



Start360 Response to the Protection from Stalking Bill

We greatly welcome this piece of legislation as an organisation, which demonstrates the seriousness of stalking and the impact that it has on its victims. Given the increase in the number of stalking incidents that have been reported in recent years, we are pleased that legislative action is not being undertaken. This is a comprehensive piece of legislation, reflecting the need to not only stop offenders but protect victims from stalking and the support that these victims require from statutory services.

We welcome that a 'specific offence of stalking' is being created which 'recognises the experience of victims and the behaviour associated with stalking.' We as an organisation categorically support Option 2 of the bill that recognises the need for change. It is particularly welcome that the first part of the bill includes the provision for 'automatic eligibility for assistance'.

Clause 1

The inclusion of electronic methods of communication in Subsection 4 is very welcome. The increasing use of social media creates many forms of harm such as cyber bullying as well as stalking. It is vital that urgent work is undertaken to specifically look at stalking electronically and that there is joint-up approach between the Department of Justice, the PSNI and the social media companies. There must be buy-in from social media companies as they hold so much power to shut down this sort of threatening behaviour.

Subsection 6 highlights the length of sentence or amount fined. It is important that the committee recognises the need to ensure adequate rehabilitation should someone spend time in prison for a stalking offence. It is important that they are given time to reflect on and address their behaviours as this will drastically reduce the risk of reoffending. During the sentence, the offender should be educated on

what constitutes stalking to avoid scenarios that could result in further reoffending and/or harassment to victims, even if unintentionally. The offender should also be provided with interventions included, but not limited to mental health or psychological assistance where necessary.

Subsection 7 is important as, even if the offender is not convicted of stalking, their actions may need to be convicted under a separate offence.

It is important to note, especially for Clause 1, the importance of context in terms of stalking offences. Complaints should be handled on a case-by-case basis given the fine line between what could be constituted stalking and what may be unfortunate happenstance. It's important that these cases are handled with the same sensitivity as a sexual offence and the perspectives of both the complainant and defendant are considered to determine exactly what has taken place.

Clause 2

As alluded to above, it is highly welcoming to see the inclusion of Subsection 2 which allows the opportunity of the accused to explain the circumstances behind a complaint made against them. As with sexual offences, the anonymity of suspects and potential victims should be paramount until investigations have been fully carried out.

Clause 3

This clause is incredibly welcome as the safeguarding and protection provided to victims of stalking should be absolutely paramount from the moment of the first report.

Clause 7

As stated, this is key in protecting the victim. Furthermore, we are very pleased to see in Subsection 1 the inclusion that the defendant may need to attend an intervention programme or a complete a mental health assessment. It is important that the root cause of the defendant's actions is established and ensuring that they get the support they need. It is important that they are not just simply subject to the criminal justice system, but they are supported in their journey away from this type of

behaviour. If they are diagnosed with mental ill-health they should be supported as a priority.

Clause 11

Another very welcome clause that sets out the need for interim protection orders. In many occasions, when applications are submitted for situations like this it can take a long time to process and it is important that when an allocation of stalking is made, that the victim is believed and that quick protection is in place while they are awaiting the result of their application.

Overall, this is a wide-ranging piece of legislation that covers all the necessary areas related to stalking. This is a positive step forward to tackle this issue in Northern Ireland and we very much look forward to the bill's enactment and implementation. However, the effectiveness of this bill will come in the form of how well it is followed by the authorities. Vast education needs to be implemented to ensure that all parties dealing with a complaint of a stalking offence understand the severity of the complaint, as well as the sensitivity needed when dealing with both the potential victim and offender. Responding authorities must appreciate and understand the distress a victim of stalking can go through, and the danger of escalation if the complaint is not adequately investigated, as with the unfortunate case of Shana Grice.