

Committee for Justice – Protection from Stalking Bill
Record of Issues raised by – an individual
Informal Meeting conducted via MS Teams on 27 July 2021 at 11am

Present: Mervyn Storey MLA (Chairperson) & Rachel Woods MLA

Staff in Attendance: Clairita Frazer, Allison Mealey

Personal Experience of Stalking

The individual began by updating Members with developments following her written submission to the Call for Evidence. She outlined her experience at the hands of a fellow student at University which led to her having to move house 3 times for her own safety.

The Police Service of Northern Ireland (PSNI) has now closed her case without requesting further evidence.

Since then, the individual and her solicitor found that that information about the investigation had been leaked to the family of the person accused of stalking her so it is now in the hands of the Police Ombudsman [and has been since mid-May 2021].

In her opinion, it has been a very long, time consuming and difficult process as well as emotionally wrecking and when she heard about the proposed Bill/Consultation, it has now given her the opportunity highlight that the system is not adapted to handle very sensitive subject.

In her case, she feels privileged, knows the criminal justice system and wants to speak out as being slightly older, knowing more about the system, grew up in The local town etc than other younger students who may be subject to these types of interactions, she is better equipped to speak out. She since found out that three other students have also reported her abuser to the School for similar behaviour yet no further disciplinary action was taken against him and understands that he will graduate as normal.

However, she, as the victim, was asked to drop out of her course or defer but she refused to do that and tried to carry on and complete her modules. There was no offer from the University to extend her course because of what she has been through and no assistance was provided by the school or consideration given to grant extra time due to the amount of time spent with the police and her solicitor. It is understood that two of the three others dropped out of their course.

Issues to raise in her experience

- **Duty of Care**

It is her belief that further/higher education campuses are not isolated structures and should be bound by the law and a duty of care just like any other institution in Northern Ireland/public body to keep people safe. If there were provision for a duty to report such incidents to a statutory body it would have removed the need to rely on internal policies to deal with the stalking/harassment/sexual assault incidents, which tend to be handled internally in such organisations.

In addition, the different schools within the University have different rules and e.g. if an alleged abuser were in a different school, there would have been different rules followed in each case which can be complex.

- **Waiting lists for victims to access support services**

The individual felt comfortable with her GP, had a good experience and referrals were made quickly which allowed her to access mental health services to deal with her feelings/trauma – but this is not always the case and it is the case that those victims with resources can be seen quickly by accessing private practice. The length of waiting lists and costs of such private services is a huge issue. The trauma can be debilitating and the process of coming to terms with being a victim of this type of behaviour can take years to resolve. The individual was only offered 6 sessions with a therapist which were helpful; however, it was recommended that she had more as she has been told that it could take years for her to fully reintegrate with society and to cope and handle anxiety and not to be afraid. She still does not feel comfortable when on campus given the proximity of the abuser; this is the hardest part for her.

- **Language which needs to be used**

There needs to be a better understanding of what is considered sexual harassment/stalking/abuse and the individual has discussed this with an MLA. She believes that this goes beyond “Sex Education”. There needs to be a discussion about definitions of harassment/consent/education – and about what is violence. Stalking and harassment will not necessarily have a sexual violence component and will not necessarily be deemed violent; but is violence physical which is visible and leaves cuts and bruises or is it something which degrades the person, removes their support and denies them any dignity, in terms of interpersonal relationships.

- **Burden of Proof**

The individual had great difficulty with the “Burden of Proof” concept – she constantly had to fight with the school who could not understand her needs as a victim - she had to face her abuser and was constantly told to understand his needs, his education, his right to express himself, his future. Whereas she constantly had to say that, she was a victim and needs help (not as a lawyer trying to mediate with him). She still had to face him, she had a battle to reclaim her life, home, job, education

work etc. when she returned to The local town after being out of the country for a while - victims should not have to face this and act this way.

The individual elected to go into group sessions where she listened to other women, much younger in similar situations who said they didn't trust the police. They too were also faced with disbelief and doubt from schools, employers, social workers etc. and told that they had to cope and that what they were feeling was only temporary. While this may be possible but it could be a lifelong thing and you need to cope with and learn to live with.

- **PSNI experience**

Overall the individual thought she had pretty responsive police officers; she had expected a battle to get support but it wasn't like that initially. However, out of the blue, she received a phone call from her church which had learnt of her actions and told her that she wasn't welcome to worship; that it was inappropriate for her to be in the community and she had to leave given she had reported her abuser. The next day the police closed the case, therefore she does not have any faith in them - any trust in the PSNI was completely eroded as a result of this.

In relation to general trust of the PSNI for handling sexual violence issues she believes from talking to other women who have shared their experiences in the same situation they too were not believed; they were diminished; there is a perception that this type of crime is not a serious crime unless women were physically incapacitated; this can particularly be the case for those victims who report it a while after the crime has taken place.

- **Reliance on Charity**

Women's Aid and Nexus supported the individual; organisations like this are doing incredible work and should be given subsidies to help. The individual believes that there should be a statutory body/judicial body/government organisation, which is funded to deal with this issue, that is empowered to handle cases like hers, and it should not be dependent on charities who are already underfunded and have limited resources. Example was given of the difficulty experienced by victims who need to relocate, particularly those with families – the housing crisis makes this more difficult for them to be relocated quickly.

This reliance on charity means only being able to do bits and pieces of therapy/reporting a crime/going about living your life. The individual hopes that all these conversations around this Bill will provide an inter-disciplinary picture and involve all areas of public life so that a body can be established which would involve all aspects of welfare, education, and health provision. One victim would then have a comprehensive response (regardless of gender) and have a body which acts on behalf of them from the time they report a crime can then have their needs, security,

safety, options assessed so a comprehensive response can be provided to try and resolve their situation.

In her case, the university/school refused to remove her abuser and she had to stop attending classes, as he would continue to try to contact her through the school media.

- **Disclosure**

The lack of a comprehensive, co-ordinated response also causes issues in respect of disclosure. In her case, she had to disclose her information/experiences many times over again; and communicate with many different parties at different times. This information was not cross-referenced at any time. The MARAC risk assessment system is very helpful – one disclosure to a trained sexual violence specialist will ask specific questions in a safe space, at their own speed and when they are comfortable. This information would then be passed onto the system and onto the relevant service to trigger actions by the public service bodies as appropriate – a “one stop shop” this would be more helpful for victims. This one interaction will trigger all the necessary follow-up responses by someone who understands and you do not have to go through things repeatedly.

Sadly, by going to group sessions she knows that there has been a huge amount of dropouts in the University in the last year she knows 14 out of 15 who she spoke too dropped out (just in last year). Since her experience began in 2010 she also is aware of women who feel that they are unsafe; and their environments are not conducive to hearing women’s voices; she knows that there is no empathy for such situations for a long time.

The Chair thanked the individual for taking the time to share her experience and giving the Committee a chance to have this conversation – the Committee wants to give people the best opportunity to highlight where the shortfalls are e.g. the fact that there are bodies outside of this MARAC system and how other agencies collectively work together.

The individual believes that having as many bodies/institutions as part of the MARAC system could be very helpful. Disclosure will be a harder issue to resolve; to find that one person to trust particularly.

Other relevant Issues

Another issue raised by the individual was in relation to the **current COVID situation**. It is hard with lockdown and particularly in the current situation where is hard to reach out and build a rapport with people. Lockdown has compounded the isolation of victims; personally she would have felt safer if there was no pandemic. It was particularly hard going through things online where there is no opportunity for read body language or establish trust. Going forward as the pandemic continues or

similar situations arise there need to be things or structures put in place to address this remoteness; things need to be put in place.

The individual pointed out that a house is not always a home or safe space. She was lucky in that she had the opportunity to live in a safe place but others not so lucky. There will be people out there with no plan B.

However, legislation cannot impose much – the individual believes that there will be a resistance on behalf of organisations and institutions to have **collective response to sexual violence**. To illustrate this the individual gave an example of a recent network event open to a number of different universities giving representatives the opportunity to hear about a “task-force” established to address the wider range of issues and needs of fresher students to university; amongst other things there were people designated as ‘point people’ trained to deal with specific issues. The University wellbeing representatives refused to attend.

The school sexual assault advisor in the University told the individual that it was all her fault, and that she should drop out. This is hugely damaging.

There needs to be a bigger conversation; that it’s ok and that there needs to be a ‘point person’ who is trained to deal with things like sexual assault/harassment/stalking identified and can act as an advisor. Denying that these things happen does not help. Having a ‘point person’ not necessarily affiliated to the organisation or the police who only shares information with consent would be very helpful.

The individual was trawling through directories to find out where to go and only made contact with NEXUS through circumstances aside from the University – by chance, she was put in contact with someone who helped. Billboards across NI were good to see and helpful; this was at least an effort to get the information out there.

The first police officer who responded when her abuser broke into her house referred her to Victim Support which great but they are overwhelmed and cannot handle all the calls they get. There illustrates the massive disconnect between the charities who cannot handle the volume of reports and the denial from organisations/institutions which deny that these things happen and there are any issues.

- **Criminal Convictions and Prosecutions**

The individual is shocked to see that less than 2% of sexual assaults reported in NI result in convictions which suggests an issue at the investigation level. Forensic/evidence gathering training may be needed but the individual also believes there is there is a lot of reluctance to report these crimes. In her case, she can understand this, as she did not report it until her abuser broke into her house, which was 6 months after it started.

There should be a middle ground between not reporting at all and staying silent and triggering a full trial and going for a full prosecution– she herself did not go for a full-

blown criminal trial as she did not know how much she could have personally engaged in the trial.

- **Support for current provisions in the Bill**

The individual supports one disclosure provision for victims, which is played at a trial so the victim doesn't have to take the stand as well as the opportunity to obtain a non-molestation order without going through a trial/hearing – this would mitigate the impact of going through a court appearance and in addition slightly shifts the burden of proof on to the abuser rather than the victim. All these restorative/middle ground provisions are all good.

Also supports the interim measure to put a non-molestation order in place for your own safety then when the victims feel comfortable a referral to the PPS can be made – victims need their own time to process to try and cope with what has happened to them. Trauma is a very odd thing and can change over time. Victims like her can feel punished and that her behaviour, movements and relationships have been restricted. The individual wishes that the PSNI had “shown up” for her but PSNI did not show up for her – they disclosed her information to the abuser without her consent. This contributed to make her feel less safe because her abuser knew she was engaging in these processes against him.

- **Need for specific training requirements**

There needs to be specific training in sexual violence crimes/offences for the PSNI – but this is a wider societal issue and it is vitally important to have these conversations in public, about how things are defined and what is acceptable in society. There is a need to discuss stalking – its scope, definition, pattern and ultimately what is and what is not acceptable/normal relationships. The conversation around violence is much bigger than this Bill.

Comments from and discussion with Members

Both the Chair and Rachel Woods reflected on the individual's experiences and how much they appreciate her time and reaching out to the Committee today.

The Chair noted that sometimes it appears there is more consideration given to the perpetrator rather than the victim of crime and victims often feel that the system is dismissive of them, questioning their honesty and integrity. He talked about the system needing to listen to victims and need to balance rights of all involved.

Rachel Woods reflected on a number of issues raised by the individual including:

- Support systems/3rd sector being oversubscribed
- the need for automatic support services

- the identification of 1 person to liaise with victims in an effort to minimise re-traumatisation of victims
- the need to remove barriers to reporting for victims
- training not just for PSNI but throughout the Criminal Justice system all the way through to the judiciary
- reporting of crimes and tracking through the criminal justice system
- public conversations about relationships
- RSE in schools,
- potential for the MARAC System to be widened
- lack of response and support from the University.

When asked if the individual had any engagement with the Students Union in the University, the individual indicated that this illustrates the need for a statutory body. All the SU could do was to offer her assistance to go through the formal complaints process which was not suitable for the type of complaint – the threshold for evidence was higher than would be in a court of law; the 3-person panel considering formal complaints was not trained and did not include e.g. advisors or therapists and, until last year, there was inclusion of confrontation between the perpetrator and the victim and there had to be ‘agreement of facts’ between the parties about what happened. The panel said that he had to be removed but he was not. The victim had to submit witness names and the abuser would have access to the names of those witnesses. The individual said that she was not willing to put more people at risk in this way. If the panel decided that the victim was making things up, the accuser could be disciplined as this could be seen as harassment of the other party. At no point was the individual allowed to disclose the name of the other student and went out of her way to not identify him in any of her interactions with the University yet she then found out that the PSNI discussed the case with the head professor in the University and they knew who the individual was but despite this knowledge the University did nothing to act. She was told by the Police that the school was meant to ensure that he was removed but they did not and did not feel bound by any decisions.

- **Improvements in the University Complaints Process**

The individual joined a group within the University (sexual violence team) to overhaul the complex complaints process and found out that according to published articles the University has the 2nd highest degree of sexual violence reports in the UK – 1 in 5 students have reported sexual assaults on campus; yet the University refuse to engage with the team and made no response to any attempts to overhaul the system and in accordance with legal protections and understand rights according to the Victims Charter.

There needs to be a form of accountability on the University’s part – they can’t just say it is a police matter. The individual drew attention to the agreement the University has with police in respect of COVID breaches when fines/warnings are issued the University is automatically informed and has the ability to discipline students. However, when her abuser broke into her house this was not seen as a

COVID breach. The University maintained that the individual would have needed to make a non-molestation order for them to take any action but she would have needed to go in front of a judge to grant this but she was not sure that the evidence threshold would have been reached for this because objectively it was possible that she was not that much at risk.

Yet the PSNI did acknowledge that there was an issue and did try to help her – there were police patrols outside her home and plenty of well wishes but no action possible.

- **Non-molestation orders/establishment of SPOs and Notices – interim and actual**

In relation to the exemptions for SPO's where they may conflict with religious beliefs, work and educational obligations - whilst there is an understanding of the reasons in respect of rights, there needs to be more information of what happens if someone is stalked at church, at university, at school and at work and how does that balance with victims' rights?

In the individual's view, this is a fundamental problem; in her experience, it is very hard to stalk someone you do not know. Her abuser enrolled in one of her elected courses and she couldn't stop this and she was prohibited from disclosing his name. The University had the power to stop it and means to discipline him but decided not to do anything with him. They did however have the power to discipline following COVID breaches. No-one mentioned the rights to education when they dismissed students for COVID breaches; without possible appeal. This had consequences for those students for their lives. There was a mismatch between her situation facing harassment - a criminal offence - and nothing happening to her abuser.

- **Potential mandatory workplace policies**

Rachel Woods suggested that workplaces etc. could be made to have policies in place to deal with stalking, however they appear to pick and choose what policies to act on. The Chair suggested that the Committee should write to a range of statutory bodies to ask in light of the proposed Bill what their policies/approach when dealing with alleged crimes of this nature/harassment.

The individual gave the example of the University complaints flowchart which is very complex and intimidating and you have to jump through many hoops when making a complaint with a potential outcome of the accuser being disciplined at the end of the process – feels like they are trying to put people off making a complaint. In addition, witnesses also have to give their details including student number so it also follows them too.

In her experience the individual was told its probably just infatuation and that her stalker probably just wanted to be closer to her – this shows just how much we need this legislation in NI.

The individual thanked the Members for listening and hopes that this is the start of a bigger conversation about violence and relationships.

This needs a complete change in the mind-set of the criminal justice system – NI should not have a lack of protections in comparison to other jurisdictions.

Given the shocking statistics in the University student body as well as right across the board and cases she is aware of something needs to change.

However, there is a growing awareness out there with the police who do show empathy and know that there is a need for support for these types of crime, in light of recent events with Sarah Everard.

Institutions should be there for those with no support networks etc.

The Chair thanked the individual for sharing her experience and that of others which is harrowing.

He indicated that the Committee could explore the potential to ask the PSNI to expand the training module for the Domestic Abuse Bill to include a module on stalking and include appropriate training. He agreed that there was potentially to expand this beyond the Police to workplaces, educational establishments and beyond.

The Chair committed to take up issues raised in future discussions with officials.

The individual indicated that she would be happy to engage further if needs be and appreciated the commitment to try and make the necessary change.

The meeting concluded at 12.21pm.