



### **Response to Protection from Stalking Bill**

The Belfast Area Domestic & Sexual Violence Partnership is one of five local domestic and sexual violence Partnerships working across Northern Ireland. We bring together a wide range of agencies and organisations who have an interest or a role in tackling domestic and sexual violence and abuse. We very much welcome the opportunity to provide evidence in relation to the Protection from Stalking Bill in Northern Ireland.

The existing Protection from Harassment legislation is not fit for purpose and does not do enough to provide adequate protection for victims. Not only is this legislation limited in its effectiveness it is not widely known and underused. The proposed Protection from Stalking Bill provides much better protection to anyone who is a victim of stalking and highlights the devastating impact stalking has on victims.

It is worth noting the link between stalking, domestic abuse and coercive control. Stalking is most often thought of as something that happens to a celebrity or person in the public eye. Although this does happen, it is much more common for stalking to occur within the context of domestic abuse. Stalking by ex-partners who are domestic abusers is one of the most common forms of stalking and it is important to consider the offence of stalking within the parameters of domestic abuse.

Professor Jane Monckton Smith in her Intimate Partner Homicide 8 stage timeline, includes stalking behaviour under the umbrella of coercive control, highlighting the links between the two. According to Stalking Risk Profile ([www.stalkingriskprofile.com](http://www.stalkingriskprofile.com)) research clearly shows that ex-intimate

partners are far more likely to be violent than any other type of stalker and that victims may have to take different precautions if someone who is very familiar with them is stalking them.

We note, whilst anyone can be a victim of stalking, it is very much a gendered crime with on average 1 in 6 women and 1 in 12 men experiencing stalking. Statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male (National Stalking Helpline, 2011). With this in mind, it may be useful to reflect the gendered nature of stalking in the legislation and to look at how it links to the wider issue of Violence Against Women and Girls.

### **Offence of Stalking**

We welcome the offence of stalking and the increased penalties associated with the proposed new legislation. We are pleased to see the list of possible behaviours associated with stalking is not exhaustive, as this enables any new methods utilised by stalkers to be dealt with under the legislation. We also welcome the mention of online/cyberstalking as we know this is a growing area of concern. We welcome the list of possible conduct also includes leaving anything where the person being stalked can find it. We have seen numerous examples of this behaviour, which despite concerns from victims, it is often dismissed by criminal justice agencies as nothing more than a romantic gesture. The list of possible behaviours recognises that stalking, even with the absence of violence can still be harrowing and cause distress to the victim.

Although there is no specific definition of stalking included in the Bill, it might be useful to reference the FOUR (Fixated, Obsessive, Unwelcome and Repeated) acronym to enable better understanding and recognition of what stalking is. A public awareness raising campaign on the issue of stalking would be advantageous to sit alongside any legislation.

### **Offence of threatening or abusive behaviour**

We welcome the inclusion of this clause as it enables a single act of threatening or abusive behaviour to be treated as an offence and taken seriously.

### **Special measures and complainants in proceedings involving stalking**

We welcome the provision of special measures to victims of stalking. Given the terrifying nature of stalking and that many victims will have been living in fear of their stalker for some time, allowing special measures in court will bring added protection for them.

We welcome the protection for witnesses from cross examination by the complainant.

### **Stalking Protection Orders**

We welcome the introduction of the Stalking Protection Orders and feel they would provide increased protection for victims. We would be interested to know more on how the process for obtaining orders will work. The legislation mentions any orders would need to be applied for by the Chief Constable, however the Explanatory and Financial Memorandum references Police can obtain the orders. We assume the Chief Constable does not need to personally sign off all applications for orders as this would undoubtedly have implications to the Police's ability to obtain such orders. We would be interested to know the sign off process involved and would note the need to ensure the process is as streamlined as possible to avoid any delays and unnecessary bureaucracy which could impact on victim's access to protection.

In order for Stalking Protection Orders to have any impact, training on stalking would be essential for frontline police officers and judiciary. As we know, stalking can be very subtle, it is therefore vital for agencies to fully understand how stalking works and to listen to the victim, as they are often best placed to understand the risk they face and the motivations of their stalker.

## **Additional Comments**

We would highlight the need for increased training and awareness raising for a wide range of frontline professionals to enable them to fully understand the FOUR acronym and understand the dynamics associated with stalking. For frontline staff, training to enable them to understand how subtle stalking can be and, that seemingly innocuous acts can have a more sinister purpose, which can be extremely frightening to victims. As previously stated the links between stalking, domestic abuse and coercive control are vast, therefore it would be essential for training on stalking to go alongside training on domestic abuse and coercive control. In our view, it would be essential for criminal justice agencies to fully understand the dynamics of domestic abuse and coercive control and how stalking is a behaviour used by perpetrators of domestic abuse to gain and maintain their control.

An awareness raising campaign aimed at the general public would also be necessary to enable them to be fully aware of the new law. On average, victims tend to report to the police after the 100<sup>th</sup> incident, it would therefore be essential for victims to understand the new law and the protection that this can now offer.

The issue of stalking in the workplace is also something that needs to be looked at further. Research from Paladin National Stalking Advocacy Service tells us that 75% of domestic abuse stalkers turn up at the workplace and 79% of domestic abuse stalkers will use work resources to target victims. The Workplace Violence Research Institute found that 90% of corporate security professionals had handled 3 or more incidents of men stalking women in the workplace and claimed stalking was related to homicide in 15% of cases (Smock and Kuennen 2002). The issue of stalking is not related to just the Department of Justice but has implications for a range of departments including Department for Economy, Health and Finance and they must commit to tackling this issue. It would be beneficial to look at workplace policies on stalking and how this correlates with existing work on

domestic abuse work place policies. We would welcome work in this area being included within the Bill.

Finally, we would highlight the recent amendment to the Domestic Abuse Bill in Westminster – Amendment 73 Registration of serial perpetrators. It makes arrangements for serial domestic abuse or stalking perpetrators to be registered on the Violent Offender and Sex Offender Register. The amendment also requires the government to provide a comprehensive perpetrator strategy for domestic abuser and stalkers within one year of the new law being passed. The Amendment was passed in the House of Lords with 327 votes to 232.

We would urge our Justice Committee to consider this Amendment and to create a register for serial stalkers in Northern Ireland.