

Committee for Justice
Protection from Stalking Bill – Committee Stage
Record of Discussions with Individuals at Informal Meetings
Informal Meeting – an Individual - 4 November 2021

Present: Mervyn Storey MLA, Chairperson; Jemma Dolan MLA; Sinead Bradley MLA

In Attendance: Clairita Frazer, Assistant Assembly Clerk; Stephen Corr, Clerical Supervisor

Introduction

The Chairperson, Mr Storey, along with Ms Dolan and Ms Bradley met with an individual via video call to discuss her experience of stalking and of the response by justice bodies/agencies and others

Experience of stalking and the justice system and other agencies

The individual was asked to complete the Stalking questionnaire by Women's Aid but as all her responses fell into the 'other' category she does not believe that her experience of stalking is covered by the Bill. She explained that her ex-partner was involved in paramilitary activity and she left him for safety reasons, out of fear both of him and his organisation. However, she can't escape him as the organisation is spread all over Northern Ireland and she was told that she would not be able to go to the shop without being watched.

There is always an undercurrent of threat and the 'unwritten rules' in that sector is that you don't go to the police or a solicitor for fear of what might happen to you or your house. She also found it difficult to move home and has found that, even if you do move, the courts can move you back to the place you were being intimidated.

The individual described how at times she was being stalked using drones, which would be flown to her front door and to her windows in her home. The individual stated that when she contacted the police regarding this, she was told that there are no regulations regarding the use of drones unless they were in a flight path. She said that the drone would be above her door day and night. This was an invasion into her life and she did not feel that there was any protection from it.

The individual advised that her child was used as a pawn in court and the court was not allowed to hear her ex-partner's previous criminal history which she felt should be taken into consideration as it is still part of his lifestyle. Her child was questioned by her ex-partner to find out what she was doing, who she was meeting etc. Challenging this through the courts led to The individual being retraumatised by the judge but also the solicitor who was supposed to be working on her behalf. Social

Services had said they would remove the child if she did not keep him safe, but the court just saw that as the individual breaching a court order and she was called a 'hostile mother'.

The individual described how by going to the court she put her life in danger. She was followed home at times, her ex-partner turning up at the door unannounced and she has had death threats shouted through the door. When this was reported the police said that there was nothing they could do unless he actually did something, despite his history with firearms etc. She was unable to get a non-molestation order and was told this was just part of a normal argument.

The individual said there is an element of stalking that is particular to Northern Ireland. It is difficult for women to leave men like her ex-partner – they know how to use the courts; they know their criminal background can be brought up; they use their children; they use their associates; and they use technology. The individual doesn't know that the Bill is going to help keep anyone in her situation safe.

The individual reports a very negative experience with the justice agencies and other bodies.

When raising the issues about the drones etc., the individual's solicitor asked if she wanted to create more trouble for herself and if she wanted to 'take the risk'. It was almost as if her solicitor was also scared of her ex-partner and was actually working for his solicitor. The individual was concerned that, by changing solicitor, she would be seen as a troublemaker trying to delay the court process so felt compelled to stay with her solicitor. In hindsight, she feels the solicitor was negligent advising her not to contact Social Services. Her son has a number of different conditions and her ex-partner was leaving him alone at 5-6 years of age, quizzing him, emotionally abusing him, calling his mother names etc.

The individual withdrew contact which suited her ex-partner for a number of months after which he went back to court for contact. The individual was told by her solicitor that the judge hadn't been given the reasons for breaking the contact order but was in a bad mood and annoyed that it had been broken, so her solicitor advised that she should reinstate contact immediately or risk losing residency.

The individual feels her ex-partner received an unwritten message that his behaviour was fine as he got away with everything. This then upped the ante outside the courts.

The individual has had a safe door and alarms fitted but this put her more in harm's way because of the area she lived in.

The individual was advised only to report incidents that were very serious, otherwise she would risk looking like a troublemaker or drama queen. On one occasion, her son had access to samurai swords and she was told not to report it and her solicitor would contact his solicitor to sort it out but she didn't hear back. The individual had mentioned it to someone in the health sector who was duty-bound to report it and that is how the swords were removed.

The individual has said she has been told that the issues are down to different parenting skills but that is not the case.

The individual has seen occasions where other women have been intimidated by their ex-partner's associates turning up for court hearings etc. and they have often dropped the proceedings as a result. If they do proceed, it is often implied in court that the women are drama queens.

Members' comments

Jemma Dolan thanked the individual for sharing her experience and advise that it is a different element that needs to be considered. The individual advised that she was talking on behalf of women across Northern Ireland who have been subjected to this. She feels that judges, solicitors, social services etc. need to take these issues on board and see the bigger picture.

The Chairperson advised that judges are professional people who are there to consider, uphold and apply the law and it is not appropriate that they allow mood swings to influence their work. The Committee may therefore wish to consider raising this with the Lady Chief Justice.

Sinéad Bradley also thanked the individual. She advised that this is not the first time that she has heard issues from people who don't feel properly represented. Wanting to safeguard your child first and foremost is a very human response; other things can be dealt with after that. The intimidatory issues are worth considering further.

Concluding remarks

The individual said it is important that all agencies work together and see the bigger picture. If someone has served a sentence and is reformed then that is one story but if someone's lifestyle hasn't changed when they leave prison and they are using a child as a pawn then their past should be raised in court.

These things can also have an inter-generational impact.

Without being able to take these things to court then where else will these victims turn?