

A 5000 word special report into rape and sexual violence in N Ireland. Published in Daily Ireland, August 2006.

A hierarchy of victimhood

Anyone convicted of a crime in Northern Ireland has an automatic 50% remission on their sentence. But why does this include rapists and sex offenders like Thomas Hamilton, released three years into a seven-year sentence for three brutal rapes to murder pensioner Attracta Harron? Laura Canning reports on how rape victims are the unrecognised "others" in the Northern Ireland war.

Michael Harron is calm as he tells the story of his wife's abduction, rape and murder. He has told it many times and the details are imprinted forever upon his mind. He tells of how Attracta left their home the morning of December 11 2003 to go to mass, wearing her distinctive red wool coat. He tells of how she had recently got into the habit of walking the few miles over the border into Co Donegal from their home in Strabane, Co Tyrone, because she was trying to get fit and lose weight. She carried sticking plasters with her, he says, because "her shoes rubbed her heels". He tells of how she never came home.

At first he wasn't worried. Attracta was well known in the area and he assumed she had met a friend. But when she wasn't home by the early evening, he reported her missing. Although he would not know it for another five months, by the time he reported her disappearance, Attracta Harron was already dead. She had been murdered by a convicted rapist, Thomas Hamilton, who lived nearby and who had recently been released after serving three years of a seven year sentence for raping a young mother, "Mrs H", when he was 17. Hamilton served only half his sentence because of the 50% remission rule, introduced in 1976 to take into account the political circumstances of much crime in Northern Ireland. Many people would not commit crime here, the reasoning went, if it were not for the "political situation"; therefore, some allowance for that should be made in sentencing. But the extension of this to all convictions, including rape and sexual abuse, has cost lives. As Michael Harron has said: "People involved in

crimes during the Troubles have been allowed some sort of licence to try and resolve tensions here, but sex offenders? Why?"

After Hamilton's conviction, the *Belfast Telegraph* launched a campaign calling for the 50% remission rule to be scrapped for serious sex offenders. The reporter running the campaign, Deborah McAleese, says the public response has been "overwhelming". But campaigners like Eileen Calder of Belfast's Rape Crisis Centre says the 50% rule is indicative of what she calls a "hierarchy of victimhood" in Northern Ireland, where public money and interest will always go to the big, cross-community, "Troubles-based" causes, and where women, particularly those who have been raped or sexually abused, are as much victims of the conflict as the high-profile, sectarian murders. Gar McAtamney, director of charity the NEXUS Institute counseling victims of sexual abuse, says that there are other aspects to rape and sexual abuse in Northern Ireland which mean it is not given the same legal status as the rest of the UK. Things are different here, and it is costing lives.

As with everything else in Northern Ireland, a combination of the Troubles and a failure of the main parties to agree on pretty much anything has led to other issues falling by the wayside. The 1967 Abortion Act has still not been extended to Northern Ireland despite Northern Ireland being part of the UK - keeping the Act from being implemented here is probably the only thing that the parties, from Sinn Fein to the DUP, have ever agreed on. The only party set up to address the needs of women, the Women's Coalition, has now disbanded after losing its seats in the 2003 election. But, much more seriously, violence against women in Northern Ireland has a different legal status here than in the UK or Republic of Ireland. Sex offenders are not electronically tagged here when released early. The changing of the classifications of rape in the Sexual Offences Act 2003 has not made it to Northern Ireland. The definition of rape has now been extended to include oral and anal penetration, but this does not apply here. A case in 2005 saw a man convicted of "forcing a woman to give him oral sex". This is rape in London, sexual assault in Belfast. And when rapists are convicted, they are released early.

Attracta Harron's murderer Thomas Hamilton was already known to Strabane police after his early release from a seven year sentence for rape. Michael Harron says that when Attracta was reported missing, the same day as a fire was reported at the Hamilton household, local Detective Inspector John Gilmore said he "didn't like the coincidence." The Hamilton family car had been set alight and burnt to a shell. Although there was no evidence linking Hamilton to Attracta's disappearance, no evidence at this stage even to suggest she was dead, Gilmore "felt in his bones" the two events were linked.

Unaware of this, the Harron family clung to the hope that Attracta was still alive. A member of the public said that a woman answering Attracta's description had been seen standing on the road beside a man and a red car with Republic of Ireland number plates. Another witness said a woman bleeding from a head injury had been seen in the passenger seat of a car speeding from the nearby town of Sion Mills. A woman wearing a distinctive red coat had been seen crossing the Halfpenny Bridge in Dublin, and a "confused" woman of Attracta's age and appearance was also seen in Dublin, asking strangers for money and enquiring about the price of a room in a hotel. The Harron family went to Dublin. On Christmas Eve and Christmas Day 2003, they visited hotels and hostels, made enquiries about her and stood on the Halfpenny Bridge giving out leaflets. There was no news. They did not know that the ashes of Hamilton's burnt out car had already been sent to a lab for analysis. This was originally for insurance purposes, but the feeling in the bones of Detective Inspector Gilmore would not go away.

When the ashes on the car were analysed, some items that were not Hamilton's were found in the car. The lab results for these came back in February, and Detective Inspector Gilmore was forced to tell the family that he thought Attracta had been murdered. He asked Michael to identify the items. Michael lists them mechanically. There were two sticking plasters, he says, the same type Attracta always carried and later shown to have come from a box in the Harron house. Michael later showed the police the packet of plasters in the family bathroom cabinet, the same type as found in the car. There was a piece of a rosary that Michael thought belonged to the one Attracta

carried to mass. There were two scraps of red wool fabric. And there was an ATM receipt, the shred of evidence that irrevocably linked Hamilton to Attracta's murder.

The receipt was for a transaction in the town of Loughra in Co Donegal, dated December 2003. The transaction was Attracta's, Michael told police once the receipt had been deciphered, because he had stood beside her as she took the money out when they were at a family wedding. "There was no way that receipt could have been from any other account but hers," he says. "From then on we knew that Hamilton had been involved."

From then, the police moved quickly. A murder enquiry was launched on February 24 and police said they were now looking for a body rather than a missing person. Specialist sniffer dogs – "Eddie and Frankie," says Michael Harron – were brought over from Yorkshire. The dogs were trained to smell any trace of blood, however small, and a drop of blood later proved to be Attracta's was found in the burnt out shell of Hamilton's car. He was charged with Attracta's murder on March 28. The dogs found Attracta's naked body, wrapped in a sack, buried in a field some miles from her home. It was 2 pm on April 5, 2004.

Michael Harron is full of respect for how the police investigation was handled, especially the reaction of the Irish government in allowing British RAF helicopters to fly over Donegal in the search for Attracta. But he does not see how Thomas Hamilton was freed to rape and murder his wife. Attracta's death is the result of both the 50% remission rule and the lack of protection for victims of sexual attack: "The law is ludicrous in the lack of protection it has for women," he says.

Gar McAtamney says that lessons have not been learned from Attracta's case. In May this year, a judge sentenced a man to five years in jail and three years' probation for three brutal rapes. Hamilton was seventeen when he raped Mrs H; this man was sixteen when he attacked a woman with a hammer and raped her three times in her own home. Hamilton raped Mrs H three times in a brutal attack, using violence and threatening to

kill her. ("I knew he meant it, the way he was handling me," she later told police.) And like Hamilton, the teenager in this recent case will be entitled to 50% off his sentence.

50% remission is a "total nonsense," McAtamney says. "It has to go. In general it works well for the terrorist type offences and everything that goes with that. But for serious sexual offences, it's unearned, you get repeat offenders getting it and it's not serving any sort of benefit to the victims."

At the Rape Crisis Centre on Belfast's Donegall Street, director Eileen Calder is running late. A counselling session has just finished. The centre's only other full time worker, Eileen Kelly, opens the window of the counselling room and apologises for the smell of cigarette smoke: "Some women find it very difficult to talk." On the table, alongside Women's Aid leaflets and information on the Amnesty International Stop Violence Against Women campaign are two cracked coffee cups, two ashtrays and an almost empty box of Kleenex. The ashtrays are overflowing with cigarette butts and balled up tissues. Eileen Kelly hurries about, tidying up, making coffee, going back to man the phone. She is the only staff member there.

Eileen Calder, a middle-aged woman in jeans and trainers, rushes in, apologises and lights up. "It's been hectic," she says. "It always is."

The 50% remission rule is a major factor in rape and sexual assault here, she says. Many women come to the centre for counselling, distraught that their rapist is about to be released. Most rapists do not even go to prison. Calder has just been counselling a young woman whose rapist walked free from court the week before due to a combination of plea-bargaining, time spent on remand and remission. "She's very angry about the rape, she'd be happy to talk to you, but she's sitting her GCSEs today."

Both Calder and McAtamney say, however, that it is not just the 50% remission rule that makes rape different here, or even legal factors such as offenders not being electronically tagged. Like in the UK and around the world, one reason so few rapists are brought to court is that many women cannot face reporting their attack. In Northern

Ireland however, this has a more sinister face. Calder estimates that one in four of the women who come to the Rape Crisis Centre say they will not report their rape because they think the rapist is a member of a paramilitary organisation. Sometimes this is true, says Calder, but sometimes not.

“Certainly over the years I would say that one in three or one in four women coming in here are giving why they don't want to report the fact that the perpetrator is a member of the paramilitaries,” she says. “Now sometimes the perpetrator has mistakenly led the victim to believe this when it's not true. And where it is true, in general 99% of the time they're not sanctioned by the organisation, but there's still a factor of fear there. A woman may assume that a man belongs to an organisation, simply because of where he sits in a certain bar. And that's very difficult to explain to people about NI, that that fear is always there.”

Mary is a support worker with young homeless women in north Belfast. In the tiny, shabby office of the hostel she works at, she says she has seen a lot of that “factor of fear”. Some of her clients have been raped but they will not report it because of who the rapist is, or says he is. Mary talks of one young woman who was held in a flat and pimped by the UDA. She is currently living at the hostel, and comes in during our interview. She is loud and confident, gold earrings and beautiful eye make-up, mentioning almost in passing her boyfriend and their sex life when Mary asks her how last night was – “We got blocked and had sex for ages at my mate's party” -, but Mary says afterwards that her brash attitude to sex is “classic victim behaviour”. Many young women who have been abused become promiscuous later on, as a way to try and regain control over sex, she says.

Mary says there is another aspect to paramilitaries and rape, when a victim can use “connections” to ask someone to “have a word” with the rapist, but she says this does not provide proper closure for the victim. “It's better than nothing,” she says, “but I'm sure all the girls I know would far rather the man got a good jail sentence. Not just get a couple of years and then get out after only serving half of it.”

She thinks young women like her client feel society does not care about them. "And they'd be right in lots of ways," she says. Cases that week seem to bring out her point. On 31 May, Thomas Purcell, the murderer of 16 year old Megan McAlorum, was sentenced. He too was 16 at the time of her murder, and had been investigated before by the police after a rape allegation. In Megan's case, the jury could not decide if she had been raped because her body was so badly mutilated. This means that Purcell, who could be free by the time he is thirty, will not have to sign the sex offenders' register when he is released.

Megan's mother Margaret, aided by the *Daily Mirror* newspaper, collected tens of thousands of signatures in her petition campaign for Purcell to get a full life sentence. He was sentenced to fifteen years. The lead item on the BBC *Newsline* programme that evening was not Megan's mother weeping outside court, but an update on the non-fatal shooting of UVF loyalist Mark Haddock the day before. Haddock was stable in hospital, the report said. Support worker Mary says one of the young women in the hostel watched the news with her: "She said, 'Who cares about some UVF man getting shot? That wee girl's mother's destroyed,'" Mary says.

The conflict has made its mark in other ways too. Catholic women, from a community historically suspicious of the police, often do not trust the police enough to make a complaint of rape, even though Calder says she believes that all complainants are treated compassionately despite their religion. She mentions one woman from West Belfast who was abused by the same relative who abused her child, and who did eventually make a report to the police. They dealt with her case well, building up a great deal of evidence that would eventually take the abuser to court, and developed a good relationship with both victims. But the woman lived in fear of other people in her community finding out, not only because she felt stigma as a victim of sexual abuse, but also because she was dealing with the police. She felt she could not invite the police to her home and would meet them around the corner, even on the day of the trial, and she worried that the officer dealing with her case would be shot if he was seen in a nationalist area.

The fact that the rapist is a paramilitary means he has other, literal, weapons at his disposal as well as fear. Rape at gunpoint in Northern Ireland is "significantly higher" in Belfast than London or Dublin, Eileen Calder says, according to Rape Crisis reports of rape from all three cities. Although it could be argued, correctly, that being raped, in itself or at gunpoint, is a terrible experience anywhere, Calder says the paramilitary element makes being raped at gunpoint in Northern Ireland "a qualitatively different experience than in the Republic or Britain," because "the rapist's possession of a weapon takes on a different, more powerfully sinister meaning."

Guns are also used in cases of incest and child sex abuse. In one case reported to Rape Crisis, an abusing father took his daughter and her dog outside, shot the dog and said that was what would happen to her if she told anyone about the abuse. "Guns are part of Northern Irish history and always have been," says Calder.

Rapes not being reported, low conviction rates, rapists being released early...so far, so rest of the UK. But the religious bent to most of the political parties and many campaign groups keep women's rights, not just related to rape sentencing, lower on the agenda than anywhere else in the UK. A few doors down from NEXUS, on Belfast's University Street, the Family Planning Association do what Family Planning Associations do throughout the UK – offer advice and information on contraception. But the Belfast branch has two protestors, a man and a woman, outside, tying posters to lampposts. The posters show mangled, bloody fetuses with twisted limbs; the caption reads "Abortion is murder." A poster tied to a lamppost outside NEXUS says abortion causes breast cancer.

It is the same day that the smaller of Belfast's two airports is renamed after George Best, the footballer from the Cregagh Road in east Belfast who died in January. Best, who was also known for his violent rows with his second wife Alex and who once famously told Michael Parkinson that "everyone gives the wife a slap now and again, don't they?", has gone from hero to superhero status in his native city. It is not unusual to celebrate footballers who beat women – Paul Gascoigne, aka cheeky chirpy Gazza, is still a national favourite and Stan Collymore has been on a round of interviews and TV

appearances since punching his girlfriend Ulrikka Jonsson in a Paris nightclub. Perhaps the hero worship of Best even though he broke his wife's arms and blacked her eyes is not a particularly Northern Irish thing. But that there has always been something else to talk about means that it has not been discussed, as Gar McAtamney notes.

"For the period of the Troubles issues to do with rape and women's rights were brushed under the carpet," he says. "We need to do a lot of work."

For example, he says, there is no Sexual Assault Referral Centre (SARC) anywhere in Northern Ireland. There are ten centres in England and Wales and one has recently opened in Glasgow. Belfast does not have a SARC, nor are there any plans to build one. "We've been campaigning for a sexual referral centre," says McAtamney. "There's massive [public] support for it, but it just isn't happening."

Calder says this is because money coming into the country goes to other causes. "While as a citizen of NI I fully recognise the people who have been hurt through the troubles need help, therapeutic help, financial help and they need recognition that these things have happened to them," she says, "it seems to happen at the exclusion of victims of rape and sexual abuse."

The Rape Crisis Centre runs on an annual budget of £60,000, the lowest-funded in Ireland. "We have to jump through enormous hoops to get that money," Calder says. "The funding situation here is abysmal. We get 3000 new cases a year. We campaign for more money but it always seems to be going somewhere else."

Whatever anyone's viewpoints on rape, sentencing and remission, the one thing everyone agrees on is that nothing will be done about them, about anything, until the Northern Ireland assembly forms a government again. It was suspended in 2002 following allegations of an IRA spy ring, and while elections were held last year, Stormont has stood empty. "I don't hold out a great deal of hope [that things will change]," Calder says. "Not having a government of course makes it even more difficult, the fact that we're dealing with British ministers whose interests are not really here in

Northern Ireland and when they do take an interest in NI it's the political things. When they do want to fund NI it's for community based organisations. Our funding application was turned down because it was argued we were a specialist and not a generalist group. I had to appeal on the grounds that rape or sexual assault happens to one in four of women, so in fact it is a generalist area."

So where are the politicians?

Members of UNISON, Northern Ireland's biggest union, want to know too. On a rainy morning in May, Belfast's parliament reopened at Stormont, the start of a six-week initial negotiation. Northern Ireland Secretary Peter Hain is not in the mood for prevarication, delaying tactics, or any of the countless other hoops and hurdles Northern Irish politicians have thrown up in the way of securing a lasting, democratic devolved government. Politicians will form an effective government by November, Hain says, or have their salaries cut.

UNISON members are not in the mood either. Under the rain, members stand with placards reading: "Time to do your job." Enough is enough, they told the party leaders in a newspaper ad two days ago. It's time to form a government and get on with the real issues here: "education in crisis, public services under attack, racism, sectarianism" and the one-third of people who are "economically inactive". They do not mention violence against women, but a representative says that the union is "committed to equality and to ending all forms of violence, including violence against women." They support the ending of the 50% remission for sex offenders, she says.

So does Mary, the support worker who has seen the aftermath of rape in many of her clients. "Who wouldn't want that ended?" she says. "Rapists, maybe, but they'd be the only ones."

So if people want change, why isn't it happening? Because there are always other issues ahead of it, Gar McAtamney says. "To be fair to the politicians, they've been very supportive," he says. "Mark Durkan of the SDLP has asked some very specific questions

in parliament about the number of rape and sexual assault cases and the number of convictions for these in the past ten years.”

It seems fair enough that all political parties would support the “Justice for Attracta” campaign, and that politicians would say that rape is A Bad Thing. Representatives from all the main parties have said they support the *Belfast Telegraph* “Justice for Attracta” campaign. But what are they actually doing about it? If there is no Assembly, how will the issue be addressed, and what are the parties’ specific records on supporting women’s rights? “I wouldn’t know about that,” the UUP MLA (Member of the Legislative Assembly) Reg Empey says in a phone call, even though the UUP’s only remaining Westminster MP after its disastrous 2005 election results is a woman, Lady Sylvia Hermon. Lady Hermon is busy condemning the UUP’s recent alliance with the UVF-linked Progressive Unionist Party, and does not return several calls.

The DUP’s Nigel Dodds emails that sentencing should “properly reflect the gravity of the crime”; while the SDLP’s Alban Maginnis has said that the system should have “additional safeguards to monitor offenders.” Sinn Fein, the only party to specifically include women’s rights in its official policy, says that its MP Pat Doherty has asked for a meeting with the Criminal Justice Inspectorate to query the “shortcomings” in the remission system. The week after, Gerry Adams requests a meeting with the Attorney General to ask for a review in the sentencing of Thomas Purcell, the 18 year old who murdered Megan McAlorum.

David Ervine of the PUP is unsure if his party has done anything specifically relating to women’s rights. “Has anyone?” he says, before conceding, “It’s a fair point.”

Belfast City Council unanimously supported a DUP motion on June 1 calling for a review of the 50% remission rule for sex offenders. It looked at first as if the parties were going to agree, and on the fundamental issue of justice for rape victims. But then Sinn Fein tabled an amendment calling for the “free flow of information” between Ireland and Britain” to ensure effective monitoring of offenders after release. Because it would involve co-operation between Britain and the Irish Republic, the DUP did not support it.

The motion went through regardless, but calling for a review does not a review make. Thomas Hamilton will be sentenced on June 27, and Michael Harron says he thinks new sentencing guidelines could be announced then. This, if it happens, will be decided by the Northern Ireland Office (NIO), not the parties that were elected to represent people here. NIO Criminal Justice Minister David Hanson has said he will "not sit on the issue" of ending the 50% remission, but has not announced any formal changes yet. (He has however said since then that Northern Ireland "will not be left behind" when the UK brings in tough new laws for possessing knives.) Gar McAtamney says he has been waiting for a research report into a sexual violence strategy since 2004, and that it has already been delayed twice. It is due to be published this summer, he says, but there is still no word on whether the new classifications of rape, to include oral and anal penetration, will be extended to Northern Ireland. We'll need to get the parties talking first, he says.

The parties are not talking much. On the second day of the new talks at Stormont, discussions lasted only 14 minutes before being abandoned. DUP leader Ian Paisley refused Sinn Fein leader Gerry Adams' nomination for Paisley as first minister with a boomed "Certainly not!" Since the parties went back to Stormont in May, the news has been dominated with PUP alliances, police board support and Parades Commission appointments. The only time sexual assault and rape has been mentioned is by charity workers and victims.

The mood in Belfast is one of resigned familiarity. "It's the same old pantomime," says Calder. "They'll shout for a bit, nothing will happen, and we'll be stuck in the same place as before."

For some, that will be forever in victimhood.

