



Mr Paul Givan MLA
Chairperson - Committee of Justice
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

Ref: Submission to the Committee for Justice call for evidence on the Protection from Stalking Bill

The Rainbow Project welcomes the opportunity to provide comment and evidence on the potential for legislation for the protection of stalking bill. In the course of our work, we are commonly supporting LGBTQIA+ people who have been the victims of stalking and harassment. This can be in connection to domestic abuse, hate crime or in conjunction with other abusive behaviours.

The Rainbow Project thanks the Minister, her department and the Committee for their focus of putting victims at the heart of any legislation.

There is a common misconception that stalking is just necessarily unwanted attention and stalking from an obsessive stranger, experiencing mental health issues or delusions that have resulted in the stalking behaviour. Stalking is associated with victims in the public eye such as celebrities, but this type of behaviour is more likely to occur within scope of ongoing course of conduct such as domestic abuse. Carried out by someone previously in a relationship with the victim or be perpetrated by someone who is known in some way to the victim, eg family member, acquaintance or work colleague.

Legislation in Northern Ireland

We welcome the introduction of a specific offence of stalking that addresses the acts, course of conduct and behaviour associated with stalking. Our current legislation falls short of protecting people who are vulnerable to experiencing this type of criminal behaviour. The law (The Protection from Harassment (NI) Order 1997) has been underused and has failed to sufficiently reflect the seriousness of stalking to victims.

We welcome the introduction Stalking Prevention Orders (SPO) and offence of stalking as non-exhaustive and inclusive. Any offence should be victim-focused. It should be able to adapt to the realities around stalking and the seemingly minor behaviours that can cause fear and alarm. We ask that the department look to applying the perception test to the offence in conjunction with relationship/lack of between the stalker and the victim.

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Most responses to stalkers in our experience have been advising clients in the obtaining non-molestation orders or civil injunctions. However, breach of these orders rarely results in action by the Police Service of Northern Ireland (PSNI) or the courts, so many victims were left without feeling the protection from stalkers or free from continual harassment. We need to see swift and firm action on any breaches of the SPOs.

In addition, we further welcome the inclusion of cyber stalking within the scope of the legislation. This has been a concern for us as an organisation and we have had several cases this year of gay men being targeted through social media and dating apps.

We have to highlight that not included in the bill, is the use of intermediaries in the continuation of abusive stalking or harassment behaviour. This type of conduct is about control, an abuser may instigate or coerce another individual to carry out actions on their behalf. For example, a client we have worked with, the mother was the abuser who had been physically and verbally abusive. However, when served with a non-molestation order to stay away from the client. She got her partner to carry out “welfare” checks at the client’s address and text him via the partner’s phone. The client was an adult living independently and had clearly demonstrated to the police and courts of the mother’s abusive tenancies. These actions were carried out under premise of family check ins by the abuser.

We would urge that the Department and the committee consider how criminal justice partners will work with offenders or those who are subject to a SPO. As many services which work with perpetrators and run programmes, are often unavailable to those who are experiencing abuse from a same sex abuser or are the perpetrator. For example, a lesbian female victim and female abuser. The majority of services are only targeted towards men or don’t run mixed gender groups. **LGBTQIA+ experience of crime**

Individuals who identify as lesbian, gay, bisexual, or transgender, queer, intersex or asexual (LGBTQIA+) continue to experience both blatant and subtle forms of discrimination in everyday life. These individuals experience discrimination at the extreme end of the spectrum, often becoming the victim of crimes as a result of their LGBTQIA+ identity. LGBTQIA+ Victims and Survivors experience similar forms of domestic abuse, harassment and stalking as heterosexual cisgender people. However, there are specific barriers to them accessing support and additional elements of abuse that they face.

LGBTQIA+ people will seek help and compensation within the criminal justice system but their past experiences and perception of the system causes them to be hesitant when engaging, they are careful around their interactions, and any bad engagement will temper their beliefs about the eventual outcome of situations.

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We currently have a very limited picture of the crime problem in the LGBTQ community – one reason is that obtaining accurate data is problematic for a number of reasons. Despite widely available statistics on crime and domestic abuse, there are no official figures on the prevalence of crime on those identifying as LGBTQIA+.

Research in the rest of the United Kingdom suggests that LGBTQIA+ people are at greater risk than the general population of being victims of crime. Data from the Crime Survey for England and Wales (CSEW), published alongside the UK Government's National LGBT Survey 2018 (<https://www.gov.uk/government/publications/national-lgbt-survey-summary-report>) has revealed that lesbian, gay, and bisexual people are more likely than heterosexual people to be victims of all crime. In particular, this data has shown that bisexual people are almost three times more likely to be victims of violent crime than heterosexual people. Additionally, Stonewall's recent Trans report (<https://www.stonewall.org.uk/lgbt-britaintrans-report>) has shown that over 25% of trans respondents who were in a relationship in the last year had been subject to domestic abuse. We know that domestic abuse is a problem that cuts across a cross-section of society, although evidence shows that LGBTQIA+ victims are disproportionately affected with 4 in 10 Gay/Bi men and 1 in 4 Lesbian/Bi women have experienced it.

In the last year working alongside the PSNI Public Protection branch, the LGBTQIA+ sectoral organisations (Cara-Friend, HereNI and The Rainbow Project) have effectively lobbied the PSNI to begin to record the victim's sexual orientation alongside other Section 75 characteristics when recording incidents of crime. This work is now ongoing with the Equality Commission and we look forward to the publication of the research. We would recommend that the Department works with all relevant public authorities and organisations to make sure that this work is replicated.

Crime is widely underreported within the LGBTQIA+ community and our own research Through our eyes (<https://www.rainbow-project.org/Handlers/Download.ashx?IDMF=0f7bac61-c731-4a4b-8f03-f166c12085d8>) has shown that around 39% of LGBTQIA+ people stated being either fairly or very worried about being a victim of crime and 78% have taken some action to prevent being a victim of crime.

Over the last ten years, The Rainbow Project has worked with the PSNI and other criminal justice partners to tackle the serious issues of under-reporting of homophobic and transphobic hate crime in Northern Ireland. We have seen a 30% increase in homophobic hate crime and 28% increase in transphobic hate crime in the last year through this partnership approach to tackling crime. In a recent report conducted by the PSNI, between 1 April and 30 June 2020, 129 offences with one or more hate motivations attached were recorded under the harassment offence grouping and those with malicious communications were predominantly

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homophobic and targeted at gay men. Harassment and stalking behaviour are key issues for our community who have experience of crime.

The majority of the justice and support systems have been setup with heteronormative view attached and this has negative consequences for any LGBTQIA+ person engaging with them. Because of the assumed heterosexuality when accessing services in general means that victims are unlikely to access support without specific reassurance that the service or organisation is LGBTQIA+ friendly.

The majority of campaign and support services are primarily targeted towards cis-women's needs and that there are limited resources open to men or trans people experiencing the same. LGBTQIA+ people are not represented in large scale publicity campaigns run by mainstream services. This invisibility leads to many LGBTQIA+ individuals feeling that they are unable to access those services or recognising themselves as victims.

Gender-binary service provision in Northern Ireland also presents difficulties for LGBTQIA+ people as some do not identify as either male or female, either because they identify as nonbinary or because they are in a process of transitioning but don't necessarily identify as either male or female at the time they need the service.

There are significant gaps in knowledge and skill sets to work with clients from the LGBTQIA+ community. To quote a client who contacted a mainstream service dedicated to support people experiencing domestic abuse, the call handler said "I don't know what to do with you".

There is a clear need to tackle the barriers that exist for LGBTQIA+ victims and survivors. There must be funded research on their experiences of crime and that there needs to be greater awareness and training around the needs of the community. This can only be done with the involvement of specialist LGBTQIA+ organisations.

Examples of what our clients said about their experiences around stalking;

Perpetrators who have left items in or around the house or posting items through the victim's letter box. These actions are to make sure to remind the victim that they can access their accommodation. One client informed us that they drilled their post-box shut so nothing else could be posted through and replaced all their doors and windows to have new locks on them. In addition, our clients have advised us that there has been stalking behaviour of observing them in their workplaces, bars and clubs, attending their family homes and common issues were damage to cars or property or harm caused to pets.

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We have seen over recent years an increase in the use of digital tools to stalk and abuse victims. Over the last year, we have seen victims who have been blackmailed and harassed through social media and dating apps. This has been specifically targeted towards Gay or Bi men through apps such as GRINDR.

Again, the misconception is that stalking will occur either by a stranger or by former intimate partner. We have had cases over the last year, where stalking behaviour has been carried out by parents to child, in each case the child is over 18 years of age.

One example, is a young trans man who has been targeted by his own mother and harassed over several months. The client advised that parents never accepted his trans identity and his mother in particular was physically and emotionally abusive. Home environment was hostile, his religious parents would force him to attend church services, mother would strike him and they would place the bible on his bed every day with segments highlighted which would be critical of his transition.

He was able to secure accommodation in another area of Northern Ireland. When the mother discovered where he lived, she would turn up to his property to bang on the door, post abusive letters and cards through his door. He tried to maintain limited contact with family, but his mother would consistently harass him with abusive phone calls and text messages in which he reported to the police. These actions continued for several months, she was never charged with harassment and client was advised to obtain a non-molestation order. The client was reluctant to go through the courts due to his fears around his private life being made public.

The Rainbow Project would also stress that any new legislation alone will not improve the lives of LGBTQIA+ stalking victims – this must be done with research, investment and awareness campaign amongst criminal justice partners.

Overall, we welcome the introduction of Northern Ireland specific stalking legislation. It is imperative that any victim is directly offered advocacy support from a LGBTQIA+ specialist organisation. We would urge that any victim is given automatic eligibility for special measures assistance, such as the use of live links or screens at court, when giving evidence in proceedings.

We would welcome the opportunity to attend the committee to further discuss issues in regards to this legislation.

Kind regards,

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Aisling Twomey (She/Her) Policy and Advocacy Manager

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