

**women's aid**

**Justice Committee:  
Call for Evidence Draft Stalking Bill**

**16<sup>th</sup> April 2021**

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## Women's Aid Information and Statistics

### Who We Are

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic and sexual violence and providing services for women and children. Women's Aid exists to challenge attitudes and beliefs which perpetuate domestic violence. We work to promote healthy, non-abusive relationships.

## Our vision is the elimination of domestic and sexual violence

### What We Do

Women's Aid supports all women and children affected by domestic violence. We work to help women and children be safe, to break free from the cycle of violence, and to rebuild their lives. Women's Aid has nine local groups and one regional umbrella body covering the whole of Northern Ireland, and our wraparound services are available across Northern Ireland. Our core work includes:

- Refuge accommodation for women and their children suffering domestic violence.
- Support services to enable women affected by domestic and/or sexual violence to rebuild their lives and the lives of their children.
- Support services for children and young people who have experienced domestic violence.
- Preventative education programmes in schools and other settings.
- Educating and raising awareness among the public, media, police, courts, social services and other agencies of the impact of domestic and sexual violence.
- Advising and supporting other agencies in responding to domestic & sexual violence.
- Working in partnership with other agencies to ensure a joined-up response to domestic and sexual violence.

Throughout this response, the term "Women's Aid" refers to the overall Women's Aid movement in Northern Ireland, including our local groups and Women's Aid Federation.

## Domestic & Sexual Violence in 2019-20: a year in numbers

- **561** women and **316** children stayed in a Women's Aid refuge.
- **36** pregnant women were supported in refuge and **205** pregnant women accessed outreach services.
- **11** babies were born to women in refuge.
- **5,536** women and **5,143** children accessed Women's Aid outreach services, enabling them to get support while staying in their own homes.
- **1,197** women took part in programmes run by Women's Aid, including our *Journey to Freedom* and *You and Me, Mum* programmes.
- We trained **168** teachers across **105** primary schools to deliver the *Helping Hands* preventative education programme.

## Domestic Violence in Northern Ireland: Trends

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*”.
- The *Stopping Domestic & Sexual Violence and Abuse Strategy* estimates the cost of domestic and sexual violence in Northern Ireland to be **£931 million**.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to **32,000 children** and young people living with domestic violence in Northern Ireland.
- **69%** of all domestic abuse crimes were female and **30% were male**. Of all offenders dealt with by police in 2019/20 in connection with domestic abuse crimes that resulted in an outcome, 86% were male and 12% were female.<sup>1</sup>

## Crime Statistics 2019-20

- Domestic Violence is a crime. Domestic abuse crimes (**18,640**) accounted for **17.5% of all crime** reported to the PSNI.
- Police responded to a domestic incident **every 17 minutes** of every day of the year.
- Between 2019 – 2020 (statistics captured over financial year), there were **5 murders** with a domestic abuse motivation in Northern Ireland and all victims were female.

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<sup>1</sup>Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 31 March 2020 N.B. “Adult” defined as aged 18 and over

## Submission Response

### Introduction:

Women's Aid Federation Northern Ireland welcomes the opportunity to provide written evidence in relation to the Protection from Stalking Bill in Northern Ireland.

Our response to the Justice Committee, has been informed by our local groups across NI, staff, volunteers, and extensive consultation with our member services and survivors, including a survey conducted with survivors (please see annex attached at the back of this document – Women's Voices). We welcome the Stalking Bill as an opportunity to change the response to domestic violence and abuse and all forms of violence against women and girls (VAWG).



*These are the  
voices of women  
within our  
services*

Women's Aid across NI welcome the proposed introduction of a Stalking Bill in Northern Ireland, but are aware that in other jurisdictions across the rest of the UK, there are more robust measures being put in place through the current Domestic Abuse Bill going through Westminster which has the opportunity to transform lives with many robust measures to restore confidence in the legal system for victims and survivors of domestic abuse. In Westminster they have introduced an amendment in relation to a Stalking and Domestic Abuse which had a landslide victory in the House of Lords on Monday 15 March. We would ask our Justice Committee to consider this Amendment upon their deliberations around the Stalking Bill in NI.

### Registration of serial perpetrators

Amendment 73. It makes arrangements for serial domestic abuse or stalking perpetrators to be registered on the Violent Offender and Sex Offender Register, and be subjected to supervision, monitoring and management through Multi-Agency Public Protection Arrangements.

The amendment also requires the government to provide a comprehensive perpetrator strategy for domestic abusers and stalkers within one year of the new law being passed. The House of Lords passed Amendment 73 to tighten the law on stalking and create a comprehensive perpetrator strategy, 327 votes to 232.

We would also call on the Justice Committee to consider that domestic abuse does cross many sectors and departments and does not just fall within the criminal justice sector in NI. We would call on all government departments to take ownership of the key issues because

without their support, no reforms to domestic abuse legislation will work. It is paramount that all local government departments take ownership of the problems that exist in our society and we would call on all of the Executive to challenge the status quo and look at a transformative change. We welcome the introduction of the Domestic Abuse and Civil Proceedings Bill (2020) but recognise there is still much work to be done as this piece of legislation does not go far enough to tackle the key issues. Women's Aid launched a campaign for a Violence Against Women & Girls Strategy in NI, as we are the only part of the UK that does not have a gender specific strategy. We welcomed the motion which had all party support within the Assembly on this issue, but need to keep momentum and move forward to transform and change the lives of all those experiencing domestic violence and abuse.

Any new legislation needs sustainable funding which enables life-saving specialist services, and the public sector agencies that respond to domestic abuse, to meet the increasing demand for help and ensure every victim and survivor gets the support they need.

## *Current Legislation*

Women's Aid have campaigned for a change to our current harassment legislation for many years and know that the current legal provisions under the Protection from Harassment (Northern Ireland) Order 1997 are not fit for purpose and offer little or no protection from stalking and harassment. The Order states that a person shall not pursue a course of conduct which amounts to harassment of another and which the perpetrator knows or ought to know will cause the victim harassment. The Order did not go far enough and does not name or have a definition for stalking. There does not have to be threats for the behaviour to be harassment. Article 3 of the Order deals with harassment which causes distress and Article 6 details with harassment that causes fear of violence.

The Order contains no specific definition of harassment, although it does provide that harassing a person includes "alarming a person or causing a person distress". Repeated phone calls, following a woman or being present outside her house repeatedly would also be considered conduct to fall within harassment.

- Protection from Harassment Order is also dealt with under Criminal Law
- Criminal Proceedings are wide ranging and can be anything from Assault Occasioning Bodily Harm right through to murder

The lack of definition and lack of awareness of the legislation has also been a problem with the enforcement coming down to the police service and examples show that they often have minimal understanding or information with regard to this Order and the implementation of the legislation.

*"This law will allow victims of stalking behaviour to attempt to live a normal life and go about doing daily tasks as it's their human right. At present harassment laws are at no use whatsoever in tackling stalking behaviour such as following, spying etc."*

According to PSNI statistics for Harassment offences now include malicious communications - please see detail below from PSNI: <sup>2</sup>

Harassment (including malicious communications): Recording of malicious communications started on 1st April 2017. A Home Office change introduced in April 2018 requires harassment to be recorded in addition to the most serious additional victim based offence. Both of these changes in recording practice, along with increasing awareness of the application of these rules in the recording process, should be considered in relation to increases seen in the overall harassment classification.

The PSNI statistics from January 2020 to December 2020 show **3,880 offences in relation to harassment, a 26.1% increase percentage change** compared with the previous 12 months. This is a staggeringly high number which shows major concern when there is not an appropriate mechanism to deal with malicious communications which are of course part of stalking and behaviours which Women's Aid observe within the course of our work. We commonly support women who have been victims of stalking, often in conjunction with other abusive behaviours, as part of domestic violence.

The lack of any law which explicitly mentions stalking is problematic for a number of reasons. The harassment law is broad and does not contain any mention or definition of stalking, as stated above. It also does not differentiate between rather more minor instances of harassment, and cases of stalking where a victim is made to feel fear and terror for a prolonged duration.

This has multiple effects. On one hand in cases where stalking is prosecuted under harassment law, the penalty may feel lenient, and not in keeping with the intense fear that the victim has experienced for a prolonged period. On the other hand, many of the women we have supported state that their investigating officer never mentioned harassment as a potential course of action, even though they were clearly being stalked by their ex-partner. This again highlights the need for all police officers to have relevant training on harassment law and be able to apply it to talking situations, or understand that stalking and harassment occur in the context of domestic abuse.

In the context of international frameworks, The Istanbul Convention recognises measures to combat stalking and to support its victims. It is hoped that once the convention enters into force and is implemented at national level, it will make a real difference for victims of stalking. We of course have to reiterate that the Istanbul Convention whilst signed by the UK Government in 2012 but has not yet been ratified. Women's Aid continue to campaign for this to further protect all women and girls against all forms of gender based violence.

- *The Istanbul Convention makes it clear that stalking is a form of violence against women*
- *Second, it outlines that national legislation must be equipped to deal with stalking. Because there can be no penalty without a law, the convention requires all states*

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<sup>2</sup> [Domestic Abuse Incidents and Crimes Recorded by the Police \(psni.police.uk\)](https://psni.police.uk)

parties to introduce the specific criminal offence of stalking. This means that a country that ratifies the convention will have to criminalise the act of stalking, which is defined as “repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety”.

- The convention requires states parties to make sure that restraining or protection orders are available to all victims of violence covered by the convention. This includes stalking. Criminal proceedings may not deter a stalker, which is why it is important to ensure the safety of the victim. The convention makes sure that a court of law can order a stalker to stop his behaviour and stay away from the victim. Any breaches of such orders need to be met with criminal or other legal sanctions.
- The convention requires states parties to set up specialised support services for victims of any type of violence covered by the convention. This includes services for victims of stalking. Just as there is a need for counselling centres for victims of rape, or forced marriage, or any other form of violence, there needs to be help for victims of stalking’.<sup>3</sup>

*“I believe that by this legislation setting down a definition of what constitutes the offence of threatening or abusive behaviour it will hopefully inform and empower the Justice system when they deal with such circumstances. From my personal experience police did not always appear to understand the trauma involved for a person affected by such circumstances and having this set down in legislation should help that attitude improve. As always we hope that legislation will first inform public and professional knowledge and ultimately lead to improved behaviours and outcomes”.*

## Other Jurisdictions

In England and Wales, the specific criminal offence of stalking was created in 2012. Stalking victims in England and Wales also have civil legal remedies under the 1997 Act, in the form of injunctions and restraining orders. However, victims had to apply to the courts themselves, and a gap in the law was therefore identified. This led to the Stalking Protection Bill, a private member’s bill, being introduced in the House of Commons by Sarah Wollaston MP in 2017.

### **The Stalking Protection Act 2019 (“the 2019 Act”)**

When the Stalking Protection Bill was introduced its purpose was to provide for “better and earlier protection”<sup>4</sup> for victims of stalking. There was cross-party support for the Bill, and it progressed through the Commons with only a few minor amendments, and through the

<sup>3</sup> CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (ISTANBUL CONVENTION) – Safe From Fear Safe From Violence

<sup>4</sup> Sarah Wollaston MP speech to parliament upon Bill receiving Royal Assent



House of Lords without amendment. The Stalking Protection Bill received Royal Assent on 15 March 2019 to become an Act of Parliament.

This means when victims in England and Wales report stalking to the police, the police will have the power to apply to the court for a (SPO) where they believe that the alleged stalker has carried out acts associated with stalking and poses a risk to the victim. The court can then make an SPO where it is satisfied that (on the balance of probabilities) these acts have been carried out and the perpetrator does indeed pose a risk. In order to protect the victim, the order can then specify actions that the perpetrator is required to carry out or prohibited from carrying out.

Although proponents of the Bill made it clear that an SPO is not intended to replace criminal prosecutions for stalking, it is intended to be a long-term remedy in England and Wales. The Act states that an SPO has effect for a period fixed in the order (which must be at least two years), or (if no such period is fixed) until a further order is made. The 2019 Act also makes provision for interim orders, designed to be granted where an application for an SPO has not yet been determined.

## ***Current Risk Assessment Tools for Stalking***

In Northern Ireland the PSNI use the DASH form which stands for Domestic Abuse, Stalking and Harassment and Honour Based Violence (Risk Identification and Assessment and Management Model). So this is a risk assessment tool that we have here in NI to risk assess those individuals at risk of stalking, there are a number of extra questions that should be asked if the person answers yes to question 8.

*A number of high risk factors have been identified as being associated with serious violence and murder through researching many cases. Any professional using the DASH (2009) must be trained in its use. This is crucial to understanding what the high risk factors are and how they apply in each situation, and what needs to be done to keep the victim safe. This form should be completed for ALL cases of domestic abuse by front line staff. Initial risk identification must be undertaken by asking ALL the questions on this checklist, as well as searching appropriate databases, such as the intelligence databases. First response staff and their supervisor should identify risk factors, who is at risk and decide what level of intervention is required.<sup>5</sup>*

*Question 8. Does (.....) constantly text, call, contact, follow, stalk or harass you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done. Ask additional stalking questions (Appendix 2)*

Stalking is about fixation and obsession. It is a high risk factor for serious harm and homicide, as well as serious psychological harm if left unchecked. For this reason there are specific questions in the DASH about stalking and a subset of 12 Risk Screening Questions, S-DASH.

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<sup>5</sup> Laura Richards: Guide to DASH

Women's Aid would have serious concerns about the lack of training and information available in relation to the stalking section of the DASH form and would recommend that a review and roll out of training in relation to DASH take place together with the training for the Stalking legislation.

## ***Stalking Protection Orders***

The current system in Northern Ireland gives legal protection to victims of harassment. This system is not fit for purpose and does not fully address the needs of those who are victims of stalking. For most victims of stalking, the overwhelming priority will be for the stalking simply to stop. Currently in NI, as outlined above in the current legislation section, a victim can apply to the Court for a Civil Injunction against their stalker.

### **Civil Injunction**

*The Protection from Harassment Order (NI) 1997 provides a victim with the ability to apply to the Court for a Civil Injunction against their stalker. This remedy can be used where the victim and perpetrator are not related to one another via blood or marriage and indeed even if the perpetrator is not known to the victim. A Civil Injunction, if granted, stops a person from harassing, assaulting, molesting or otherwise interfering with the victim, including restraining that person from being able to communicate or contact the victim and, in some cases, prohibiting them from being able to enter a certain property or area. In order to make an application for a Civil Injunction, there must be evidence of two separate incidents of harassment. It is therefore important that any incident of harassing or threatening behaviour is logged with the Police. Civil Injunctions can be applied for on an emergency basis without the perpetrator being notified and dependant on a victim's income, they may be entitled to Legal Aid assistance.*

*"This law will allow victims of stalking behaviour to attempt to live a normal life and go about doing daily tasks as it's their human right. At present harassment laws are at no use whatsoever in tackling stalking behaviour such as following, spying etc."*

*"This protection order would protect things from escalating to more serious crimes being committed as the perpetrator thinks if he can get away with stalking then he will get away with other crimes too!"*

A Stalking Protection Order (SPO) would be a stronger legal protection than the Civil Injunction and would allow the police to apply to a civil court on a victim's behalf. It would prevent harassment from escalating or continuing. These orders should not replace a criminal conviction of stalking. However, the advantage of SPOs is that they also give victims protection where police consider an alleged offender to be a genuine threat but where there is not yet enough evidence to pursue criminal charges. If stalking did continue, the breach of an SPO would, in itself, be a criminal offence, which could be useful to prosecutors.

This proposal would have a positive impact on victims of stalking by giving them faster access to a protective order through reporting stalking to the police, rather than having to apply to a court on their own behalf. This would eliminate the victim's legal costs and avoid the additional stress of undertaking legal action, as well as potentially providing for an earlier resolution. It would give stalking victims in Northern Ireland similar protections to stalking victims in England, Wales and Scotland. It would prevent stalkers' behaviour from escalating, and it would hopefully encourage more stalking victims to come forward, in the knowledge that something can be done to help them.

**Stalking Protection Orders (SPOs)** allow courts in England and Wales to move quicker to ban stalkers from contacting victims or visiting their home, place of work or study. This will grant victims more time to recover from their ordeal. In addition to banning perpetrators from approaching or contacting their victims, SPOs can also force stalkers to seek professional help. The Orders will usually last for a minimum of 2 years, with a breach counting as a criminal offence that can result in up to 5 years in prison.

## *Stalking Link to domestic abuse*

There is much evidence to associate a link between domestic violence and abuse, stalking and coercive control but there is also a common public misconception that stalking is necessarily unwanted attention and stalking from an obsessive stranger, possibly with specific mental health issues or delusions that have resulted in the stalking behaviour. According to Liz Kelly, stalking constitutes a distinct form of violence, an often hidden type of intrusion and intimidation which exists within the spectrum of gendered and sexualized violence.<sup>6</sup>

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<sup>6</sup> L. Kelly, 'Standing the Test of Time? Reflections on the Concept of the Continuum of Sexual Violence', in J. M. Brown and S. L. Walklate, eds., *Handbook on Sexual Violence* (Routledge, 2012) xvii–xxvi.

The most common victim is assumed to be a celebrity or person in the public eye, such as an actor or celebrity. While this can and does happen, the common reality of stalking in NI and across other jurisdictions is quite different. Stalking is much more likely to occur within the context of domestic violence or a previously established relationship, or be perpetrated by someone who is known in some way to the victim.<sup>7</sup> This is certainly the experience of Women's Aid in Northern Ireland and the women we have supported. Research across multiple jurisdictions shows that most victims of stalking are women, and the majority of perpetrators are men,<sup>8</sup> although this is not exclusively the case.

Stalking can be perpetrated by both men and women, but women are more likely to be victims, and Ostermeyer et al (2016)<sup>9</sup> state that 80% of stalkers will be male. This figure is bolstered by the predominance of intimate partner stalking where males are more likely to stalk. But stalkers are female in between 15% and 20% of cases, and their characteristics mirror male stalkers in many respects (Meloy and Boyd 2003)<sup>10</sup>. **Women are more likely to suffer serious harm or homicide when they are stalked, especially where there is a previous (or current) intimate relationship with the stalker (McFarlane et al 2002).**<sup>11</sup>

Stalking by ex-partners who are domestic abusers is one of the most common forms of stalking. There is a strong link between domestic abuse, coercive control and stalking. Control is the cornerstone of stalking, whether it be to force a relationship on a victim without their consent, or to impose a state of fear and terror on a victim as an act of revenge or malice. In some cases, it is a combination of both, or, fluctuates between the two depending on the reaction of the victim.<sup>12</sup> Whether relational stalking or revenge stalking, control and entitlement are at the core of stalking behaviour. The stalking behaviour can be intended to force a relationship, cause pain or seek revenge, the impact of the unwanted contact invariably causes fear and distress on the part of the victim. There is much overlap between these types of offence, and one could argue that stalking in the context of domestic violence is a form of coercive control.

Speaking from personal experience I believe that the level of obsession present to drive such behaviours needs a period of time to be resolved. The positive requirements set out in the previous question need time to be effective and there needs to be an effective 'firewall' to interrupt such patterns.

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<sup>7</sup> See Hall, 1998; Kohn et al 2000

<sup>8</sup> This pattern has been borne out by the British Crime survey by Walby and Allen (2004). Also, Coleman et al state in their research that "Just under a quarter of women (23%) reported having experienced stalking since the age of 16." (Coleman et al, 2007). UK National Stalking Helpline: 80% women, 20% men callers.

<sup>9</sup> Ostermeyer, B., Friedman, S., Sorrentino, R. and Booth, B. Violence (2016) 39(4):663-673

<sup>10</sup> Meloy, J.R. and Boyd, C. (2003) Female Stalkers and their Victims J Am Acad Psychiatry Law 31:211-19, 2003

<sup>11</sup> McFarlane, J., Campbell, J. and Watson, K. (2002) Intimate partner stalking and femicide: urgent implications for women's safety. Behavioral Sciences and the Law 20: 51-68 (2002)

<sup>12</sup> Infield & Platford's research in 2000 on stalking confirms that "Stalking forces a relationship upon the victim whether they want it or not" and that "Controlling the victim is what the stalker wants, and needs, to feed their obsession."

### **Recent stalking analysis from CPS revealed a domestic abuse link:**

Stalking is increasingly being recognised as a form of domestic abuse within the criminal justice system, with CPS analysis finding the majority of offences are committed by ex-partners.

A record 2,288 charges were brought in 2019-20 - more than double the number five years previously.

This is partly driven by better recognition among police and prosecutors of stalking as part of a wider pattern of domestic abuse.

CPS analysis of stalking prosecutions this year - the first exercise of its kind - found that most offences were committed by abusive ex-partners. **The CPS analysed 50 prosecutions at random across the three stalking offence categories and found 42 involved an ex-partner and 37 were related to previous domestic abuse within the relationship.** All stalking cases linked to relationships are flagged as DA cases

Of stalking cases sampled at random from across England and Wales, 84 per cent involved complaints against ex-partners and three-quarters reported domestic abuse had previously occurred during the relationship.<sup>1</sup>

### **Intimate Partner Stalking has serious consequences including :**

- The more of a relationship that existed prior to the identified stalking, including spouses or intimate partners, the more likely the stalkers are choosing to use their behaviour in order to gain (or regain) power and control over their victims.
- The great majority are male perpetrators targeting female victims.
- The less of a relationship between stalker and target that occurred prior to the stalking, the more delusional and/or mentally disturbed the stalker.
- Risks increase when current or former intimate partner is being stalked
- Studies show increased fatality risk by stalker
- Stalker already has extensive and intimate knowledge of victim and routines (history, social or family contacts, daily routines, employer, work colleagues, neighbours, children, pets)
- Stalker already knows victim's hopes and fears (so easier to exploit them)
- Stalker can make it look like there are "legitimate" reasons for the behavior
- Stalker has opportunity for regular contact with victim through children's activities, court dates, family, mutual friends, work, school, etc.
- Especially increased risk if stalker has access to weapons
- Can have increased risk of kidnapping children

Despite the above comprehensive list of consequences where the stalking has been within an intimate partner relationship, the impact of these crimes continues to be minimized, just as domestic abuse is often also minimized, victims are blamed, silenced and undermined. In this respect, there is urgent need for prevention as well as better enforcement to tackle the widespread violence against women which is caused, tolerated or exacerbated by our culture of misogyny.

**Stalking by an intimate partner is the most dangerous type of stalking. Intimate partner stalkers have considerable leverage over their victims because they know so much personal information about the victim. These stalkers also tend to be more insulting, interfering, and threatening than non-intimate partner stalkers.**

#### **Key Facts from Paladin National Stalking Advocacy Service:**

- Data from the Crime Survey of England and Wales shows up to 700,000 women are stalked each year (2009-12) although the British Crime Survey (2006) estimated 5 million people experience stalking each year but there are no official statistics on the percentage cyberstalked.
- 1 in 5 women and 1 in 10 men will experience stalking in their adult life (Homicides, Firearm offences and intimate violence 2009/10; Supplementary Volume 2 to Crime in England and Wales 2009/10 2nd Edition. Home Office Statistical Bulletin 01/11)
- Office for National Statistics (2013) stated it was 1 in 6 women and 1 in 12 men. We still believe this to be grossly underestimated.
- In 2013/14 CPS figures reveal that 743 stalking offences were prosecuted whereas 9,792 were prosecuted for harassment out of the 61,175 allegations recorded by the police. Therefore only 1% of cases of stalking and 16% of cases of harassment recorded by the police result in a charge and prosecution by the CPS (Paladin, National Stalking Advocacy Service, 2015).
- Research reveals that only 11% (n=33) of stalkers received an immediate custodial sentence for Section 2a stalking and just 9% (n=14) for a Section 4a stalking offence in 2013 (Paladin, National Stalking Advocacy Service, 2015).
- Victims do not tend to report to the police until the 100th incident (Sheridan, 2005).
- 50% of victims have curtailed or stopped work due to stalking (Pathe and Mullen 1997)
- 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).
- 75% of domestic violence stalkers will turn up at the workplace.
- 79% of domestic violence stalker will use the work resources to target the victims.
- 1 in 2 domestic stalkers, if they make a threat, will act on it (MacKenzie, McEwan, Pathé, James, Ogloff, & Mullen, 2009).
- 1 in 10 stalkers, who had no prior relationship, if they make a threat will act on it (MacKenzie, McEwan, Pathé, James, Ogloff, & Mullen, 2009).

- Statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male. (National Stalking Helpline, 2011).
- The Metropolitan Police Service found that 40% of the victims of domestic homicides had also been stalked (ACPO Homicide Working Group, 2003).

## *Types of stalking*

Women's Aid staff have heard countless disclosures of stalking behaviour from victims, have witnessed stalking behaviour directly from perpetrators, and have seen the severe effect stalking has on victims.

### **Common stalking behaviours include:**

- Unwanted, often persistent, communication via text messages, phone calls, silent phone calls, emails and social media contact
- Following victims to work to find out where they work or monitor their daily movements, phoning and harassing in the workplace, waiting until they finish work and jeopardising their work, sometimes having to leave or being disciplined because of the abusive behaviour impacting on work.
- Following victims home, sometimes to find out where the victim has moved to in a bid to escape their stalker, or just waiting outside their home and constantly there.
- Waiting outside Women's Aid resource centres and sometimes refuges or trying to gain access to these spaces.
- Leaving 'gifts' for victims – this is often misconstrued by law enforcement and courts as a 'nice gesture', but usually these 'gifts' are a way of reminding the victim of the perpetrator's presence and omniscience, or have a sinister meaning understood exclusively by the victim.
- Contacting friends and family of the victim to get information.
- Contacting social security, Women's Aid, or other agency pretending to be a social worker or other professional, to try and obtain information about the victim.
- Having access to individual email accounts or other personal information.
- Installing covert cameras and listening devices in the home.

Examples of stalking include perpetrators who have left gifts in or around the house, to remind the victim that they know where they live and can get access to their property. Damage to property is also common: tyres being slashed, other damage to cars, brake fluid lines cut, smashed windows of home, offensive graffiti sprayed on house or car. All very difficult to prove who has done it, although there are always clear signals to the victim as to who has committed these crimes. Technology has undoubtedly made it easier for stalkers to

stalk their victims, using tracking devices, smartphone GPS, social media accounts, and spying/surveillance apps for phones, tablets and computers.

Any new legislation should provide and afford greater clarity to all including police officers, lawyers, judges, magistrates, as well as better protection for victims. However, training and guidance on implementation is crucial to its success, as well as understanding the dynamics of stalking and that it is a pattern of behaviour. Taken in isolation, behaviours might seem unremarkable. But in particular circumstance and with repetition, they take on a more sinister meaning.

## Education

There is much work to be done in NI in relation to early intervention and preventative education work in relation to healthy relationships through RSE programs within our schools on a statutory footing. For over forty years, Women's Aid in Northern Ireland has sought to provide support and increase protection and safety for women and children who use their services and who are victims and survivors of domestic violence and abuse. Working from a multi-agency perspective they have sought to address the needs of all victims of domestic violence and abuse. As part of that “policy to practice” response we have been innovators in producing preventative education programs that assist in prevention and early intervention for children and young people who do not feel safe. It is essential to provide children and young people with a series of coping strategies to use in any situation when they feel that they are unsafe e.g. bullying, experiencing street/gang violence, abuse and domestic violence. This is key to tackling all violence against women and girls and we want to reiterate this as part of our campaign for a dedicated VAWG Strategy here in NI that this would have to be one of the main themes within any piece of work including the issue of stalking. The CPS acknowledges the link between a VAWG Strategy and stalking and harassment as follows:<sup>13</sup>

### **Stalking and Harassment and the CPS Violence Against Women and Girls Strategy**

The Violence Against Women and Girls (VAWG) Strategy provides an overarching framework for crimes that have been identified as primarily, although not exclusively, committed by men against women, within a context of power and control. Harassment is included within the domestic violence strand and as such should therefore be addressed within the overall framework of VAWG. Where appropriate, prosecutors should make links with other VAWG strands such as rape and sexual offences, honour based violence and forced marriage, child abuse, crimes against the older person, pornography, human trafficking, prostitution, and female genital mutilation.

<sup>13</sup> [Stalking and Harassment | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/stalking-and-harassment)



## Northern Ireland Context

It is important to note the Northern Ireland context in relation to stalking and the issue of paramilitary involvement. The demobilisation of paramilitary groups (non-state armed groups) has had positive outcomes for victims domestic abuse in Northern Ireland, though we are aware of continued control in some areas by perpetrators who draw on their paramilitary connections to continue to control their intimate partners. There was a significant increase in access to policing for many women we talk to, but there is still concern in some nationalist and republican communities about contacting police due to fear and consequences from these groups. In some loyalist areas, women also talk about their fear and real threats that are made to them and their children if they think of calling the police for support in relation to domestic abuse incidents. The use of firearms is not as much of an issue as it was in years gone by but there still are many individuals with access to illegal firearms that are still used as a way of instilling fear and threats.

We have spoken to a number of women confidentially who have shared their experiences of stalking from an ex-partner who had “connections” or was in a paramilitary organisation. One woman in particular we spoke to wanted to tell her story and be the voice for others who are too frightened to speak. In one particular area in NI there are up to 20 women who are facing threats from ex-partners who are members of a paramilitary organisation. The women have no voice and are living in fear and threat. Some of the stalking behaviours include cameras being installed on neighbour’s houses; some have had death threats, being watched and monitored with men outside their homes warning them they are being watched, stalking behaviours also continuing when ex-partners are in prison and being warned they cannot leave the area as they will always be found. The conversations we have had with these women have been difficult and challenging but their stories need to be heard and the high risk to life needs to be addressed.

In Doyle & McWilliams (2018) research into intimate partner violence comparing similar study in 1992 showed that:

*Participants in both studies - almost half (30/63; 48%) for the 2016 study - reported that they had been followed or stalked by their partner on at least one occasion. Where a difference was observed between the studies was in the use of mobile phones and/or social media for this purpose. Thirty-five participants (56%) in the 2016 study reported that they had their mobile phone calls, text messages, and/or online activity monitored or restricted by their partner who controlled whom they called, whom had their phone number, as well as checking their messages/emails frequently. This was not raised in the 1992 study and points towards shifts in how control is enacted in IPV relationships with the increasing use of technology. Several participants in the 2016 study, particularly younger participants, stated they did not recognise their partner’s constant phone calls or text messages as a form of IPV initially and instead took it as a sign of affection<sup>14</sup>*

We need to recognise that these non-state forces still hold communities hostage as well as families and are still responsible for trying to impose threats, control and fear into the lives of

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<sup>14</sup> Jessica Leigh Doyle and Monica McWilliams Transitional Justice Institute, Ulster University, May 2018, Intimate Partner Violence in Conflict and Post-Conflict Societies Insights and Lessons from Northern Ireland.

so many, who then feel trapped and unable to get out of the area. There are no protection orders or support that is available that would protect them enough, so they have to stay.

I not sure it would depend if I had to give names of known people associated with my ex- husband (paramilitaries) that could be life threatening.

Stalking is serious, not only in the form of making someone feel uncomfortable but it takes away the feeling of freedom. Living with looking over the shoulder because of their imbalance and lies they have told to paramilitary groups or others is devastating not only to a person's self-esteem and emotional well-being to the core of a person's being. This would be a small step in the right direction.

I feel as an ex-wife life in Northern Ireland with an ex husband heavily connected to paramilitary associates and the use of skilled technology like drones etc. that this should be more looked into as I feel some members of the PSNI, solicitors and courts do not take this seriously enough and the result could be deadly. I feel PSNI solicitors and members of the court need to look deeper and educate themselves more about what actually is going on and how victims to this day are still going through this and worse being told to stay quiet if this is not addressed more victims could end up seriously hurt or worse by simply trying to put an end to their abuse, but by speaking out to get help puts us at risk even more - police solicitors and courts strongly need to take this into consideration.

## *Concluding Comments*

### **There is an urgent need for having specific stalking legislation for Northern Ireland**

Women's Aid would agree that there is significant potential benefit in strengthening the law around stalking. Women's Aid supports victims and survivors of stalking on a regular basis, through risk assessment, safety planning, and emotional and practical support. However, if the police tell victims that "there's nothing we can do", this exacerbates victims' anxiety and counteracts our efforts to keep them safe and make them feel that they are getting justice and being protected. Any law that is formulated should be victim focused. It should be able to deal with the realities of stalking, and the seemingly minor behaviours that in conjunction cause fear and alarm to victims. Intent should not have to be proven, but instead objective reasonable test applied. A victim's reaction of fear and alarm, and the reasonableness of this fear given the context of the relationship between stalker and victim, should be central to the offence. We are always aware that women know how to assess their risk and should therefore be listened to.

We would also stress that a new law alone will not improve the lives of stalking victims without a successful public awareness campaign to dispel key myths. Also training among police, judges, prosecutors, and the legal professions. This has been shown to be the case in other jurisdictions where stalking and harassment offences have been put on the statute books. For example, in one case in the US, Peggy Klink was murdered by her abusive ex-partner turned stalker, despite laws being in place to protect her. She was stalked for a long period of time, kept a record of everything her stalker had done over the years, reported everything to the police, and moved states after he burned down her house. Yet law enforcement failed to take the threat seriously enough or put sufficient protections in place, and her stalker tracked her down and killed her before killing himself. This case has been used to educate criminal justice agencies on the importance of responding effectively to stalking in the US.

There is an urgent need for (SPO's) to be put in place as a protective measures for all victims of stalking. SPO's are also essential to have some sort of protection available that does not cost the victim and can be put in place quickly.

We would take this opportunity to support the introduction of the Protection from Stalking Bill in Northern Ireland and highlight the associated link between stalking and domestic abuse. It is a myth that stalking only happens to well-known personalities or that it is perpetrated by an obsessive person who is otherwise unknown to the victim. The reality of stalking is that it is much more likely to occur within a relationship where there is domestic abuse, a previously established relationship or be perpetrated by someone who is known to the victim. Stalking by partners or ex-partners is one of the most prevalent forms of stalking, with strong causal links between domestic abuse, coercive control, stalking and domestic homicide.

The introduction of the Protection from Stalking Bill is only part of tackling stalking, there is much further work that needs done to raise awareness and tackle both cultural and behavioural issues and change societal views. It is also essential that the Justice Committee

take the time to talk to victims and let them tell and voice their stories of what it is like to live in fear of a stalker.

# Protection from Stalking Bill

## Clause by Clause Comments

### Clause 1: Offence of Stalking (definition)

There is no definition of stalking within the proposed Bill – it instead looks at the associated behaviours and lists these behaviours, this is fluid then as these behaviours change so frequently and abusers move quickly to be able to think of new tactics including the use of technology which is a huge issue.

It is important that the grounds on which an order can be made is wide enough to encompass all forms of stalking behaviours and that the list should also be named as “not exhaustive”. As an example one woman we have spoken to talked about drones being used to spy on her at her home and in her garden. Developments in technology are always developing and this list needs to be fluid.

CPS in England outlines the following in their guidance on the Stalking legislation in England:

*Prosecutors should note that the list in s.2A(3) is not exhaustive and it will be open to courts to consider other acts by a defendant and conclude that those acts constitute stalking even if they are not on the s.2A(3) list. It is likely that the defence may argue particular acts "associated with stalking" should not be classed as stalking but harassment and that their client is guilty of harassment, not stalking. Where such an argument is raised, prosecutors should state that this should be a decision of fact for the magistrates to decide on. It is therefore imperative that the correct charge is laid from the outset.<sup>15</sup>*

In relation to the imprisonment of 12 months, this is in line with England and Wales and we would support this that there is consistency.

In the Stalking they have an addition Section for police power of entry in relation to stalking, should this be considered in the NI version of the Bill as outlined below:

*New police power of entry in relation to offence of stalking (section 2B)*

- 1. Section 2B sets out new police powers to enter and search premises in relation to the 2A offence:*

*(1) A justice of the peace may, on an application by a constable, issue a warrant authorising a constable to enter and search premises if the justice of the peace is satisfied that there are reasonable grounds for believing that:*

*(a) an offence under section 2A has been, or is being, committed,*

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<sup>15</sup> [Stalking and Harassment | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/stalking-and-harassment)

*(b) there is material on the premises which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence,*

*(c) the material:*

*(i) is likely to be admissible in evidence at a trial for the offence, and*

*(ii) does not consist of, or include, items subject to legal privilege, excluded material or special procedure material (within the meanings given by section 10, 11 and 14 of the Police and Criminal Evidence Act 1984), and*

*(d) either:*

*(i) entry to the premises will not be granted unless a warrant is produced, or*

*(ii) the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.*

*(2) a constable may seize and retain anything for which a search has been authorised under subsection 2B (1).*

*(3) a constable may use reasonable force, if necessary, in the exercise of any power conferred by virtue of this section.<sup>16</sup>*

## **Clause 2: Offence of threatening or abusive behaviour**

We agree with the offence of threatening or abusive behaviour, wording, sub sections including sentencing and penalties.

## **Clause 3: Special measures directions**

We welcome Special Measures directions and these should be available for all victims of stalking as a crime. This is welcome, but as with all special measure provisions available within the court settings in NI, they need to be available and resources appropriately, so the victim is not let down on the court date where they are not there. Special protection measures such as separate waiting rooms, separate entrance and exit times for the parties, screens and video-links support victims to give quality evidence and can reduce some of the trauma of the process. We welcome the new legislation's inclusion and a commitment to make legislative changes to provide automatic eligibility for special measures in cases of stalking.

Separate waiting rooms or a safe place within the court designed to ensure victim safety and accessibility and to continue to use video link where possible. But this problem is most acutely within the family court, where access to special measures is so poor that survivors are being attacked, abused, harassed and left too frightened to effectively advocate for the ongoing

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<sup>16</sup> [Circular: a change to the Protection from Harassment Act 1997 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/circulars/2017/03/circular-a-change-to-the-protection-from-harassment-act-1997)

safety of their child. Failure to ensure parity in the court systems will leave survivors at continued risk of harm and an inconsistent approach to safety between the court systems.

There needs to be a guarantee of special measures for victims and survivors of domestic violence and abuse in all courts. At present we have many examples where special measures have been assured but on the day of court, they are unavailable. This is not good enough and there needs to be reassurances for victims and survivors.

*Subsection (2) provides that all victims of an offence of stalking will have automatic eligibility for assistance (such as the use of live links or screens at court) with giving evidence in proceedings.*

#### **Clause 4: Alternative to the conviction of the domestic abuse offence**

If used as an alternative to a conviction of domestic abuse it needs to take adequately into account the offence and not be seen as a lesser offence.

#### **Clause 5: No right to claim trial by jury**

There is no right for those accused of threatening and abusive behaviour before a Magistrate's Court to elect to go to trial at the Crown Court. There is an issue with regard to the knowledge and understanding of the Judges sitting in these courts. It is paramount that they are aware of stalking behaviours, signs and high-risk indicators. As any new legislation is rolled out it should be mandatory training for Judges together with PPS, Police and other legal professionals.

#### **Clause 6: Stalking Protection Orders**

Women's Aid welcome the introduction of SPO's as outlined in our introduction. These will give the police powers to apply for an SPO on behalf of a victim to protect stalking victims where there is evidence that stalking behaviours have taken place and where they believed an individual was at risk of stalking.

There is an issue to be raised in relation to the finance effects of the Bill

#### **Meaning of act associated with stalking and risk associated with stalking**

*This clause gives a definition of the acts and risk associated with stalking.*

#### **Clause 7: Applications for orders**

This Clause is setting out who can apply for the order, what is an order and the grounds on which an order can be made.

This Clause gives consent to the Chief Constable to apply for a SPO against a person if they meet the requirements of Clause 7(2) (a)(b)(c). We believe that giving the police the powers to apply for the SPO on behalf of victims would help to both protect the victim but also strengthen options available for legal remedies and protect from the police and tackling the impact of the stalking.

It does however highlight the need for training for the police and judiciary so that stalking can be identified earlier so that SPO's can be effective. It is also essential that the views of victims are sought and taken into account before any application for an SPO, with the option for the victim to be represented within any proceedings. We would think it is best practice for the victim/survivor's consent to be obtained and only in certain exceptions would this be pursued without consent, of course depending on risk to life etc.

Women's Aid also want to raise the issue of the potential concern around adverse impact on the implementation of Domestic Abuse Protection Orders and Notices and that there is no clash between the application process for a DAPO and an SPO. Also considerations have to be taken on the burden on the police applying for the Orders and again back to training in relation to application of undertakings and bail conditions.

#### **Clause 8: Power to make orders**

This clause sets out the powers of the court to make a stalking protection order and the grounds on which the court may make an order and what may be included in the order including prohibitions and requirements. In relation to this, we have the same concerns as we stated within our consultation response to the use of DAPO/DAPN:

In relation to requirements including Stalking Behaviour or Domestic Abuse Behaviour Management Programmes – this would again involve a lot of resources and implementation of services within all areas across NI which is currently not available. Again, in relation to rehabilitation programmes for other organisations including addiction services, many of which are provided through the voluntary sector the obligation to manage this individual and report on their progress and engagement is a big responsibility. We would not be able to indicate the amount of people who would need access to such a problem and again this is an issue of resourcing together with engaging with appropriate agencies who have an understanding and working knowledge of the domestic abuse as well as addiction.

It should be possible to impose prohibitions on the subject of the order to prevent them from contacting or approaching the person at risk, or prohibiting them from entering other specified locations in order to prevent approaching the victim/survivor at locations where they frequent as outlined below. We frequently hear from women who tell us they are continuing to be stalked and harassed by ex-partners following the breakdown of an abusive relationship. This provision would be necessary for these orders to be effective.

Other prohibitions could include:

- removal of keys to the victim's home



- prohibition on the perpetrator from returning to, approaching or entering the home
- prohibition from contacting/approaching the victim and children via text, phone or electronic means
- prohibition against damaging the property or evicting or excluding the victim from the home
- prohibition from approaching and entering women’s workplace, children’s school, college, university, gym, nursery etc.

We would support sub-section 8(2)-(7)

### **Clause 9: Duration of orders**

The biggest worry with placing a time limit within statutory regulations is that this may not take into account the toll that this can place on a female who has been the victim of such a situation if having to opt for a renewal. Given that a major burden placed on victims is the constant wondering of when a perpetrator may strike next and the significant toll this has on mental health, many women pointed out that placing a maximum time limit leaves victims with severe anxiety.

Additionally, at present, many women have discussed giving up employment or further education as a result of being stalked/harassed. Placing a maximum duration may act as a “bandage” with them simply giving this up further on down the line due to the fear that has been placed on them.

We would also be in support for a renewal of an SPO, if granted when required and were considered proportionately. This should include the completion of a further risk assessment to identify any other incidents of stalking and the risk posed to that individual by the accused. This assessment should be trauma informed, robust and effective in identifying high risk indicators and also taking into account safeguarding issues and offer continued protection.

### **Clause 10: Variations, discharges and renewals**

The proposed Bill should give powers to the police to request to vary, renew or discharge an order. This would allow the police and the court to take into consideration any new evidence that had come to light about the alleged stalking behaviour.

## **11. Interim Stalking Protection Orders**

We welcome an emergency protection of an Interim Stalking Protection Order in order to protect and prevent risk. This is important that the interim SPO’s are available quickly to ensure that there are no gaps in a victim’s protection.

*This clause sets out a description of an interim stalking protection order. It also sets out the powers of a court of summary jurisdiction to make an interim stalking protection order; who may apply for an*

*interim order, what may be included in the terms of an interim order and the duration of an interim order. This Memorandum refers to the Protection from Stalking Bill as introduced in the Northern Ireland Assembly on 18 January 2021 (Bill 14/17-22) 9 NIA Bill 14/17-22 EFM. The purpose of this provision is to protect the victim whilst the main application for the stalking protection order is being determined.*

## **12. Content of, and procedure for, orders**

There is a concern with regard to the criminalisation of under 18 years olds in relation to this clause. Anyone under 18 years old should be dealt with in a Youth Court setting, but we clearly state within our evidence that we do not believe an SPO is appropriate for a child and that giving someone under 16 years old an SPO risked criminalising children unnecessarily.

## **13. Offence of breaching order**

*This clause provides that it is a criminal offence to breach the terms of an order or an interim order without reasonable excuse. It will be for a court to decide what constitutes a reasonable excuse in a particular case. Subsection (2) makes it clear that the offence of breaching an order, although it is an offence under the law of Northern Ireland that can be prosecuted only in the courts of Northern Ireland, covers non-compliance at any place outside Northern Ireland where the order was to be complied with. Subsection (3) provides the penalty for the offence of breaching a stalking protection order or interim stalking protection order. **The maximum penalty on summary conviction (heard in a magistrates' court) is 6 months imprisonment or a fine not exceeding the statutory maximum (£5,000) or both.** The maximum penalty on conviction on indictment (heard in a crown court) is 5 years imprisonment or a fine, or both. Subsection (4) means that whether an offence of breaching a stalking protection order (or interim order) is dealt with by a youth court depends on the defendant's age at the time of the prosecution. It ensures that an adult will not be prosecuted in a youth court just because the order they are accused of breaching was made by a youth court when they were a young person.*

### **PSNI Statistics: 2019/20**

Other crimes against society with a domestic abuse motivation Between 67 and 89 per cent of other crimes against society with a domestic abuse motivation are breaches of non-molestation orders. The remainder relate mostly to the offence of threat or possession with intent to commit criminal damage. Breach of non-molestation order (domestic abuse motivation): The offence of breach of a non-molestation order was only introduced into the recorded crime data series in 2005/06.

However the offence was in existence during 2004/05 and, during this financial year, those offences with a domestic abuse motivation were collated within PSNI. Non-molestation orders are most commonly issued where the relationship between those involved would meet the domestic abuse definition. Generally speaking, at least 90 per cent of all breaches of non-molestation orders recorded by the police have a domestic abuse motivation.

There are many issues in relation to current breaches of Non-Molestation Orders within NI and not being taken seriously by the police when reported. These issues need to be addressed before implementation of a new Order to make sure breaches are dealt with seriously. There are a huge amount of breaches of Orders:

It should be a breach of a an SPO for the recipient of the order to continue to behave in a manner that had been prohibited in an order, such as carrying out further unwanted communication with the victim. This might, for example, include behaviour that was not in itself would not otherwise be an offence but that was causing an individual to suffer fear and alarm. Similarly, it should be a breach of an order not to comply with any requirements set out in the order. The breach of an SPO would be a criminal offence.

Breaching an SPO in England and Wales carries a maximum sentence of 12 months on summary conviction in Magistrates Court, and why should our maximum sentence here in NI be 6 months? We propose this should be 12 months as in England and Wales.

Breach of an SPO should be considered an aggravation of any offence perpetrated while the SPO is in place, so any stalking, threatening behaviour putting someone in fear etc.

Again, breach of an Order in England for the maximum prison sentence is 10 years so it matches England and Wales. There should not be a disparity between breaches of SPO's in different areas.

#### **14. Notification Requirements**

The proposed Bill should contain provisions requiring the subject of an SPO to notify the police the following:

- Their name and other names they would be known as
- Current address and last address if less than 3 months
- Are they currently in a relationship and if so name of person
- Any children/others living in the property
- Any addictions
- Any other issues including poor mental health.

This would ensure that a stalker couldn't continue to stalk a victim by using a different name or by changing their address so that they can't be found by the police. A failure to notify the in breach of the SPO.

We support the time period of 3 days to provide the information and the requirements should be as noted above and all of that information provided

#### **15. Method of notification and related matters**

The method of notification is paramount and we would take guidance from the amendments made through the Stalking Protection Act 2019, Section 10 which is more comprehensive as outlined below:

## **10 Method of notification and related matters**

*(1) A person whose home address is in England or Wales gives a notification under section 9(1), (3) or (4) by—*

*(a) attending at a police station in the person's local police area, and*

*(b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.*

*(2) A person who does not have a home address in England or Wales gives a notification under section 9(1), (3) or (4) by—*

*(a) attending at a police station in the local police area in which the magistrates' court which last made a stalking protection order or an interim stalking protection order in respect of the person is situated, and*

*(b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.*

*(3) In relation to a person giving a notification under section 9(4), the references in subsections (1) and (2) to the person's home address are references to—*

*(a) the person's new home address if the person gives the notification after changing home address, or*

*(b) the person's old home address if the person gives the notification before changing home address.*

*(4) A notification given in accordance with this section must be acknowledged—*

*(a) in writing, and*

*(b) in such form as the Secretary of State may direct.*

*(5) When a person gives notification under section 9(1), (3) or (4), the person must, if requested to do so by the police officer or person mentioned in subsection (1)(b), allow that officer or person to—*

*(a) take the person's fingerprints,*

*(b) photograph any part of the person, or*

*(c) do both of these things.*

*(6) The power in subsection (5) is exercisable for the purpose of verifying the identity of the person.*

## **16. Offences relating to notification**

We believe that within this clause provides that it is a criminal offence to fail to comply with the notification requirements without reasonable excuse to provide police with false information should carry a maximum penalty of 12 months imprisonment and not 6 months.

## **17. Guidance**

Guidance should be established by the Department of Justice for information with regard to this Bill in conjunction with voluntary and statutory partners and Women's Aid would like to see clarity in relation to this and assurances that we will be involved in this process. There is a lot of work need to raise awareness in the public domain together with police, judiciary, PPS and all legal professionals.

## **18. Interpretation**

## **19. Commencement**

**20. Short Title - This Act may be cited as the Protection from Stalking Act (Northern Ireland) 2021.**

## **Concluding remarks**

## Appendix 1:

**Women's Aid Federation NI**  
**Survey Monkey Results: Stalking Bill**

### Q1. Have you been a victim of stalking?

<b>ANSWER CHOICES--</b>		<b>RESPONSES--</b>	Yes: 87.50%
No:	–	21.74%	12.50%
<b>Q.2 of did as</b>	Online via social media	5	<b>What kind behaviour's you experience part of the stalking?</b>
	–	4.35%	
	Online – other	1	
	–	17.39%	
	Phone calls and text messages	4	
	–	8.70%	
	In your home	2	
	–	0.00%	
	In the workplace	0	
	–	4.35%	
	Via other family members	1	
	–	0.00%	
	Leaving unwanted gifts	0	
	–	4.35%	
	Breaking into your home	1	
	–	4.35%	
Recording you without your knowledge	1		
–	0.00%		
Damage to property/personal items	0		
–	34.78%		
Watching/spying	8		
–	0.00%		
Approaching you in public places (at your local shop, in the street)	0		
–	0.00%		
Other	0		
TOTAL	23		

### Comments:

- "Also text messages and through a friend."
- "I've also Received text messages and voice calls and voicemail messages left"
- "Made to feel uncomfortable all the time"
- "I have experienced almost all of these behaviours. I have been harassed online, rang on no caller ids, relentless text messages, received unwanted gifts, recorded without permission, followed into shops and the hospital"
- "Pretty much all of them expect for online stalking"
- "I have experienced more than one of the above. I had an onslaught of verbally abusive calls and messages. Watching me at my home, through social media which I have since had to delete. Contacted family members without my consent or any valid reason. Approached me in the street, drove at me whilst I was driving, been given gifts as an excuse to come to my door, had somehow had a key cut without my knowledge, workplace harrassment via calls and unscheduled visits, through friends at the gym, damaged property on occasion so I would have to postpone things, ensured they left something behind in mine in order to maintain contact and made up that they had belongings of mine that they didn't in an attempt to keep communication open. Had 3 different mobile numbers so he could dodge the blocked setting on the phone, called on a withheld number, financially abused me so that inhale no money to pursue my own hobbies or activities, physically abused me, caused severe emotional distress through manipulation and coercive control, spread lies and rumours in an attempt to isolate so I would have to talk to him to tell him to stop. I have been followed in the car had paramilitary criminality experiences because of this and had to leave my home that I worked so hard on making a sanctuary newly decorated with new bathroom and kitchen."
- "I have been watched by my ex husband by him using drones above my property, also my ex husband is highly associate with paramilitary organisation, which members have told me on my ex husbands behalf I being watch and so is my house and I to be " a good girl " as we in middle of court proceedings. I not to report anything or I be told to move or worse."
- "I experienced 5 occasions when the perpetrator (my husband) breached a non molestation order and then a simultaneous restraining order. He used force to try to enter my home and damaged the property on two occasions. As well as this I also had repeated phone calls and messages he asked other people to give to me. The option to tick more than one above has not been enabled."

### Q3. Did you ever report the stalking?

Yes: 69.57%

No: 30.43%

### Comments:

- "To police"
- "I am currently waiting to hear back from the police"
- I was told this man had a right to be on public roads and I had no proof he was stalking me

- Police always said they couldn't act without an Non Molestation order. Then when I had an NMO they still didn't do anything. I am now on my third NMO with my 3 kids also named on it.
- "I have a non-mol, but the loop holes prevent him from being arrested."
- "I reported it to the housing executive when i left the property. I was threatened and why i didn't report it. He threatened me with my life."
- "Currently pursuing court action."
- "I reported it to the PSNI but unfortunately was let down by them as they didn't pursue it."
- "When the appearances at my home happened I phoned the police as I had a non molestation order in place. I did not understand that this behaviour constituted stalking at the time."

#### 1 Q4. IF YOU DID REPORT THE STALKING, HOW WAS THE RESPONSE DEALT WITH?

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- "The police took a statement and put a protection order in place"
- Logged and went to women's refuge
- "I don't think the police are taking me seriously. But I am getting pass off attention Very disappointing"
- "That he hasn't harmed you so we can only give him a warning"
- "As above, I was told I needed an NMO for the Police to do anything and they still didn't take it serious or do anything when an NMO was in place"
- "He was cautioned but then he involved his family "to talk me round" and even sent the local minister to vouch for his character. He had previously abused and assaulted me and I had ended the relationship but he would not accept this and began following me and harassing me and even some of my family"
- "As they couldn't prove it was me in the photograph he took, it was put down as harassment."
- "I had no evidence of the stalking"
- "Some officers were very understanding and sincere. Others scoffed and said wait for it to blow over."
- " They approached the man and spoke with him"
- "My key worker in refuge sent the letter to the housing executive and they took it seriously ."
- "effectively"
- The person was approached with a non-molestation order and court proceedings are due for prosecution.
- Unprofessionally by the PSNI and West Yorkshire Police.
- Not at first . But then was advised by a womens aid worker to ask for a domestic violence officer that helped.
- Because my address was red flagged through MARAC I had an immediate response from the on duty section. I was not visited by domestic abuse officers until after the 5th incident although I had spoken to someone by telephone prior to that. As the legislation states "course of conduct" involves conduct on two or more occasions; I believe I should have been seen personally after the second incident which would have helped me feel more supported by police in dealing with the situation.



**Q5. Do you think the Stalking Protection Order would be a good idea and provide appropriate protection? You can find out more about these orders by copying this link: <https://www.cps.gov.uk/legal-guidance/stalking-protection-orders>**

Yes: 95.83%

No: 4.17%

**Comments:**

- "There needs to be much better understanding of the stalking and harassment that happens in abusive relationships and particularly at the end or if you don't want to be with them. It is like they are convinced that they are entitled to you or that you can't refuse them"
- This would be a fantastic idea
- I think it would be a good as sometimes police do not act on an NMO and maybe this would make them quicker to act.
- "This law will allow victims of stalking behaviour to attempt to live a normal life and go about doing daily tasks as it's their human right. At present harassment laws are at no use whatsoever in tackling stalking behaviour such as following, spying etc."
- " Only when it was safe to report. In my case I feared for myself and my family"
- "any order that protects people is beneficial"
- I think that this would be a good idea. My previous ex lived with me and I was able to pursue a non-molestation order and other legal action however I am aware that if a person does not live with you that they can pretty much get away with a lot as the level of proof that a person have to provide is very high and puts the person's safety at undue risk. I think anything that would put people off this stalking behaviour would provide so many benefits to those who have to endure a stalkers attentions. It makes you hyper-vigilant and is extremely exhausting. Anything that would put an offender off in the beginning would go a long way to hopefully preventing harm as bad it got for me which I would never wish on anyone.
- Most definitely as I felt let down by the present system.
- I never heard off it until now .
- I believe that by this legislation setting down a definition of what constitutes the offence of threatening or abusive behaviour it will hopefully inform and empower the Justice system when they deal with such circumstances. From my personal experience police did not always appear to understand the trauma involved for a person affected by such circumstances and having this set down in legislation should help that attitude improve. As always we hope that legislation will first inform public and professional knowledge and ultimately lead to improved behaviours and outcomes.

**Q6. Stalking Protection Orders are a civil order applied for by the police. They can include restrictions (e.g. no direct or indirect contact) and positive requirements (e.g. perpetrators must attend mental health assessment or perpetrator intervention program, have devices seized, hand over social media passwords and more). Do you think a Stalking Protection Order would be helpful in your case?**

Yes: 100%

No: 0%

**Comments:**

- "I had tried informal ways to get him to stop but he persisted and at some levels any attention seemed to "feed" his behaviour. Police caution didn't really stop his behaviour as he then tried to involve others on his behalf... pleading for him etc... I only really got peace after I moved away and went to work in England, changed all my contacts, etc... for a few years. Within a few months I heard he had moved on to a new relationship"
- My kids and I have went through 4 very difficult years post martial separation after the first initial NMO was served in Jan 2017. Maybe if there had of been orders like this in place I would not be now on my 3rd NMO which was passed on 23/02/2021 and lasts 18 months.
- "Yes as I believe my ex-partner is following me using social media and technology."
- "It's better than nothing, the amount of fear that you are living with is terrible. Suffocating. I took Parkinson's due to the emotional trauma that I experienced."
- "it gives PSNI an insight to what perp was up to."
- Yes, this would help and go a long way. I most definitely think mental health support for people within these circumstances is a must so that they can learn that this is not appropriate behaviour on a my level and help to cope with whatever it is that they feel they need to stalk. Interventions would be key for the positive outcomes that victims would not have to endure any of a stalkers behaviours.
- I not sure it would depend if I had to give names off known people associated with my ex husband ( paramilitaries) that could be life threatening.
- In my case 'would have been' as my circumstances have changed. Whilst I had the protection of a 1 year non molestation order and subsequently a 2 year restraining order neither carried the positive requirements as set out above. I believe this approach would have been very positive for me and possibly for my husband.

**Q7. How long do you think a Stalking Protection Order should be in place for and should there be a minimum period?**

One year: 12.50%

Two years: 29.17%

Court can specify period based on individual case: 62.50%

### Comments:

- "Minimum of a year. In my disruption he had persisted in harassing me and stalking me for many months"
- "I think that it shouldn't be any less than 2 years to give the families some period of peace of mind instead of the constant financial worries or repeatedly applying for another NMO. Especially when u are a single mother like me that could not get any legal aid because I work full-time."
- "Maybe as well indefinite order"
- "I believe that it should be placed for life when the stalking behaviours last longer than 12 months."
- "Court may be the best to decide"
- 2 years at the very least. If there is an addictive or other trait that the offender would be seen to hold they would need longer. A victim or person enduring this goes on to live with looking over their shoulder the rest of their lives regardless so therefore something to provide a long term solution would be needed. Offenders are very well rehearsed in misleading people with their charm and albeit apparently good nature however I have been the victim of this whereby a seemingly charming person was anything but and has caused serious harm and upset in the realms of my life.
- I think it should be in place until the victim feels safe , and should be put back in place if the Victim was to feel unsafe again.
- Speaking from personal experience I believe that the level of obsession present to drive such behaviours needs a period of time to be resolved. The positive requirements set out in the previous question need time to be effective and there needs to be an effective 'firewall' to interrupt such patterns.

### Q8. Do you think the police should be able to apply for an order on your behalf? (and take away the financial burden)

Yes: 100%

No: 0%

### Comments:

- "If women had to pay or if it isn't covered by legal aid then this is a barrier to protection. There is enough stress and red tape already without that added pressure"
- "Yes I think that it is a shame that families suffering from abuse have to face the financial burden when trying to protect themselves and their kids."
- "Yes I believe that many people are suffering as they aren't able to afford all the fees that come with applying for orders."
- Yes for financial reasons and other safety reasons.
- Absolutely!
- I think this would take away the not inconsiderable financial burden but also the trauma of having to deal with solicitors and courts at a time when the victim is already frightened, confused and beaten down by the seemingly never ending barrage of abuse that they have been subjected to.

**Q9: Any further comments:**

- “So far I have went through civil injunctions, harassment investigations, sexual assault complaints, non molestation order and to date my stalker has never been prosecuted this has been going on since July 2015. He does not only stalk me but also my friends and family. It has cost me my mental health and I am basically a prisoner in my own home.”
- “this should be a mandatory bill, this should be in place already.”
- Stalking is serious, not only in the form of making someone feel uncomfortable but it takes away the feeling of freedom. Living with looking over the shoulder because of their imbalance and lies they have told to paramilitary groups or others is devastating not only to a person's self esteem and emotional well being to the core of a person's being. This would be a small step in the right direction.
- I can't thank women's Aid enough for all the support they have given me this past year. I had a bad expert with the Police and Victim Support but Women's Aid and their staff stood by me during the whole process and didn't let me down!
- I feel as an ex wife life in Northern Ireland with an ex husband heavily connected to paramilitary associates and the use if skilled typology like drones extra that this should be more looked into as I feel some members of the psni, solicitors and courts do not take this seriously enough and the result could be deadly. I feel psni solicitors and members off the court need to look deeper and educate themselves more about what actually is going on and how vitamins to this day are still going through this and worse being told to stay quiet if this is not addressed more vitamins could end up seriously hurt or worse by simply trying to put an end to there abuse, but by speaking out to get help puts us at risk even more police solicitors and courts strongly need to take this into consideration.
- Reading this consultation has been a cathartic experience for me as it sets in black and white what no person should have to endure yet so many fail to acknowledge.
- Stalking order should be in place for all women no matter what
- This protection order would protect things from escalating to more serious crimes being committed as the perpetrator thinks if he can get away with stalking then he will get away with other crimes too!

## Appendix 2:

### **DASH (2009) Additional Stalking and Harassment Risk Questions**

Q8. Does (.....) constantly text, call, contact, follow, stalk or harass you?\* (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done)

PRACTICE POINTS: If the victim answers 'yes' to this question then you must ask the following as they are

risk factors for future violence:

Is the victim very frightened?

Is there previous domestic abuse and harassment history?

Has (insert name of the abuser....) vandalised or destroyed property?

Has (insert name of the abuser....) turned up unannounced more than three times a week?

Is (insert name of the abuser....) following the victim or loitering near the victim?

Has (insert name of the abuser....) threatened physical or sexual violence?

Has (insert name of the abuser....) been harassing any third party since the harassment began (i.e. family, children, friends, neighbours, colleagues)?

Has (insert name of the abuser....) acted violently to anyone else during the stalking incident?

Has (insert name of the abuser....) engaged others to help (wittingly or unwittingly)?

Is (insert name of the abuser....) been abusing alcohol/drugs?

Has (insert name of the abuser....) been violent in past? (Physical and psychological. Intelligence or reported)