their actions, which are reported to the MARAC Coordinator to electronically record as actions that have been 'completed' or are 'in progress'. In the event of a Serious Case Review or Homicide Review, this information would be requested as an indicator that all was done to help protect the victim. This accountability has improved the practice of all agencies. The process of the MARAC starts from case identification to the final stage of follow-up:

Step 1. IDENTIFY: MARAC agencies such as the local police, healthcare professionals, housing practitioners, IDVAs, child protection, other specialist from the statutory and voluntary sectors identify victims/survivors of domestic violence.

Step 2. RISK ASSESS: Once identified from domestic violence abuse, the risk identification checklist is used to establish if the victim/survivor is at high risk of harm. If high risk, immediate safety measures are provided to the victim/survivor.

Step 3. REFERRAL: Whichever agency identified the case completes the Referral form and sends it to the MARAC Coordinator. IDVA contacts the victim/survivor to offer support and identify key risks and fears.



Step 4. RESEARCH: All agencies receive MARAC meeting agenda from MARAC coordinator and agencies research all cases in the agenda.

Step 5. MEETING AND INFORMATION SHARING: MARAC representative presents information at the meeting on the agency's referral. IDVA presents information on behalf of victim/survivor.

Step 6. ACTION PLANNING: Actions are volunteered on behalf of agencies and opportunities are identified to coordinate actions with other partners. IDVA confirms that in their opinion the action is as safe as possible.

Step 7. FOLLOW-UP: IDVAs liaise with partner organizations to coordinate action plan. IDVA keep victims/survivors informed of the plan, where safe to do so. Colleagues and MARAC coordinator are informed when actions are completed.

The costs incurred to implement the MARAC model are relatively low. The police and/or the local authority fund the position of the MARAC Coordinator or the Domestic Violence Project Officer, which is the only direct cost for the MARAC. The Independent Domestic Violence Advocates, who are also central to the process, may be funded from a variety of agencies and local borough funding streams. For example, Advisor teams may be resourced by a local government agency (particularly if the Advisor is based within the local police). Advisory services may also be provided by a non-governmental organization and receive funding from grant-making trusts and foundations. All MARAC representatives attend the monthly meetings, track progress on actions, and raise institutional awareness of the MARAC as part of their mandated role within their respective agency/organization; which is each agency's in-kind contribution to the mechanism, requiring no additional funding. The Coordinator and Advisors provide free training as part of their role to all participating agencies in the MARAC, eliminating ongoing training costs resulting from staff turnover.

2. Women's Aid- organization, providing support for women and children victims of domestic violence

Women's Aid is the lead voluntary organization in Northern Ireland addressing domestic violence and providing services for women and children. The Women's Aid is made up of ten local Women's Aid groups and Women's Aid Federation Northern Ireland. Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the local Women's Aid activities include:



- *Provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.* Refuges cater for women who are alone and also those with children. Length of stay depends on each woman's needs and those of her children. The refuges are run by and for women and children suffering domestic violence. There are currently 12 Women's Aid refuges across Northern Ireland. The refuges are modern, well appointed buildings. Some have been purpose built. All refuges employ a team of highly skilled and trained staff to respond to needs. Child workers plan an ongoing programme of play and social activities which can help children relax and get the support they need. Many women stay in refuges more than once as part of the process of ending a relationship with an abusive partner. Refuge addresses are kept confidential to protect women's safety. Women choose whether they wish to stay in a refuge close to their home or further away. The 24 Hour Domestic & Sexual Violence Helpline can help victims to find suitable refuge accommodation to meet their specific needs such as location, size of room, accessibility, children's special requirements, cultural needs etc. Some Women's Aid groups provide move-on houses as a temporary option for women and children who are preparing to move on from living in refuge. Women's Aid provides support for women and children leaving refuge in the form of resettlement and aftercare services. Women are assisted in moving and settling into new homes and aftercare provides ongoing support and also enables women to support one another.
- *Run the 24 Hour Domestic & Sexual Violence Helpline.* The Helpline is a 24/7 service, and is a freephone support, advice and signposting service for all women and men who have been affected by domestic or sexual violence. The Helpline is free to call from all landlines and mobile phones and is a completely confidential and caring service.
- *Provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.* Women's Aid groups provide information and advice to women on legal, welfare, housing and money matters. This can also include representation at appeal tribunals and case conferences. Women's Aid supports women through civil and criminal legal proceedings. This can include briefings on what to expect at a court hearing, meeting with court personnel before the day of a hearing and accompanying women to court, to her solicitor or barrister etc. Some courthouses provide waiting facilities for women being supported by Women's Aid. Women's Aid can also provide support for women and children while advocating on their behalf with other agencies, for example at case



conferences. Emotional and practical support is offered with legal, welfare, housing and money matters and making safe arrangements for children.

- *Provide a range of support services to children and young people who have experienced domestic violence.* Women's Aid provides age appropriate, specialised services and support for children and young people who experience (or are at risk of experiencing) domestic violence. Needs are responded to at all points of service delivery, including refuge and in the community. Group work, with children and young people is a valuable element of support and a range of programmes has been developed to meet the needs of children and young people. A full overview of service provision is reflected in the document entitled 'Our Place – Safe Space: Strategy for Children and Young People'⁵
- *Run preventative education programmes in schools and other settings.* Women's aid have been delivering preventative education programmes at primary and post primary levels since 1996. These programmes present an early intervention for those who may be experiencing domestic violence and also those who may be at risk. Women's aid work with children and young people in primary and post primary schools and community settings across Northern Ireland, using creative education programmes such as Helping Hands and Heading for Healthy Relationships (H4HR). This area of work was developed in partnership with the Department of Education to ensure it complements the curriculum. *Helping Hands* is a preventative education programme, developed by Women's Aid Federation Northern Ireland for primary school aged children at key stage two and three. The overall aim of the programme is to: increase children's understanding of feeling safe and to explore and promote behaviours which will contribute to a safe environment. The objectives are to develop children's levels of self esteem and confidence, enable children to explore and express feelings, inform children of the right to feel safe at all times, increase children's ability in safety planning, empower children to identify their own personal support network, explore how choice of behaviour can affect the feelings of others, and identify healthy ways to manage conflict.
- *educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence*

⁵ <http://www.womensaidni.org/themainevent/wp-content/uploads/2012/06/our-place-safe-space-strategy-for-children-young-people-2012-2017.pdf>





- *advise and support agencies in the development of domestic violence policies, protocols and service delivery, and work in partnership with relevant agencies to ensure a joined up response to domestic violence.*
- *work in partnership with relevant agencies to ensure a joined up response to domestic violence.*

