

16TH APRIL 2021

PROTECTION FROM STALKING BILL

NORTHERN IRELAND ASSEMBLY JUSTICE COMMITTEE

JOINT EVIDENCE SUBMISSION

WOMEN'S POLICY GROUP NI

Women's Resource and
Development Agency
Raise Your Voice
Women's Aid Federation Northern
Ireland
Alliance for Choice
HERE NI
Cara Friend
Transgender NI
Northern Ireland Women's
European Platform
Rape Crisis NI
Women's Support Network

**Women's
Policy Group NI**

women's
RESOURCE & DEVELOPMENT AGENCY
Supporting Women's Groups and Networks Across Northern Ireland



women's aid



TransgenderNI

Supporting and campaigning for
trans people in Northern Ireland

**NI
WEP**

Northern Ireland
Women's European Platform



WSN
WOMEN'S SUPPORT NETWORK

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Abstract - Call for Evidence Information:

The Protection from Stalking Bill was introduced into the Assembly on 18 January 2021. The Bill passed Second Stage on 8 February 2021 and the Committee Stage commenced on 9 February 2021. The Committee for Justice would welcome your views/comments on the content of the Bill.

Your written submission should be structured to address specific clauses of the Bill. If appropriate, it should include any amendments you wish to propose to the text of the Bill. Information regarding the Bill can be obtained from the Assembly's website <http://nia1.me/4fm> or can be provided on request by emailing the Committee at

protectionfromstalkingbill@niassembly.gov.uk.

The closing date for written submissions is 16 April 2021. Written evidence should be submitted in Word format and preferably by email to protectionfromstalkingbill@niassembly.gov.uk or, by post, to The Committee Clerk, Room 242, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX.

Unless indicated otherwise it will be assumed that those submitting written evidence have no objection to it being made public by the Committee. If you have any queries or require any further information please contact the Committee Clerk, Christine Darrah, on 028 9052 1629.

1. Introduction:

The [Women's Policy Group Northern Ireland](#) (WPG) is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. It is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBT+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals.

Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG is endorsed as a group that represents all women of Northern Ireland on a policy level and we use our group expertise to lobby to influence the development and implementation of policies affecting women. This group has collective expertise on protected characteristics and focus on identifying the intersectional needs of all women.

The Women's Resource and Development Agency (WRDA) was invited to present evidence to the Justice Committee. As WRDA is the secretariat of the Women's Policy Group, alongside being lead partner organisation Raise Your Voice, we decided it would be best to do a joint evidence submission alongside a number of other women's sector and LGBTQI+ sector organisations in the WPG membership that are experts in this field.

This evidence is a joint submission from several WPG members including:

Women's Resource and Development Agency (WRDA):

WRDA is a feminist membership organisation that was established in 1983. WRDA's work covers lobbying, policy, Good Relations, health promotion and training. WRDA's vision is of a fair and equal society where women are empowered and are a visible force for change and influence in all areas of life. We take a participative, grassroots approach to this work – all women have the right to be involved in policy decision-making and we aim to amplify the voices of the women who engage with the women's sector.

Raise Your Voice:

Raise Your Voice is a project that seeks to tackle sexual harassment and violence in communities across Northern Ireland. Our goal is to create true cultural change in order to tackle the root causes of these behaviours and empower people to act to change this in their own lives.

HERe NI:

HERe NI (previously LASI), established in 2000, is a regional organisation that works across all areas of Northern Ireland (NI) and the boarder counties to support lesbian and bisexual (LB) women and their families. We advocate for and support LB women and their families and improve the lives of LB women across Northern Ireland. We do this in lots of different ways;

through providing information; peer support; facilitating training; lobbying government and agencies on LB women's issues; offering a community space for meeting and much more. HERE NI is the only women focused organisation within the NI LGBTQ+ sector.

Cara-Friend:

Cara-Friend has been serving the LGBTQ+ community in Northern Ireland for over 40 years founded in 1974, we work with young LGBTQ+ people aged 12–25. We provide regional LGBTQ+ youth groups across Northern Ireland, one-to-one support for individuals, LGBTQ+ awareness training for professionals and volunteers working in a variety of different areas, community development, the LGBT Switchboard, the LGBTQ+ Inclusive Schools Programme and the Domestic and Sexual Violence project, supporting LGBTI women and girls across the region.

Women's Aid Federation NI:

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic and sexual violence and providing services for women and children. The Women's Aid is made up of eight local Women's Aid groups and Women's Aid Federation Northern Ireland. Each Women's Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence. They are all members of Women's Aid Federation Northern Ireland.

NIWEP:

NIWEP is a membership organisation of women's NGOs in Northern Ireland. Established as the Northern Ireland link to the European Women's Lobby, the EU's expert body on women's rights and gender equality, NIWEP also has special consultative status with the UN. NIWEP's core objectives involve raising awareness and promoting implementation of key international human rights treaties and initiatives, including the Convention on the Elimination of All Discrimination against Women (CEDAW).

TransgenderNI:

TransgenderNI is a human rights organisation which exists to support and advocate for trans communities across Northern Ireland through community building, leading campaigns for social and administrative change, working with government and the community sector to improve policy and inclusion, and by giving trans people in Northern Ireland a platform, resources and the skills needed to self-advocate and bring about change.

Alliance for Choice:

Alliance for Choice (AfC) believes everyone who needs an abortion should have free, safe and legal access in their own country, without stigma; set up in 1996, we campaign for barrier-free access to abortion, comprehensive, unbiased sex education for young people and an end to the harassment of people using reproductive health services.

Rape Crisis Northern Ireland:

Rape Crisis Northern Ireland is a non-governmental organisation and support service for anyone aged 18 and over who has experienced rape or serious sexual assault in adulthood. Within a framework of equality and human rights, our purpose is to provide support to victims and survivors; their families, friends, and the wider community. We do this to ensure everyone can live free from the causes and consequences of sexual abuse. We work ethically to challenge and prevent rape, sexual violence and associated myths. We empower by providing support, education, information and advocacy. Our service is based on equality, empowerment, respect, trust and commitment to good practice for survivors.

The Women's Support Network (WSN)

WSN is an umbrella organisation providing support to the community-based women's sector e.g. women's centres, groups, projects and organisations. WSN provides information, resources, training and direct support to relieve poverty, advance education and safeguard health for women in Northern Ireland, particularly in areas of disadvantage. WSN actively campaigns, lobbies, carries out research and supports funding bids on key issues affecting women, namely health, poverty, childcare and education. WSN collates the views of women to inform policy development and articulate concerns and areas of need to funders, government departments, statutory organisations and elected representatives.

WPG

We welcome the opportunity to submit evidence to the Justice Committee on the Protection from Stalking Bill. The WPG membership is broad and has a deep understanding of how best to approach gender-based violence, including stalking given the inseparable connections to domestic abuse and misogyny. The WPG has engaged with the Justice Committee and all political parties in past calls for evidence on matters relating to gender-based violence, for example through our:

- Evidence submission to the committee on the Domestic Abuse and Civil Proceedings Bill in 2020¹,
- Briefings to MLAs on the rise in domestic abuse in the beginning of the COVID-19 pandemic²,
- Calls for increased funding for support providers³,

¹ WPG Evidence Submission to Justice Committee (2020) Domestic Abuse and Family Proceedings Bill: <https://wrda.net/wp-content/uploads/2020/06/WPG-NI-Evidence-Submission-to-Justice-Committee-05.06.20.pdf>

² WPG Statement on the Gendered Impact of COVID-19 and Domestic Abuse (April 2020): <https://wrda.net/2020/03/26/statement-by-the-womens-policy-group-on-the-gendered-impact-of-covid-19/>

³ WPG Call for Emergency Funding for Domestic Violence and Sexual Health (May 2020): <https://wrda.net/wp-content/uploads/2020/06/WPG-Letter-Emergency-Domestic-Violence-Funding-.pdf>

- Calls for the urgent implementation of a Violence Against Women and Girls Strategy and broader measures to tackle gender-based violence in the WPG COVID-19 Feminist Recovery Plan⁴,
- Broader events such as our Feminist Recovery Plan Webinar Series analysing the rising levels of violence against women throughout COVID-19⁵,
- Response to the Independent Hate Crime Legislation Review Consultation⁶,
- WPG Feminist Recovery Plan Key Briefing on Gender Based Violence⁷,
- WPG Response to the Department of Justice Public Consultation on Enhancing Legal Protections for Victims of Domestic Abuse⁸,
- WPG Response to Private Members' Bill Consultation on Paid Domestic Abuse Leave⁹,
- WPG Response to Department of Justice Public Consultation on Consent to Harm for Sexual Gratification: Not a Defence¹⁰.

The WPG member organisations included in this joint submission also have a long history of campaigning on issues relating to gender-based violence. This has included:

- WRDA article on the Impact of COVID-19 on women and rising levels of domestic abuse¹¹,
- WRDA briefing on Domestic Violence and Abuse - COVID-19 and Legislative Reforms¹²,
- WRDA Response to the Department of Justice Consultation on Domestic Abuse Offence and Domestic Abuse Violence Disclosure Scheme,
- Raise Your Voice Response to the Independent Hate Crime Legislation Review¹³,

⁴ WPG COVID-19 Feminist Recovery Plan (July 2020): <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

⁵ WPG Feminist Recovery Plan Webinar Series - COVID-19 and Violence Against Women (in collaboration with Women's Aid and Raise Your Voice) summary briefing available here: <https://wrda.net/wp-content/uploads/2020/11/VAWwebinarsummary.pdf>; and recording available here: <https://wrda.net/wp-content/uploads/2020/11/VAWwebinar.mp4>

⁶ WPG (April 2020) Hate Crime Legislation Independent Review Consultation Response: <https://wrda.net/wp-content/uploads/2020/12/WPG-Hate-Crime-Consultation-Review-Response-30.04.20-Updated.pdf>

⁷ WPG (April 2021) Feminist Recovery Plan Key Briefing on Gender Based Violence: <https://wrda.net/wp-content/uploads/2021/04/WPG-FRP-Gender-Based-Violence-Key-Briefing.pdf>

⁸ WPG (February 2021) Response to DOJ Consultation on Enhancing Legal Protections for Victims of Domestic Abuse: <https://wrda.net/wp-content/uploads/2021/02/WPG-Response-on-Enhancing-Legal-Protections-for-Victims-of-Domestic-Abuse-Public-Consultation.pdf>

⁹ WPG (January 2021) Response to Private Members' Bill on Paid Leave for Victims of Domestic Abuse: <https://wrda.net/wp-content/uploads/2021/01/WPG-Response-to-PMB-Consultation-Paid-Domestic-Abuse-Leave-Jan-21.pdf>

¹⁰ WPG (January 2021) Response to DOJ Consultation on Consent to Serious Harm for Sexual Gratification - Not a Defence: <https://wrda.net/wp-content/uploads/2021/01/Consent-to-harm-for-sexual-gratification-not-a-defence-by-WPG.pdf>

¹¹ WRDA (April 2020), the Impact of COVID-19 on Women: <https://wrda.net/2020/04/03/the-impact-of-covid-19-on-women/>

¹² WRDA (April 2020), 'Briefing on Domestic Violence and Abuse - COVID-19 and Legislative Reforms: <https://wrda.net/2020/04/27/briefing-on-domestic-violence-and-abuse-covid-19-and-legislative-reforms/>

¹³ RYV (April 2020), Response to the Independent Hate Crime Legislation Review: <https://wrda.net/wp-content/uploads/2020/05/Hate-Crime-Legislation-Review-Consultation-Response-on-behalf-of-Raise-Your-Voice.pdf>

- WSN’s consultation response on behalf of the Women’s Regional Consortium to the Domestic Abuse and Family Proceedings Bill¹⁴
- WSN’s response to the Domestic Abuse Leave and Pay consultation¹⁵
- Women’s Regional Consortium response to Hate Crime Legislation Review Consultation¹⁶
- Raise Your Voice Response to the DOJ “Rough Sex Defence” Consultation¹⁷,
- Raise Your Voice Misogyny Motion for NI Councils (currently passed in 8 out of 11 councils across Northern Ireland)¹⁸,
- Raise Your Voice IPSO Guidelines Regarding Reporting of Sexual Offences¹⁹,
- Women’s Aid Petition for a Violence Against Women and Girls Strategy for Northern Ireland²⁰,
- Multiple members of the Women’s Policy Group were also involved in developing the Gender Equality Strategy Expert Advisory Panel Report, which includes a wide range of data and recommendations relating to all forms of gender-based violence, including stalking²¹.

This joint response will be using evidence obtained for these past submissions within this joint response; particularly in relation to the correlation between domestic abuse, misogyny and stalking. We will provide evidence of the gendered nature of stalking at the outset of this response.

Further, we have also undertaken joint primary research to gather the anonymous views of those who have been victims of stalking. We received 38 testimonies from victims of stalking in NI and we will be including their voices, stories and opinions throughout this response. We believe that the Protection from Stalking Bill is a great opportunity to both better protect victims, and take measures to prevent perpetrators, so long as the voices of victims and evidence from expert groups are at the core of this bill.

¹⁴ Women’s Regional Consortium (2020), [Microsoft Word - Women's Regional Consortium Response to Justice Committee call for evidence on Domestic Abuse Bill .doc \(womensregionalconsortiumni.org.uk\)](https://www.womensregionalconsortiumni.org.uk)

¹⁵ [Women's Regional Consortium Domestic Abuse Leave Consultation Response January 2021.pdf \(womensregionalconsortiumni.org.uk\)](https://www.womensregionalconsortiumni.org.uk)

¹⁶ Women’s Regional Consortium response to the Hate Crime Legislation (2020) ([Prioritising Policy: Women’s Perspectives \(womensregionalconsortiumni.org.uk\)](https://www.womensregionalconsortiumni.org.uk))

¹⁷ RYV (January 2021), Response to DOJ Consultation on Consent to Serious Harm for Sexual Gratification - Not a Defence: <https://www.raiseyourvoice.community/news-resources/ryv-response-to-rough-sex-defence-consultation>

¹⁸ RYV (February 2021) Council Motion: <https://www.raiseyourvoice.community/news-resources/our-update-misogyny-motion-for-ni-councils>

¹⁹ RYV (May 2020), IPSO Guidelines Regarding Reporting of Sexual Offences: <https://www.raiseyourvoice.community/news-resources>

²⁰ Women’s Aid NI Petition calling for a VAWG Strategy for NI, which at the time of writing, has over 21,000 signatures: https://www.change.org/p/northern-ireland-assembly-a-call-for-a-violence-against-women-girls-strategy-in-northern-ireland?utm_content=cl_sharecopy_27742987_en_GB%3A8&recruiter=1184882142&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition

²¹ Ann Marie Gray, Louise Coyle, Rachel Powell and Siobhán Harding (Dec 2020), ‘Gender Equality Strategy Expert Advisory Panel Report’, <https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-gender-expert-advisory-panel-report.pdf>

“Been stalked by 3 ex partners and 1 friend of a friend. One I've had to contact the police about. All have been blocked from my social media. I had to install CCTV around my house after solicitors gave an ex my address on correspondence about family court for our daughter.”- RYV respondent

Finally, we will provide an overview of our opinions on each clause of this bill alongside a number of recommendations we would like to make to the Justice Committee to strengthen this bill to ensure it is as effective and as operational as possible.

This evidence submission is consistent with the views of those listed above and the content of this submission is based on the individual expertise of each organisation. Several additional members of the WPG are also submitting evidence on behalf of their own respective organisations to the Justice Committee. Therefore, in addition to this joint response, we would also like to endorse the supplementary evidence submissions from:

- Women’s Aid Federation NI
- HERe NI and Cara Friend
- Northern Ireland Women’s European Platform

This response was prepared by the following WPG members:

Rachel Powell - Women’s Resource and Development Agency
Elaine Crory - Women’s Resource and Development Agency / Raise Your Voice
Emma Campbell - Alliance for Choice / Raise Your Voice
Danielle Roberts - HERe NI
Sonya McMullan - Women’s Aid Federation Northern Ireland
Amanda McGurk - Cara Friend/HERe NI
Alexa Moore - Transgender NI
Jonna Monaghan - Northern Ireland Women’s European Platform
Karen Sweeney - Rape Crisis NI/Women’s Support Network

If you have any questions or queries about this evidence submission, or would like the WPG and the relevant membership organisations involved in this joint submission to discuss this evidence with the committee further, please contact Rachel Powell, Women’s Sector Lobbyist, rachel.powell@wrda.net or Elaine Crory, Good Relations Coordinator elaine.crory@wrda.net.

2. Putting the Voices of Victims at the Core - Our Primary Research

2.1 Overview of Primary Research:

Given the prevalence and seriousness of stalking in our society, and the lack of Northern Ireland specific data on stalking, we decided it would be appropriate to conduct primary research to support this evidence submission and to ensure that the voices of victims are central to the development of a robust Protection from Stalking Bill.

The members of this joint submission put out a call for evidence on 30th March 2021 via the Raise Your Voice website. We created an online survey asking people who had been the victims of stalking to submit information on their experiences anonymously and gather their opinions on how victims could be better protected. This call for evidence was then shared widely with organisations across the women's and LGBTQI+ sectors and through our own organisational membership. We closed this call for evidence on Tuesday 13th April at 10 a.m.

We will now give an overview of the research itself, the responses, key demographics of respondents and key themes. In addition, we will be using anonymous quotes from this research throughout this entire response. Please note throughout the response we use 'victim', many people consider themselves also survivors.

2.1.1 Details of the content of this call for evidence and the questions asked are available below:

RAISE YOUR VOICE, AS A MEMBER OF THE WOMEN'S POLICY GROUP, IS DEVELOPING AN EVIDENCE SUBMISSION TO THE JUSTICE COMMITTEE ON THE PROTECTION FROM STALKING BILL CURRENTLY MAKING ITS WAY THROUGH THE NI ASSEMBLY.

We want to ensure that the lived experiences of women who have been the victims of stalking shapes this legislation so that it is as robust and enforceable as possible. We are seeking your views on your experiences of stalking to shape our evidence submission and influence this Bill. Northern Ireland is currently the only part of the UK without proper stalking legislation, and we believe that this needs to urgently change as this is an issue that has impacted so many women.

All views and experiences shared will be completely anonymous and if you would like, we can keep you up to date with how your experiences of stalking shaped our evidence submission and any developments with this bill. Please share your experiences by answering the following questions.

All responses are needed by **Tuesday 13th April at 10 a.m** to ensure we have the time to reflect these experiences appropriately in our written evidence submission. If you have been affected please see our signposting page www.raiseyourvoice.community/helpadvice

2.1.2 Overview of Questions:

We included a range of both qualitative and quantitative questions for respondents to answer anonymously. This included the following questions:

1. *Are you (please click all that apply) LGBTQ+; Disabled; Black or Ethnic Minority Community; Female; Male; Non-binary; Trans Woman; Trans Man; Prefer not to say?*
2. *How many times have you been a victim of stalking?*
3. *Was your stalker known to you?*
4. *If you wish to, please detail your stalking experience(s)*
5. *Did you report any stalking incident you experienced?*
6. *If you reported this, who did you report it to (for example, police, employer, teacher etc.)?*
7. *If you reported it, was the response helpful? Can you tell us why?*
8. *Are you aware of “Clare’s Law” or the Domestic Violence Disclosure Scheme?*
9. *If so, was this useful to you or your care? Please tell us how or why?*
10. *Did the stalking happen online, in real life or both?*
11. *How did the stalking end? Please describe anything you wish to tell us?*
12. *What would have made you feel safer?*
13. *What do you think would stop someone from harassing or stalking?*
14. *If you wish, please tell us the impact that stalking has had on you?*

Given the challenging nature of the questions at hand, no questions were compulsory and we provided signposting to support service providers for those who had been affected by the issue and required support²².

²² For more information on the services signposted by Raise Your Voice, please visit: <https://www.raiseyourvoice.community/helpadvice>

2.2 Key Survey Findings:

2.2.1 Results of Survey Questions and Key Findings:

We received a total of 38 responses to this online survey. All evidence submitted by victims of stalking was completely anonymous and no identifying details will be shared in this submission. We did give respondents the option to disclose their demographics to help inform our submission through providing us with an understanding on how intersectional factors may impact victims.

In response to Q.1 on the demographics of respondents, results found that:

- 35 identified as female (92.11%),
- Two as male (5.26%) and,
- One non-binary (2.63%).
- Seven respondents also identified as LGBTQ+ (18.42%),
- Nine as disabled (21.05%) and,
- One as being Black or from an ethnic minority community (2.63%).

This was an open call for evidence, and we received responses from people with a range of intersectional identities. The prevalence of stalking towards women, the LGBTQ+ community and disabled women identified is particularly concerning. We received two responses from people who did not identify as female, with one male respondent having been stalked by a female ex-partner, and the other male and non-binary respondent having been stalked by both men and women in the past. Therefore, 97.4% of the cases disclosed to us involved male perpetrators and 5.26% of cases disclosed involved a female perpetrator.

2.2.2 Survey Results and Key Themes:

Q.2 When asked: *“How many times have you been a victim of stalking?”*,

- 44.7% of respondents said Once
- 13.2% of respondents said Twice
- 21.1% of respondents said Up to 5 times
- 21.1% of respondents said Up to 10 times

Of these responses, the majority of respondents referred to how many people had stalked them, rather than the number of incidents of stalking each victim faced. This is explored more throughout the qualitative responses provided. Crucially, 55.4% of respondents were the victims of being stalked more than once, highlighting the prevalence of the issue. The fact that people can fall victim to this crime more than once in their lives may be indicative of the fact that, once people recognise it for what it is, they will understand it as stalking, should it happen again.

Q.3 When asked: *“Was your stalker known to you?”*,

- 71.1% of respondents said - Yes, well
- 13.2% of respondents said - Yes, an acquaintance
- 0% of respondents said - Yes, only online
- 21.1% of respondents said - Not at all

This is of great significance, as there are often myths that stalking only happens to famous people, or that it is done by some “random stranger”. Stalkers, more often than not, target somebody that they know; either an ex-partner, classmate, colleague and so on. We found that 84.3% of our respondents were stalked by someone they knew, compared to 21.1% who did not know their stalker at all.

Those who knew their stalker well generally had been in a previous relationship with them, often one which ended because of abuse. Many of the others had an acquaintance with the perpetrator through school, university, work or socialising, and often described being pursued for a romantic relationship in which they were not interested. This was the motivation in most of the cases where the person did not know the stalker, also.

Q.4 When asked: *If you wish to, please detail your stalking experience(s)*

In response to this question, the vast majority of respondents disclosed their relationship to their stalker(s). Throughout these responses, 79% of respondents identified their stalker as either an ex-partner or someone they had previously dated. A further 23.7% referenced being stalked by an acquaintance or a “friend of a friend” and 10.5% also referenced being stalked at school, or by someone they knew from school several years previously. 18.4% of respondents also referenced being stalked by a stranger or random person; 2.6% referenced being stalked by an employer and 2.6% referenced being stalked by a colleague.

In addition to this, 52.6% of respondents referenced being stalked at their home; 31.6% being stalked at their workplace; and 10.5% referenced being stalked at school or university. A worrying 47.4% of respondents referenced being physically followed by their stalker, with 23.7% being followed by a car. Several respondents also experienced unwanted phone calls, texts and emails (47.4%); online harassment (21.1%) and unwanted gifts (7.9%). Worryingly, 10.5% of respondents also mentioned concerns over the unstable mental health of their stalkers, with references to ex partners threatening suicide also.

The most universal theme in these experiences was the reported serious long term impacts on survivors. 100% of respondents listed long term impacts on their mental health because of their experiences, from those cases where the harassment was ongoing to those where it had ended decades before. Three respondents specifically mentioned living with PTSD as a result. Some feared for their physical safety, others suffered damage to their career.

Other key themes include:

- The coexistence of in-person and digital stalking
- The prevalence of individuals experiencing stalking by more than one perpetrator

- The rise of Image Based Sexual Abuse (IBSA) also known as “revenge porn”
- The connection between perpetrators perceived “sense of entitlement” and their behaviour, and how gaps in the law enable this
- Confusion over how best to deal with the issue
- A wide variety of responses from institutions including the police, justice system, educational establishments and workplaces

Q.5 When asked: *Did you report any stalking incident you experienced?*

- 52.63% of respondents said - Yes
- 47.37% of respondents said - No

Q.6 When asked: *If you reported this, who did you report it to (for example, police, employer, teacher etc.)?*

Out of the respondents that did report the stalking:

- 42.1% reported it to the PSNI,
- 7.89% reported this to their friends, family or neighbours,
- 7.89% reported to their employers,
- 5.26% of respondents referenced reporting it and receiving support from Women’s Aid,
- 5.26% reported it to their GP,
- 5.26% reported it to a solicitor,
- 2.63% reported it to their university and,
- 2.63% went as far as reporting it to the perpetrators’ family.

Some of the other key themes that emerged in response to this question included:

- Reports to agencies coming quite late into the pattern of behaviour, because of a mixture of fear of disbelief, embarrassment, a hope it would “all go away”, and taking some time to realise what was happening,
- Employers putting practical supports in place at a higher rate than Universities or Schools,
- Family members being forced to provide practical help where police did not,
- Reports happening only when necessity has forced them.

“1st time I spoke with a family member ...

2nd time I was too embarrassed to tell anyone” - RYV Respondent

“The police. They did drive past my house for a couple of days. They did not speak to my ex or ask him to stop.” - RYV Respondent

“Yes I had conversations with the police several times. Told my employer as well as they would often turn up at the shop I worked at - therefore if I seen him I could ring a bell for someone to come so I could leave his company” - RYV Respondent

“I didn’t think it would be taken seriously at the time.” - RYV Respondent

Q.7 When asked: *If you reported it, was the response helpful? Can you tell us why?*

Out of those who did report their experiences of stalking:

- 61.9% said that this was not helpful,
- 28.6% said that it was helpful,
- 9.5% said it was sometimes helpful, or eventually helpful

Some of the key themes that emerged included:

- Fear of being disbelieved leading to non-reporting
- Mixed experience with police, depending on the individual Officer
- Police “hands tied” with regard to enforcement
- Repeated breaches of orders such as NMOs

Another recurring theme was the response from police or the justice system more broadly. Views reflected a feeling that police responses were varied and seemed to depend on the officer. Some who reported speaking to helpful officers were then underwhelmed by the actual powers the police had to make this stop - very often repeated calls were helpful before the person was spoken to and asked to desist. Further, survivors struggled with the overall lack of sufficient laws and enforcement throughout their interactions with the justice system.

The experience with the justice system beyond the police were also mixed. While many reported that it was a court order that finally stopped the stalking, others had difficulty obtaining a barring order or NMO. Others found that such orders were routinely ignored anyway, with little done to enforce them or to follow up on breaches.

Q.8 When asked: *Are you aware of “Clare’s Law” or the Domestic Violence Disclosure Scheme?*

- 52.63% of respondents said - Yes
- 47.37% of respondents said - No

Q.9 When asked: *If so, was this useful to you or your care? Please tell us how or why?*

- 0% of respondents said it was useful
- 100% of respondents said it was not useful

We asked respondents of their knowledge of the Domestic Violence Disclosure Scheme, and if they knew about it whether it was useful in their case. While some cases were not applicable because they took place before the Scheme was in place, we found that almost half of respondents (47.37%) did not know about it at all, while those who did (52.63%) did not find it to be helpful to their case. This is both an indictment of public awareness on this Scheme and where it applies, and also an indication that it is not working effectively at the moment and needs urgent improvement.

“I hear of Clare law an takes too long time to find answer for a person background” - RYV Respondent

“Police had no information on Claire’s law and failed to get back to me useless i new more than the officer” - RYV Respondent

“No this was not useful as I was unable to get disclosure of his past records once he had moved out of the apartment, the police just kept telling me that he was a dangerous man and known to police and to be careful. I have since found out I wasn’t his first victim” - RYV Respondent

Q.10 When asked: *Did the stalking happen online, in real life or both:*

- 5.26% of respondents said - Online
- 39.47% of respondents said - In real life
- 57.89% of respondents said - Both

Q.11 When asked: *How did the stalking end? Please describe anything you wish to tell us?, the key themes and reasons that emerged included:*

- Perpetrators tended to be creative and endlessly persistent in their stalking, and digital stalking allowed them that flexibility
- The majority of respondents experienced both forms of stalking - this is an indicator again of the persistence of stalkers
- The access that is afforded to people’s locations via social media platforms and options like geotagging allow perpetrators to blur the line between real life and digital stalking, using their digital stalking to plan their in person stalking
- Image Based Sexual Abuse (IBSA) also illustrates this blurring; having or gaining access to intimate images of the victim makes them vulnerable to very real life consequences through deliberate sharing designed to control and humiliate the victim which are in perpetuity
- Perpetrators are acutely aware of how lacking legislation is in this area and use this to control their victims and increase their sense of vulnerability

“I would get 100s of messages, phone calls, on every platform. I would block, and he would harass me on his friends’ socials. I kissed him when I was like 14 at a disco. That was all. Now when I didn’t answer my phone they would land up to my house and bang my door and windows. He would ring me off random numbers and send me text message which I would reply to saying who is this? Not knowing who it was. On nights out the bouncers would shout out my name because ‘my brother’ or my ‘boyfriend’ was lifting me and was outside. I told the bouncers that I didn’t have a boyfriend, never mind a brother. However, they presumed i was drunk and was trying to send me on. I don’t know how they knew

I was there or where I was. Also, when I was on a family holiday halfway across the world. They also followed me there, I did not reply to any of their messages thinking surely not. I put up a boomerang on Instagram of the bar I was at, and approx 15 mins later they land in. Pretty scary when I see him” - RYV Respondent

Q.12 When asked: *What would have made you feel safer?* The key themes that emerged included:

- Being taken seriously by the police
- Aftercare and information from the police
- Knowing the law would be sufficient to stop the experience
- Better mediation/counselling services when families break down
- Education / training / awareness to prevent this from happening

“Being able to report it without being made to feel like it was pointless and silly by the police.” RYV Respondent

“For my feelings to have been validated and for someone to advocate for me.” RYV Respondent

“That people understand the meaning of No. Not interested.” RYV Respondent

Q.13 When asked: *What do you think would stop someone from harassing or stalking?* The key themes that emerged included:

- Entitlement and a refusal to accept rejection or the end of a relationship came up a lot
- Many believe education needs to be central in this to dismantle this entitlement
- More robust police responses and training so that they know how to do this
- More robust court actions and Orders that are powerful enough to deter
- Mental health support for perpetrators and victims
- Practical information e.g. on registering to vote without making your address public
- Better information for employers, security staff, organisations, the general public, etc. about how they can protect others from stalking or intervene

“I wish I knew this answer. My stalker sent messages on my wedding day to friends of mine saying I was getting married to ruin his life. It is terrifying the twisted way people think. And I can’t rationalise this. If the law was well known it would maybe have an effect.” RYV Respondent

“The stalking bill is great as a deterrent, but I think overall it’s a societal issue whereby some people just ignore boundaries and can’t take no for an answer.” RYV Respondent

“Better access to reporting and blocking; an interventionist scheme to stop them doing what they’re doing” RYV Respondent

Q.14 When asked: *If you wish, please tell us the impact that stalking has had on you?* The key themes included:

- 100% of respondents reported long-term impacts on their mental health,
- Many characterised the impact as a “loss of freedom” and “living in fear”,
- Respondents reported leaving their workplace, moving from the city they lived in, dropping out of university, ceasing all social media use and changing email and phone numbers to try to stop the abuse,
- Many respondents reported a long-term effect on their job prospects, educational opportunities, etc.
- Many reported a wariness around strangers, a reluctance to be friendly, a fear of trusting others, some expressed a fear of ever beginning another relationship.

“My stalking took place well over twenty years ago and I still cannot sleep at night because that's when my ex-husband always came to my home. I stayed up all night every night to make sure my two kids slept safe in their beds. I used to go to bed while they were at school and get up before they came home. To this day I cannot sleep at night even though I take sleeping tablets.” - RYV Respondent

“I am constantly looking over my shoulder and feel I am being watched. I am scared to go anywhere not public. I am anxious, stressed and scared. I'm not sure what will happen next. I feel like moving away and telling nobody due to fear. I am exhausted living in a state of fear” - RYV Respondent

“I had nightmares for years. I'm still terrified of posting on social media. I stopped going to gigs for years. Yet he went on to become a pediatric doctor.” - RYV Respondent

This is a brief overview of the findings from our call for evidence. The experiences of these victims go far beyond these statistics or themes that emerged. We will be including anonymous quotes from respondents throughout the remainder of this evidence submission, and hope that the Justice Committee can gain a further understanding of the seriousness of stalking, the harm it causes to victims, the gendered nature of this form of abuse, the various types of stalking behaviours, the connection it has to domestic abuse, and crucially, the need to incorporate preventative measure into this Bill.

3. General Comments:

“I am constantly looking over my shoulder and feel I am being watched. I am scared to go anywhere not public. I am anxious, stressed and scared. I’m not sure what will happen next. I feel like moving away and telling nobody due to fear. I am exhausted living in a state of fear” - RYV respondent

Stalking is an extremely prevalent issue in our society, and we²³ welcome the introduction of the Protection from Stalking Bill 2021 (hereafter, the Bill) and the opportunity to submit evidence to the Justice Committee on this Bill. For too long, protections in Northern Ireland in relation to crimes that disproportionately impact women have been lesser than other jurisdictions across the UK and Ireland. We welcome the progress being made in relation to issues including domestic abuse legislation, protection orders and notices, tackling the “rough sex defence” and most recently, the motion passed in the NI Assembly to recognise misogyny as a hate crime, implement a standardised Sex and Relationships Education (RSE) curriculum and create a violence against women and girls strategy in Northern Ireland.

However, we still have a long way to go before women and girls are afforded *at least* the same protections as women across the UK and Ireland and for the full scale of gender-based violence to be tackled. This includes the implementation of Gillen Review Recommendations, Hate Crime Legislation Review Recommendations (including recognising gender as a protected characteristic), co-designing any VAWG strategy with the women’s sector and ensuring that legislation relating to violence that disproportionately impacts women is in line with international mechanisms such as the Council of Europe Convention (Istanbul Convention)²⁴ and Committee for the Elimination of Discrimination Against Women (CEDAW)²⁵.

“At the time of the first incident I think this type of behaviour was so ingrained in society not even I realised it was something that should be reported. Not that I expected any action to be taken. Additionally, the fear of a backlash from the perpetrator would have prevented me from reporting it. Information and education around these type of behaviours with specific support would be helpful”
- RYV respondent

The WPG and broader women’s sector and LGBTQ+ sector have long campaigned for improvements to our legislation to address the wide-spread levels of gender-based violence in our society, and this includes introducing measures to ensure protection from stalking.

²³ ‘We’ throughout refers to all organisations involved in this joint response - Women’s Policy Group NI, Raise Your Voice, Women’s Resource and Development Agency, HERe NI, Cara Friend, Women’s Aid Federation Northern Ireland, Northern Ireland Women’s European Platform, Transgender NI, Alliance for Choice and Rape Crisis Northern Ireland.

²⁴ Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, November 2014, ISBN 978-92-871-7990-6.

²⁵ UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, A/RES/34/180.

Pathe and Mullen conducted a study and found all but six of the one hundred victims reported major lifestyle changes and modified their daily activities in direct response to being stalked. This included avoiding places where the stalker might be and adopting additional, often expensive, security measures. Fear of venturing out forced a curtailment of social activities in 70 percent of respondents. Over half claimed they had changed or ceased employment as a consequence of being stalked. Forty percent of study participants relocated their residence on one or more occasions.²⁶

Stalking is one of the most frequently experienced forms of abuse in our society and it needs to be treated with the seriousness it deserves. Too often, stalking is seen as something that can only happen to famous people in high-profile cases, or something that should be seen as romantic. Research suggests that, by contrast, stalking is a problem that disproportionately impacts women, particularly young women, and is overwhelmingly associated with ex-intimate partners²⁷. Moreover, such offenders are very often men who have 'been in a violent and abusive relationship with the victim and who begin their campaigns of stalking and harassment when their partner ends the relationship'²⁸.

"Whatever stops men committing these acts against women? Until actual action is taken against men who commit a whole range of unwanted actions against women nothing will change. The courts and PSNI have basically made rape legal, so until the most grievous of sexual offences is taken seriously what's going to stop creeps from doing what they want?" - RYV respondent

Stalking is about fixation and obsession and it destroys lives, incites terror and can escalate to rape or murder. Even if threats are not made, stalking is a serious issue that causes many victims to live in fear. Stalking is an issue that disproportionately impacts women and can be linked to attitudes of misogyny through the perpetrator's views of ownership or entitlement to a woman. Further, stalking has a strong overlap with domestic abuse, and it is crucial that Protection from Stalking Bill fully accounts for the overlap between these forms of abuse. There are also unique circumstances and overlaps between matters such as disability, transphobia, racism, honour-based killing and more which need to be considered by the Justice Committee. The solutions to stalking need to be preventative, understanding why and how it occurs and addressing the structures and beliefs that allow stalking to remain so pervasive.

"It was the most painful time of my life. Ending an abusive relationship for it to carry on through calling to my house. Random messages and phone calls was

²⁶ M. Pathe and P.E. Mullen, 'The impact of stalkers on their victims' (1997) 170 British Journal of Psychiatry 12-17. See also S.M. Dennison, 'Interpersonal Relationships and Stalking: Identifying When to Intervene' (2007) 31(4) Law and Human Behavior 353-367.

²⁷ Morris, S., Anderson, S. and Murray, L., (2002), 'Stalking and Harassment in Scotland', Crime and Criminal Justice Research Programme, The Robert Gordon University, NFO System Three Social Research, Research Findings no.67/2002: https://www.researchgate.net/profile/Simon-Anderson-6/publication/267545900_Stalking_and_Harassment_in_Scotland/links/573b419108ae298602e4507b/Stalking-and-Harassment-in-Scotland.pdf

²⁸ Ibid, n21, p.1.

soul destroying and very very frightening. Especially when the person carrying out the stalking feels like they're entitled to do it because I was his wife.” - RYV respondent

This joint evidence submission from the WPG and members will provide an analysis of the gendered impact of stalking alongside our response to the clauses of this Bill. This submission will also make recommendations on how this Bill could be improved and provide testimonies from victims of stalking in NI.

4. Gendered Impact of Stalking on Women

“I spent months of my life terrified, on edge and unable to relax with significant repercussions for my physical and mental health. I became very mistrustful of men and the police afterwards.” - RYV respondent

Many recommendations we have collectively made in recent years are of relevance to this submission and have a significant overlap to our recommendations within this evidence bill. This has included responses and submissions on the *Domestic Abuse and Civil Proceedings Act*, *Domestic Abuse Protection Orders and Notices*, *Independent Hate Crime Legislation Review*, *Consent to Harm for Sexual Gratification - Not a Defence*, *Paid Leave for Victims of Domestic Abuse*, addressing rapidly rising levels of domestic abuse and homicides, tackling growing levels of hate crimes and online abuse throughout the COVID-19 pandemic and much more.

The most common overlap in all of these issues is that they are inherently gendered, with women making up the vast majority of victims in all of these situations. Stalking is another example of abuse that predominantly impacts women and needs to be tackled as a form of gender-based violence and incorporated into a Violence Against Women and Girls Strategy for Northern Ireland. Existing data across the UK shows the stalking is an inherently gendered crime and Northern Ireland is much further behind in relation to protecting women from gendered crimes. The lack of stalking legislation in Northern Ireland is one of the main barriers to the UK ratifying the Istanbul Convention on tackling and combatting violence against women and girls and domestic abuse. In creating local stalking legislation that is compliant with international mechanisms, it is crucial that this recognises stalking as a form of gender-based violence that is inherently connected to domestic abuse, misogyny and harassment.

“I have a £500 home security system, CCTV to the front and rear of the house, I never keep my doors unlocked, I keep lights on during the night. I never drive with my door unlocked; I never go out when it's dark. I avoid eye contact with men in public and I no longer date.” RYV Respondent

The seriousness of stalking cannot be underestimated, and legislation must be victim focused while considering the context of stalking and the reality that seemingly minor behaviours can be red flags. Statistics show that 80% of reported victims of stalking are women, while 70% of perpetrators are male²⁹. While existing data in Northern Ireland is limited, past research from Paladin, the National Stalking Advocacy Service, and Crime Survey of England and Wales³⁰ shows that:

- 80.4% of victims are women, whereas 70% of perpetrators are men,

²⁹ Women's Aid, 'What is Stalking?': <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/stalking/>

³⁰ Paladin Service (2013) Stalking - Key Fact and Figures - <https://paladinservice.co.uk/key-facts-and-figures/>

- 700,000 women are stalked each year (2009-2012) although the British Crime Survey (2006) estimated that 5 million people experience stalking each year but there are no official statistics on the percentage cyber stalked - given the radically increased usage of social media platforms since 2006, levels of cyber stalking are likely to be much higher now.
- It is estimated that at least 1 in 5 women are the victims of stalking in their adult life. These figures represent reported crimes, the true degree might be far higher, many do not recognise stalking for what it is as public recognition of the problem is still developing.
- Victims do not tend to report to the police until the 100th incident, which is extremely concerning given the correlation between stalking escalating to much more serious events such as sexual assault or domestic murder,
- 50% of victims stopped or curtailed work due to stalking,
- 75% of domestic violence stalkers will turn up at the workplace.
- 79% of domestic violence 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 the stalking was related to homicide in 15% of these cases,
- 1 in 2 domestic stalkers that make threats will act on it compared to 1 in 10 stalkers who had no prior relationship to the victim,
- The Metropolitan Police Service found that 40% of the victims of domestic homicides have also been stalked.

"Now I feel safe, enough time has passed since I gave it a thought, but it has impacted me in so many ways: I feel like every woman I know has been impacted by an ex in this type of way to a different extent. Think now I practice a lot more digital safety / hygiene in general which is probably a positive." RYV respondent

Suky Bhaker, Chief Executive of the Suzy Lamplugh Trust highlighted the devastating impact that stalking has been having on victims' lives:

"The impact of stalking is devastating and can infiltrate every aspect of a victim's life, with 78% of victims reporting symptoms consistent with PTSD according to a recent pilot study. It is important that victims report this crime and seek specialist support."

As highlighted in section 2, within our own research, 100% of respondents listed long term impacts on their mental health because of their experiences, from those cases where the harassment was ongoing to those where it had ended decades before. Three respondents specifically mentioned living with PTSD as a result. Some feared for their physical safety, others suffered damage to their career. We asked respondents to tell us the impact stalking has had on them, below are some examples of the long-term impact in their own words:

“It had a very detrimental impact on my mental health. My anxiety levels increased 10-fold, for periods of my life I was in constant fight or flight mode, fearing for not only myself but also my children.” - RYV Respondent

“I’m highly anxious and potentially depressed. It makes ordinary life very heavy and difficult.” - RYV Respondent

“I have depression as a result and PTSD” - RYV Respondent

“I had nightmares for years. I’m still terrified of posting on social media. I stopped going to gigs for years. Yet he went on to become a paediatric doctor.” - RYV Respondent

“It makes me feel like myself and every other woman is only one “mistake” away from becoming the star of the next true crime documentary” - RYV Respondent

“I really suffer with trust issues from these experiences. I carry guilt if I ward a person’s affections off and feel I have hurt their feelings or some way responsible for how they feel because they have been so perishable. My internal victim blaming mechanism has taught me this. But I am growing to learn that none of this is my fault and the fault lies with each individual perpetrator.” - RYV Respondent

“I dropped out of university because I was so scared. I also ended lots of friendships as I felt I didn’t know who I could trust. I became scared to answer my phone or opening the front door even for the postman. I became more and more of a recuse. My mental health deteriorated, leaving me with severe anxiety and paranoia which developed into depression which I still struggle with to this day.” - RYV Respondent

“It is horrible it makes you live in fear and it affects your life that you can’t live your life in freedom. Men that stalk and harass women is known for it to end up in rape violence or death and too much of it has happened” - RYV Respondent

“Paranoia, depression, anxiety, heightened blood pressure, accelerating eating disorder - RYV Respondent” - RYV Respondent

“I be very paranoid; I was taking antidepressants for a while and honestly don’t like being alone at night. It has its effects emotionally and socially! I won’t answer any number that I don’t know and won’t even fill my petrol up by myself. It’s the little things. Anytime I hear a car outside my house I physically feel sick.” - RYV Respondent

The fact that stalking is a gendered crime that disproportionately impacts on women and girls points us towards underlying causes. Misogyny is an attitude that can be embodied in many

different ways, and stalking is one of these. Stalking is one of the ways in which victims of domestic abuse can be held under coercive control both during a relationship and after a relationship has ended, and this stems from the desire to control the victim's behaviour and to know about their every move, any future relationships and so on. This coercive and entitled attitude can result in a variety of outcomes, but it is so prevalent because it is so effective; it creates fear and reminds the victim/survivor of how they can leave the relationship but might never be truly free.

Stalking embodies misogyny in instances not associated with domestic abuse, too, and often is connected with a sense of entitlement to women's time and romantic attention. It is tied to a notion, prevalent in popular media, that persistence, even in the face of repeated rejection, is a virtue that will eventually be rewarded with attention and love. The stalker may even believe that they love the victim, but in fact their sense of entitlement is rooted in misogyny and dangerous ideals of romance and love. These factors require intervention, the earlier the better, to reverse the attitudes that cause the behaviours, which will be elaborated upon later in this submission.

There is a need for stalking to be considered with due weight in the Violence Against Women & Girls Strategy that TEO is currently working on. Any such consideration should be mindful of the various ways that this behaviour intersects with other forms of VAWG and also of the fact that stalking is a gendered crime.

We have made a number of recommendations across various public consultations and evidence submissions that need to also be addressed in order to support the implementation of a Protection from Stalking Bill that is fit to address the gendered nature of such abuse. Some of these include:

- Ensuring legislation that relates to areas of violence that disproportionately impacts women recognises the gendered nature of that crime and underlying, deep-rooted attitudes of misogyny in our society,
- Ensuring that any new legislation is victim-led, with recognition of the intersectional needs of different groups and societal factors that put some victims at greater risk or create barriers to accessing justice. For instance:
 - recognising and addressing the barriers for disabled women seeking support and unique forms of coercive abuse they face;
 - addressing harmful heteronormative stereotypes that prevent LGBTQI+ people seeking help or recognising abuse;
 - inhumane policies such as No Recourse to Public Funds which create further barriers and fear for women with uncertain immigration status from reporting abuse due to fears of being reported to the Home Office and more.
- In line with the commitment set out in the recently passed motion in the NI Assembly³¹, go further that the Independent Hate Crime Review recommendation no.9 to recognise gender as a protected characteristic, and specifically recognise misogyny and trans misogyny as a form of hate crime,
- Implement all of the outstanding Gillen Review Recommendations,

³¹ <http://www.niassembly.gov.uk/assembly-business/marshalled-list-of-amendments/23-march-2021/>

- Ensuring that any new strategies or public awareness campaigns are developed in co-design with experts from both the women's and LGBTQ+ sectors and adequately resourced and funded to ensure they are operational. This includes any VAWG strategy, Hate Crime Awareness, Stalking Awareness, Domestic Abuse Awareness, implementing a standardised Sex and Relationship Education curriculum and so on.
- Adequately funding and implementing robust training for across the entire justice system on all legislative changes relating to gender-based crimes.

We will be providing more detailed information on the link with stalking and domestic abuse, as well as information on image based sexual abuse or IBSA (also known as “revenge porn”) and increasing challenges of protecting people from cyber stalking later in this response. We will also be providing more information on international mechanisms relating to stalking as a form of violence against women, the need to create awareness raising programmes and preventative measures to stalking later in this response. We wanted to provide some context on the changing and increasingly gendered nature of stalking in the UK in recent years.

5. Intersectionality and Additional Northern Ireland Specific Factors to be Considered

There are a range of additional factors that we believe the Justice Committee should be aware of when scrutinising the Protection from Stalking Bill. Some of these factors are related to intersectional identities, for instance, race, gender identity, sexuality, disability, nationality and so on. Others are Northern Ireland specific, such as the involvement of paramilitaries. We will expand on each of these issues below.

5.1 Intersectional Identities of Victims:

American lawyer and scholar, Kimberlé Williams Crenshaw, introduced the theory of Intersectionality in 1989 and coined the term in 1993³². This extremely influential theory explains how overlapping identities relate to systems and structures of oppression, domination or discrimination. The main argument behind this was that the experience of a black woman cannot be understood in terms of being black and of being a woman considered independently, but must include the interactions between the two, which frequently reinforce each other.

We believe that the above theory of intersectionality is relevant to understanding the experiences of marginalised groups in relation to gender-based violence, including stalking. Without recognising the intersectional identities of victims, there is a risk of over-simplifying victim groups and this does not necessarily take into account the diverse and intersecting experiences of victims and the nuances of the harms that they might suffer. Further, some victims from marginalised groups may face greater structural and system barriers that prevent them from being able to access support or gain recourse to justice.

5.1.1 The Connection between Honour-Based Abuse and Stalking

We believe it is necessary for the Justice Committee to further explore the nuances between honour-based abuse and how it can relate to stalking and would recommend that the committee reaches out to groups supporting the victims of honour-based abuse in Northern Ireland currently. Honour-based abuse is defined by the CPS as:

³² Crenshaw, K. (1989), 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics', University of Chicago Legal Forum, Vol.1989(1) Article 8:
<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>

“An incident or crime involving violence, threats of violence, intimidation, coercion or abuse (including psychological, physical, sexual, financial or emotional abuse) which has or may have been committed to protect or defend the honour of an individual, family and/or community for alleged or perceived breaches of the family and/or community’s code of behaviour”³³.

We know anecdotally of two ongoing cases in the Belfast area relating to honour-based abuse that have manifested through stalking and other forms of abuse; although these are certainly not the only cases of honour-based abuse ongoing in Northern Ireland. In both of these cases, there is ongoing obsessive stalking of both women and children by perpetrators, with both cases involving perpetrators who have a misguided sense of “ownership” and “honour” over the victims. These cases highlight the earlier evidence whereby stalkers more often than not know their victims well, and have misguided senses of entitlement, and harass victims both directly, and indirectly through contacting people related to the women involved.

We would like to recommend that the Justice Committee engages with groups supporting victims of honour-based abuse, so that the factors of this type of stalking are fully understood and incorporated into the Protection from Stalking Bill.

5.1.2 The Increased Barriers for Women with Uncertain Immigration Status

We would also like to raise our concerns relating to women with uncertain immigration status who face additional barriers in seeking support or recourse to justice. In particular, we would like to highlight the barriers that might women face due to Section 3(1)(c)(ii) of the Immigration Act 1971, which provides that limited leave to enter or remain in the United Kingdom may be subject to a condition requiring that person maintain themselves, and any dependents, without recourse to public funds³⁴.

This is known as ‘No Recourse to Public Funds’ or NRPF. Since 2012, a ‘NRPF condition’ has been imposed on nearly all migrants granted the right to live or work in the UK. The Home Office justifies this condition on the basis that people seeking to establish their family life in the UK must do so on a basis that “prevents burdens on the taxpayer and promotes integration”. This covers a huge number of visas including those for spouses, parents and adult dependents. The effect of this condition is that the person holding leave is permitted to work in the UK and pays taxes but is prohibited from accessing the safety net of public funds paid for by those very taxes. Other migrants such as those without status, or those subject to a sponsor maintenance undertaking, can also be prevented from accessing welfare benefits. Collectively these are known as NRPF

³³ CPS Guidance: ‘So-Called Honour-Based Abuse and Forced Marriage: Guidance on Identifying and Flagging cases’, <https://www.cps.gov.uk/legal-guidance/so-called-honour-based-abuse-and-forced-marriage-guidance-identifying-and-flagging>

³⁴ For more information, please see the WPG COVID-19 Feminist Recovery Plan: <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf> p.94.

groups. Breaching a NRPF condition can result in a criminal conviction and can negatively impact future immigration status.

Paragraph 6 of the Immigration Rules lists the benefits considered as ‘public funds’ for the purpose of the Immigration Rules³⁵. This definition covers most benefits which are paid for by the state such as child benefit, housing benefit or universal credit. It does not include benefits that are based on National Insurance contributions, such as statutory sick pay or statutory maternity pay.

The imposition of NRPF by the Home Office is discretionary, but in practice this discretion is rarely exercised. Generally, discretion will only be exercised where the applicant is destitute or there are particularly compelling reasons relating to the welfare of a child or they provide proof of other exceptional circumstances relating to their finances. Some people who have a NRPF condition on their visa can apply to have it lifted, but they must show they have become destitute, or particularly compelling reasons relating to the welfare of a child, or exceptional circumstances relating to their finances. This option is also limited to persons on certain visa routes such as family and private life. Applying to have NRPF lifted can also result in your visa renewal period being changed to a ten year route; effectively doubling the time it will take for the person to gain indefinite leave to remain in the UK³⁶.

Local authority and social services departments have some limited statutory duties to provide support to people who are subject to NRPF. For example, in Northern Ireland social services commonly are required to step in and protect the welfare of children who have become destitute due to NRPF under Article 18 of the Children (Northern Ireland) Order 1995³⁷. However, some NRPF groups are excluded from local authority support, unless it is necessary to prevent a breach of their human rights. In practice it can be very difficult to obtain support from social services. NRPF stands out as a particularly draconian element of the Hostile Environment because it impacts such a broad range of migrants. A report by the Migration Observatory found that around 1.376 million people hold valid UK visas that would usually be subject to the NRPF condition³⁸.

People who have been living, working and contributing to taxes in the UK for years are subject to this measure. The policy also disproportionately impacts vulnerable groups such as single parent households, pregnant women and people subject to domestic violence, leaving them without the safety net of social welfare and throwing families into destitution³⁹. This was exacerbated during

³⁵ UK Immigration Rules 25th February 2016:

<https://www.gov.uk/guidance/immigrationrules/immigration-rules-introduction>

³⁶ Application for change of conditions of leave to allow access to public funds if your circumstances change 3rd March 2014: <https://www.gov.uk/government/publications/application-for-change-ofconditions-of-leave-to-allow-access-to-public-funds-if-your-circumstances-change>

³⁷ The Children (Northern Ireland) Order 1995; www.legislation.gov.uk/nisi/1995/755/article/18/made

³⁸ Between a rock and a hard place: the Covid-19 crisis and migrants with No Recourse to Public Funds (NRPF) 26th June 2020; <https://migrationobservatory.ox.ac.uk/resources/commentaries/between-a-rock-and-a-hard-place-the-covid-19-crisis-and-migrants-with-no-recourse-to-public-funds-nrpf/>

³⁹ Migrant Women, No Recourse to Public Funds and the Pandemic 1st June 2020; <https://maternityaction.org.uk/2020/06/migrant-women-no-recourse-to-public-funds-and->

the coronavirus crisis as job losses and economic uncertainty left people subject to NRPF unable to access support, leaving them forced to work in unsafe conditions, trapped in unsafe housing, and unable to self-isolate and support their families. An example is in Northern Ireland the Discretionary Support (Amendment) (COVID-19) Regulations (Northern Ireland) 2020 created a Discretionary Support Grant designed to urgently support those affected by the Coronavirus crisis⁴⁰. However, these grants are listed as a public fund in Paragraph 6 of the Immigration rules, excluding persons subject to NRPF from accessing them.

The inhumane Home Office Policy of No Recourse to Public Funds is one that the women's sector has raised consistently, and we would recommend to the Justice Committee that guarantees are made for women with uncertain immigration status so that they can seek justice without their cases being reported to the Home Office. Further, given the interconnected nature of domestic abuse and stalking, NRPF makes it extremely difficult for some migrant women to be able to leave or escape from abuse partners.

5.1.3 Unique Forms of Abuse and Barriers Facing Disabled Women

Within our research, we were particularly concerned with the high proportion of women victims who also identified as Disabled (21.05%). This is concerning due to the disproportionately higher levels of intimate partner abuse and unique forms of coercive control that disabled women face. For instance, it is estimated that one in two disabled women are in abusive relationships in the UK, however there is insufficient data collection in Northern Ireland to know the extent of disabled people experiencing abuse⁴¹. Many disabled women's intimate partners are also their carers, and there are many cases of disabled women being coercively controlled by their abusive partners through withholding medications, denying the victim access to the outside world, denying them support for their basic hygiene needs and much, much more.

As disabled people face additional barriers in accessing support, not recording the numbers of disabled people specifically experiencing abuse prevents specific resources and support measures being put in place. Given the interconnected relationship between domestic abuse and stalking, it is extremely concerning that disabled women are at a much higher risk of abuse and have greater barriers to face in trying to access support and recourse to justice. In addition to this, disabled women face many barriers in accessing support to flee abusive relationships, due to insufficient numbers of secure tenancies that are accessible, or even gaining accessing police stations or courthouses when trying to seek justice.

the-pandemic.com/?utm_source=rss&utm_medium=rss&utm_campaign=migrant-women-no-recourse-to-public-funds-and-the-pandemic

⁴⁰ The Discretionary Support (Amendment) (Covid-19) Regulations (Northern Ireland) 2020 24th March 2020; <http://www.legislation.gov.uk/nisr/2020/44/introduction/made>

⁴¹ Women's Budget Group, (2018), 'Disabled Women and Austerity', <https://wbg.org.uk/wp-content/uploads/2018/10/Disabled-womenOctober-2018-w-cover-2.pdf>

Whilst data on disabled women in general is extremely limited in Northern Ireland, the fact that over one fifth of our respondents in this call for evidence identified themselves as disabled, this provides an urgent need to further investigate the issue of gender-based violence against disabled women, particularly relating to stalking.

5.1.4 LGBTQ+ Women

“A year of hell, threats to out me at work. Threatening to come to my office or parents’ home and cause a scene & threats that she would commit suicide. All of which caused me to suffer insomnia and a constant feeling of nervousness & fear at the time that to some degree although lesser, has stayed with me.” - RYV LGBTQ+ respondent

In the past number of years from 2013/ 14 to 2017/ 18 the number of homophobic, transphobic hate crimes reported in England and Wales has doubled from 4600 to 11,600, these crimes include stalking harassment and violent assault in the LGBTQ+ community⁴². While there is a lack of published figures for NI our professional experience suggests a similar increase locally. Stalking may also be recorded as a hate crime. This lack of disaggregated monitoring and recording means we do not know how many LGBTQ+ people have reported stalking, as well as the unknown levels of unreported experiences.

In several countries, including the UK, the US and Canada, studies have shown that bisexual women are the most vulnerable to rape, sexual assault, domestic violence and stalking⁴³. A 2010-2012 study in the U.S. found that bisexual women experienced stalking at higher levels than any other group⁴⁴, and a more recent study from 2019 found that disproportionately high levels of bisexual women experienced stalking or other crime carried out by an intimate partner ‘Over their lifetimes, 61% of bisexual women reported being raped, assaulted or stalked by an intimate partner, compared to 44% of lesbian women and 35% of heterosexual women.’⁴⁵

“Fully grown man training to become a doctor started stalking me when I was in secondary school. We had met briefly through a church event when he was one of the leaders. He even turned up at my school with ‘gifts’... How he was even let into the building I’ll never know. Found me in the cafeteria. He turned up at every event I said I was going to on Facebook. Gigs, church stuff, shopping. Ever since I have been terrified to post on Facebook about things until after events or I’ve

⁴² Marsh, S., Mohdin, A., and McIntyre, N. (2019) 'Homophobic and transphobic hate crimes surge in England and Wales', *The Guardian*, 14th June.

⁴³ See here: <https://www.independent.co.uk/voices/bisexual-lgbt-pride-sexual-assault-violence-invisible-minority-survivors-a8435226.html>

⁴⁴ Chen J, Walters ML, Gilbert LK, Patel N. Sexual Violence, Stalking, and Intimate Partner Violence by Sexual Orientation, United States. *Psychol Violence*. 2020 Jan;10(1):110-119.

⁴⁵ Addington, L (2019) <https://genderpolicyreport.umn.edu/bisexual-women-and-intimate-partner-violence/>

done things. I was once even sitting in my house, smiling at something on my phone, only to receive a text from him saying ‘What are you smiling at?’. I suffered from home invasion nightmares for years after, as I live far out in the country and had no idea how he knew where I lived or how he was watching me. My family even went on to install cameras around the house as I was that frightened.” - RYV LGBTQ+ respondent

One significant barrier for LGBTQ+ women, along with other victims, is not recognising that they are experiencing stalking due to a lack of education on healthy relationships. The majority of campaigns are centred around heterosexual, white cis gendered (those who identify with the gender they were assigned at birth) people and rarely if ever show the diversity of our society. Often there is an assumption that if you are a woman your partner will be a man. With the default of heteronormativity quite often individuals within the LGBTQ+ community become invisible. This invisibility leads to a lack of awareness that stalking and domestic abuse happen in same-sex relationships. Often It is important that the wording of any legislation recognises the multitude of relationships stalking can occur in, including LGBTQ+ relationships.

There is also recent evidence to show that LGBTQ+ communities are at greater levels of potential harm from IBSA than the general population. This is combined with a greater reticence to disclose to anyone that it is happening for fear of being ‘outed’ to friends, family school or employers. In a study in New Zealand, they found receiving threats of IBSA was more prevalent among non-heterosexual (8%) than heterosexual participants (3%). About a quarter of non-heterosexual participants received hateful digital communications one or more times in the last 12 months. Non-heterosexual participants were more likely to: agree that everyone has a role in addressing hateful online content, disagree with the idea of introducing specific legislation to stop the spread of hateful online content due to community relations with law enforcement and that their sexual orientation was the most common reason for exposure to online hate given by participants who identified themselves as non-heterosexual.⁴⁶

“LGB youth are more likely than their heterosexual peers to send and receive sexting images. LGB youth are at a significant higher risk to receive pressure to engage in sexting. Despite their overall higher engagement in sexting, they are not more likely than their peers to engage in the forwarding of sexting images. This study highlights that adolescent girls and LGB adolescents are at a disproportionate risk to experience online sexual pressure. More research into these disparities is urgently needed.”⁴⁷

⁴⁶ Factsheet: Trends in unwanted digital communications regarding sexual orientation in New Zealand Prepared by Dr. Edgar Pacheco & Neil Melhuish <https://philarchive.org/archive/PACFIU>

⁴⁷ Joris Van Ouytsel, Michel Walrave, Lieven De Marez, Bart Vanhaelewyn, Koen Ponnet (2021) Sexting, pressured sexting and image-based sexual abuse among a weighted-sample of heterosexual and LGB-youth, Computers in Human Behavior, Volume 117, <https://doi.org/10.1016/j.chb.2020.106630>

5.1.5 The Connection between Transphobia and Stalking:

“I’ve been stalked by men and women and there are similarities in ways that are commonly agreed as not-acceptable: frequent phone calls where no-one speaks, once five times in a day; bombardment with text and internet messages, with angry threats of force; gaslighting: misappropriating my words in public forums accusing me of everything from pedophilia and harassment to misogyny - this has happened generally but is true of the five stalkers. I have feared these people will show up at my home, work-place or at events where my public presence is required.” RYV Non-binary respondent

Over the past number of years, hate crimes and incitement to hatred against trans people has been steadily rising. According to Stonewall's Trans In Britain report, over 40% of trans people have experienced a hate crime or incident in the past 12 months. Despite stalking being widely recognised as a form of interpersonal violence, and despite the knowledge that LGBTQI+ communities are at significantly heightened risk of victimisation in cases of interpersonal violence, there is very little available data or research on the experiences of stalking within LGBTQI+ communities, and especially within trans communities.

Anecdotally, we see trans people being victimised regularly by stalking. There are often many conflicting factors when dealing with this, including fear of revictimization through interacting with the police, power dynamics between the victim and perpetrator, and the possibility that the victim may be a familial or other (previous romantic, platonic, etc) relation of the perpetrator. Due to perceived and real historical and contemporary negative experiences with the police, trans people are less likely to report stalking and other forms of harassment, violence and hate crimes to the police. In order to support trans victims, alternative forms of reporting and dealing with stalking outside of carceral justice should be explored.

The victim’s visibility as a trans person also plays a huge role in their susceptibility to stalking, as well as the area within which they live. Anecdotally (as again there is very little available data on this issue) we have seen members of paramilitaries stalking, harassing and coercively controlling trans and LGBTQI+ people within communities with a prominent paramilitary presence. In communities with this presence, any perceived difference is targeted, leading to minorities living in these areas experiencing stalking, harassing, and intimidation on a large scale.

5.1.6 Paramilitary Involvement in Stalking and VAWG

“An abusive ex fiancé sent me letters, and also his friend, to try to ascertain if I would take him back. This was scary for me as he was emotionally, financially and sexually violent and had drugged me when we were together. He was also in the paramilitaries. A man I met in a chippy followed me home and sat outside my house in his car and kept coming back. I gave him my number in the chippy, and

he scared me because he said he was watching my house, and my cats. He also said he was ex PSNI and had done traces on me. The police didn't really take me seriously because I was on antidepressants at the time. One policeman, in my own home, said "ah, that explains it"! The stalker played cat and mouse with the police for months. They did find out who he really was but advised against me pursuing charges because the stalker would only get a rap on the knuckles, at best. And my health would suffer." - RYV respondent

Twenty-three years after the Good Friday / Belfast Agreement, paramilitary activity still exists. We see the public-facing side of this activity quite often, but much is hidden behind closed doors. In the 2018 report *Intimate Partner Violence in Conflict and Post-Conflict Societies*, referring to 2016 research, Professor Monica McWilliams writes⁴⁸:

"The continuation of paramilitary control on women experiencing IPV remains a concern although it is two decades since the cessation of formal paramilitary hostilities. In the 2016 study, 11 of 53 participants (21%) raised the impact of paramilitarism on their lives when asked about the impact and legacy of the conflict in Northern Ireland, making it a relevant issue. The impact of paramilitarism was evident in two main respects: on the one hand, affiliation to paramilitary groups provided a source of power to perpetrators of IPV; while, on the other hand, the armed groups represented an alternative and more rapid response to IPV for victims."

She notes also that coercive control was maintained within the home by claims by the perpetrator that they were connected with paramilitary groups and while *"many participants who raised this issue claiming these connections had been fabricated with the specific intent of controlling and threatening them. Most participants, however, had only discovered the fabrication after exiting the relationship, showing that these threats had the same impact as if they were real. The fact that perpetrators of IPV use their affiliation with armed groups to threaten and abuse their partners points towards the different sources of power that may be open to perpetrators of IPV in conflict and post-conflict contexts."*

There is little reason to believe that this is not still an ongoing reality, particularly as many paramilitary groups seem to be increasing their activity and recruitment in light of heightened tensions. In addition, paramilitary involvement by the perpetrator - or the suggestion thereof - may make reporting to the PSNI difficult or impossible. It may also mean that surveillance of victims can continue even if a perpetrator is imprisoned, as their affiliations may mean that the victim will still be monitored and controlled. Indeed, many women's centers across NI deal with the fall out of this, by providing care packs to women they know who are trapped or stalked by violent men who also happen to be 'well-connected', but they must do so quietly to avoid raising suspicions and inviting repercussions. There is an urgent need to address ongoing paramilitarism in Northern Ireland for a number of reasons, there has always had a strong correlation with

⁴⁸ https://www.politicalsettlements.org/wp-content/uploads/2018/07/2018_PSRP-Violence-Report-NI.pdf pp.57-58

coercive and controlling family violence and their effect on public safety is demonstrably corrosive, this is a part of their influence that needs particular attention.

6. Relationship between Stalking, Domestic Abuse and Femicide:

6.1 Exploring Intimate Partner Stalking, Domestic Abuse and Femicide

There is much evidence to associate a link between domestic violence and abuse, stalking and coercive control but as stated previously, 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.⁴⁹

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.⁵⁰ This is certainly the experience of Women's Aid in Northern Ireland and the women they have supported. Research across multiple jurisdictions shows that most victims of stalking are women, and the majority of perpetrators are men,⁵¹ 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)⁵² 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)⁵³. **Crucially, women are more likely to suffer serious harm or homicide when they are stalked, especially where there is a**

⁴⁹ 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.

⁵⁰ See Hall, 1998; Kohn et al 2000

⁵¹ 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.

⁵² Ostermeyer, B., Friedman, S., Sorrentino, R. and Booth, B. *Violence* (2016) 39(4):663-673

⁵³ Meloy, J.R. and Boyd, C. (2003) Female Stalkers and their Victims *J Am Acad Psychiatry Law* 31:211–19, 2003

previous (or current) intimate relationship with the stalker (McFarlane et al 2002).⁵⁴

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.⁵⁵ 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.

*“Case Study: Clare Bernal was murdered by her Michael Pech in Harvey Nichols in 2005. She worked there on the La Prairie beauty counter and he was a security guard. She had dated him on three occasions. There had been numerous warning signs which were not understood. The police risk assessment was inadequate and undertaken by a professional who was not trained. Clare was consequently told she was not at risk and rendered further vulnerable at the hands of the CJS – having been told by Pech ‘if you report me to the police I will kill you’ and that ‘if I can’t have you, no-one can’. We know from research that 1 in 2 stalkers, who have had a relationship with the victim, if they communicate a threat to kill will act on it. On September 13th he entered the store and shot her head and then turned the gun on himself.”*⁵⁶

*“Case Study: Rana Faruqui Rana met Stephen Griffiths at work. They started a relationship which was abusive and controlling. She ended it and he started stalking her. She reported it to police on a number of occasions over a three month period. Griffiths received numerous warnings after spying on her, taking photographs of her and stalking her by sending e-mails and text messages. Two weeks before she was murdered he cut her brake pipes on her car. Griffiths attacked Rana whilst she was tending to her horse. Moments before she died she called 999.”*⁵⁷

⁵⁴ 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)

⁵⁵ 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.”

⁵⁶ <https://paladinservice.co.uk/wp-content/uploads/2014/11/Digital-and-Cyber-Stalking-Toolkit-2013.pdf>

⁵⁷ <https://paladinservice.co.uk/wp-content/uploads/2014/11/Digital-and-Cyber-Stalking-Toolkit-2013.pdf>

Intimate Partner Stalking has serious consequences, which we have shown through our primary research throughout. Additional consequences which we would like to highlight to the Justice Committee include:

- 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 a current or former intimate partner is being stalked.
- Studies show increased fatality risk by a stalker.
- Stalkers already have extensive and intimate knowledge of victims and routines (history, social or family contacts, daily routines, employer, work colleagues, neighbours, children, pets).
- Stalkers already know the victim's hopes and fears (so easier to exploit them).
- Stalkers can make it look like there are "legitimate" reasons for the behavior.
- Stalkers have the opportunity for regular contact with victims through children's activities, court dates, family, mutual friends, work, school, etc.
- Especially increased risk if the 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 minimised, just as domestic abuse is often also minimised, 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.

We would like to stress the seriousness of intimate partner stalking to the Committee again. 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. It is crucial that this aspect is fully recognised and included in the Protection from Stalking Bill.

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.

6.2 Domestic Violence Disclosure Scheme (Clare's Law)

This Scheme is designed to allow people access to their new partner's history with regards to Domestic Abuse and related crimes, or to allow those close to them to enquire on their behalf.

Any disclosure scheme must be adequately resourced, some police services in England have adopted a 'risk averse' approach to avoid any potential legal action by offenders, and to minimise resource implications⁵⁸.

A DVDS relies on the accuracy of information held by the PSNI. This could lead to a false sense of security where an applicant is told there is no recorded history of violence. Studies in England have demonstrated a 'postcode lottery' for applicants in relation to the likelihood of receiving a disclosure, and the details it may contain⁵⁹.

There is a risk that a DVDS places the responsibility on potential victims to 'vet' their partners, that they should act to protect themselves. Should the applicant receive a disclosure, there is a risk that they will be blamed for not leaving the relationship should any violence take place in future, this ignores the barriers experienced by those fleeing domestic violence situations. Several police services reported that if the applicant did leave the relationship this meant the risk was removed, this may not be true in reality.

Gaps in recording the data of applicant demographics in England show it is difficult to identify whether particular groups are not engaging with the scheme. Additionally, as the applicant can be a related person, recording their data not the potential victim does not give a clear picture of those who may benefit from the scheme. None of 39 police areas studied identified any checks on female

⁵⁸ <https://livrepository.liverpool.ac.uk/3003730/1/clare%27s%20law%20fitz-gibbon%20walklate.pdf>
The Efficacy of Clare's Law in Domestic Violence Law Reform in England and Wales Kate Fitz-Gibbon and Sandra Walklate 2017

⁵⁹ Katerina Hadjimatheou & Jamie Grace
<https://www.tandfonline.com/doi/citedby/10.1080/10439463.2020.1795169?scroll=top&needAccess=true>
ue 2020

subjects, suggesting the scheme is not being used by LGBTQ+ women in same sex relationships or men in heterosexual relationships⁶⁰.

There is no requirement for follow up action when someone received a disclosure. This makes it difficult to measure whether the scheme has led to people avoiding harm. Several police services reported that if the applicant did leave the relationship this meant the risk was removed, this may not be true in reality⁶¹.

IDVAs in particular highlighted that on receiving a disclosure that a partner had a previous stalking response it is hard to safely end the relationship. This is compounded by the confidentiality of the disclosure, the applicant cannot discuss their concerns with anyone without express permission from the police, which is a barrier to accessing advice and support⁶². In addition, if the perpetrator is made aware of the disclosure this increases the risk of violence for the applicant.

In Raise Your Voice's survey, almost half of respondents were unaware of this Scheme, which indicates strongly that there has not been a robust public awareness programme explaining this Scheme or that such a programme did not communicate clearly enough with the public about its intended uses and how to access it.

Even more damning, those who were aware of the Scheme found it unhelpful in 100% of responses. They found that it took too long, the information was not provided, or that they were not eligible to receive this information because the relationship had ended.

The Scheme needs urgent reform in order to be useful to those it is intended to help:

- The scheme needs to be extended to cover former partners where abuse, stalking and other menacing behaviours extend beyond the life of the relationship,
- Where the perpetrator and the victim share children, it should be possible for victims to have up to date relevant information so that they can make informed decisions as to shared custody,
- The public information campaign has been ineffective and should be re-launched and updated,
- The length of time it takes to ready the information for disclosure must be shortened, victims may be in immediate danger and deserve to know as a priority,
- A review of the information included should be conducted so that it spans all gender-based crimes that may be relevant,
- The information given must be clear enough so that the recipient can understand it and act accordingly.

⁶⁰ Duggan, Marian (2018) Victim hierarchies in the Domestic Violence Disclosure Scheme. International Review of Victimology, 24 (2). pp. 199-217. ISSN 0269-7580.

⁶¹ Duggan, Marian (2018) Victim hierarchies in the Domestic Violence Disclosure Scheme. International Review of Victimology, 24 (2). pp. 199-217. ISSN 0269-7580.

⁶² Duggan, Marian (2018) Victim hierarchies in the Domestic Violence Disclosure Scheme. International Review of Victimology, 24 (2). pp. 199-217. ISSN 0269-7580.

We would argue that there is merit in dealing with stalking in conjunction with recent developments that have created a coercive control offence in Northern Ireland given the close links between stalking and domestic abuse.

7. Online Stalking Behaviours:

“He began sending hundreds of inappropriate messages that were sometimes sexual but often were incoherent babble. He hacked my social media profiles and email. He created over 20 fb profiles to contact me, then moved onto Instagram, Snapchat and most recently linked in. He began showing up uninvited at family members homes and my home with gifts for me. He has shown up at bars or nightclubs on nights out and has most recently contacted me 3 weeks ago. I really feel sorry for him but his behaviour has been dangerous and erratic at times.”

For the purposes of this submission, ‘revenge porn’ will be understood as merely one form of a variety of gendered, sexualised abuse which have common characteristics, which will all come under ‘image-based sexual abuse’ (IBSA) and which will encompass a variety of abuses, including, deepfakes, sending consensually received images on to others without consent, accessing naked images and without consent, and more. Online stalking can encompass a huge range of behaviours linked to the technology that enables it, tracing the geo-location of a partner, ex partner or stranger, setting up multiple fake accounts to get around someone blocking digital access, hacking into people’s private accounts on social media, email and personal drives, using information gathered online to track and stalk someone in real life, using online accounts to post harmful private or untrue information about someone, using non-consensually or consensually acquired information or images to threaten or extort someone, to use ‘deepfakes’ to threaten, harass or extort and more.

*“Technology is the new frontier in coercive control, monitoring, and harassment. Online interactions can be anonymous and inconspicuous and provide a means to pursue or harass from a distance. Technology-based stalking behaviors are more difficult for targets to avoid than offline pursuit. Although it is possible to refuse to answer a telephone call (offline pursuit), text messages automatically arrive, making them difficult to avoid. The future will undoubtedly bring even methods to communicate in unwanted ways. Additionally, today’s youths are more familiar with a complementary issue of cyberbullying. As these individuals age and begin dating, they may be more willing to use the same behaviors, which may cross over to COP and cyberstalking. **Therefore, cyberstalking laws should be written to cover stalking by any method, as it is improbable***

that these laws would keep up with technological advances that could be used to stalk.”⁶³

“Better protection for female employees in the work environment - I think this is perhaps an area of stalking less talked about? We need to stop considering stalking in terms of domestic abuse. I work 5 days a week for 6 years with this man - I probably spent more time with him than most married couples do. Plus there is also the power dynamic too - as my employee he had power over me and completely abused it. The law protects him! We also need similar laws as Republic of Ireland on revenge porn... 2 years after the Gillen Report, we aren't that much further along. And as usual, we're years behind GB in legislation.” RYV respondent

7.1 The Prevalence of Online Stalking:

Online stalking, or cyber stalking, is an area of abuse that has been becoming increasingly dangerous in recent years. Our own research highlighted that online stalking was present in 63.1% of all cases disclosed to us. Beyond the stalking statistics in section 3 of this response, more recent data also shows the prevalence of cyberstalking in the context of dramatic increased use of cyber channels and social media since 2009-2012. This includes research from Paladin and the Suzy Lamplugh Trust in May 2020, where they found a dramatic surge in cyberstalking involving social media, messaging apps and emails in the early stages of the 2020 lockdown, with Paladin seeing a 40% increase in contacts from victims of stalking since the lockdown was imposed⁶⁴.

The perception that people would be safer from stalking because they cannot go out of their homes has been debunked due to stalking perpetrators increasingly relying on technology to stalk their victims. Worryingly, in cases reported by the Suzy Lamplugh Trust, it was found that perpetrators would go as far as threatening to give victims COVID-19. The increase in cyber stalking due to COVID-19 was also reported by Veritas Justice, a stalking advocacy scheme, who had an 75% increase in cyber and online stalking during the first stages of the UK wide lockdown in 2020⁶⁵ and that over 70% of their clients were being stalked by ex-intimate partners.

“I was stalked and harassed on and off by a former boyfriend (we are now 15 years on from a 3 month relationship when we were 20) it was email, text, phone calls and more recently tweets- the person set up new accounts to message /

⁶³ A. Lyndon, J. Bonds-Raacke, A.D. Cratty (2011) College students' Facebook stalking of ex-partners *Cyberpsychology, Behavior, and Social Networking*, 14 (12) (2011), pp. 711-716

⁶⁴ Guardian UK (2020), “Coronavirus surge in stalking victims seeking help during UK lockdown”, <https://www.theguardian.com/uk-news/2020/may/08/coronavirus-surge-stalking-victims-seeking-help-during-uk-lockdown>

⁶⁵ Veritas Justice (April 2020), ‘Seeing Stalking Clearly’, <https://veritas-justice.co.uk/national-stalking-awareness-week-2020/>

publicly post. I reported to Twitter, and blocked, and eventually just made my own accounts completely locked down. It was very upsetting to do this as I work in a job that would benefit me to have public accounts but he had said he had been checking in on me every couple of weeks and hated what he saw. I know he isn't mentally well, which makes it more scary. Luckily in a way the stalking was easy to show to our wider friendship circle and meant that pretty much everyone in my life gradually cut him out. Last summer I was pregnant and without knowing he started another digital attack on me and my best friend which left me feeling very ill and down. All I can do now is be thankful that it's never been physical altho he knows where I live. I know he's up to something again when I get requests to reset my social media accounts all late at night every couple of months." - RYV respondent

More recent data from the CPS analysing stalking prosecutions highlights that stalking is being increasingly used as a form of gender based violence with a record of 2,228 charges for stalking brought in 2019-2020⁶⁶, which was more than double the number five years previously. It is crucial to note that the increasing charges has not been due to a no tolerance approach to stalking, but rather a better recognition of the severity of stalking in cases of domestic abuse as this CPS analysis of stalking prosecutions found that 84% of complaints in England and Wales involved ex-partners and three-quarters reported domestic abuse had previously occurred in the relationship.

Within this analysis it was found:

"that in every case involving an ex-partner, victims were bombarded with unwanted and often threatening phone contact and were physically stalked at their home or place of work. Social media was cited as a significant factor in 17 cases, with offenders usually creating multiple Facebook and Instagram accounts to get around being blocked by their victims. Three cases involved the disclosing of private sexual images - so called "revenge porn", with one woman's photos sent to her manager by an ex. In two cases, trackers were put on the victims' cars and one involved an attempted abduction. In eight prosecutions, the victim and perpetrator had not been in a relationship. These involved friends, colleagues or strangers developing fixated, obsessive or unwanted and repeated attention towards victims"

Additional data from the National Stalking Helpline and the Suzy Lamplugh Trust found that in 100% of reports involved some form of digital stalking, with this pattern intensifying over the lockdown periods in 2020 to deal with the COVID-19 pandemic with perpetrators having more time to themselves to cyber stalk their victims.

In response to this data, Joanna Coleman, CPS national lead for stalking prosecutions stated that:

⁶⁶ CPS (2020) Stalking Analysis Reveals Domestic Abuse Link - <https://www.cps.gov.uk/cps/news/stalking-analysis-reveals-domestic-abuse-link>

“What we are seeing time and again in this sample of cases is very often abusive men refusing to accept their relationships are over and not allowing their exes to move on with their lives. This manifests in behaviour spanning obsessive and threatening messaging to - at the more extreme end of the spectrum - physical violence and placing trackers on their movements. This is abuse pure and simple and anyone engaging in this sort of behaviour faces a wide range of very serious criminal charges.”

It is now recognised that stalkers who stalk offline will usually assist their activities with various kinds of technology as a tool, e.g. mobile phones, social networks, computers, shared drives or geolocation tracking. This is often known as ‘digitally assisted stalking’, as opposed to cyberstalking where the person causing harm uses digital technology but doesn’t stalk the person in the real world. However, it should be noted that pure cyberstalking still inflicts the same amount of psychological damage, with many victims suffering from Post-Traumatic Stress Disorder (PTSD), especially in incidents of Image Based Sexual Abuse, Deepfakes and Sextortion.⁶⁷

7.2 Image Based Sexual Abuse (IBSA) and Deepfakes:

“I had persistent calls and messages from my ex who was able to tell me what time I’d last been active on WhatsApp. Like calls and texts constantly, threatening to publicly humiliate me online through revenge porn if I didn’t answer.” RYV respondent

Many of our respondents also mentioned being the victims of image based sexual abuse by their stalkers. This is an area of growing concern on the island of Ireland, particularly as it is a practice increasingly used by stalkers against their victims. Given the increasing use of “revenge porn”, cyber stalking and image based sexual abuse in stalking cases, this is an area that needs to be considered by the Justice Committee. Some prevalent IBSA practices amongst young people have been looked at in a recent Belgian study, which found that:

“Around a quarter of our respondents justified the nonconsensual forwarding of sexting images as a “joke”. This may be similar to how inappropriate remarks and sexual inappropriate behavior are justified as being innocent ‘locker-room talk’. Framing the nonconsensual forwarding of sexting images as a “joke” may lead some youth to perceive image-based sexual abuse as less harmful and may

⁶⁷ <https://paladinservice.co.uk/wp-content/uploads/2014/11/Digital-and-Cyber-Stalking-Toolkit-2013.pdf>

reduce the likelihood that bystanders would intervene if they witness sexting abuse.”⁶⁸

The same study demonstrates clearly that a necessary way to tackle the harmful results of cyberbullying and stalking using sexting is embedding learning about the harmful impacts of such behaviours into Sexual Health Education programmes in schools. This ought to focus on digital citizenship, e-safety, bystander behavior, and resilience in dealing with sexting-related pressure. Something else which can span the spectrum of consensual and non-harmful to abusive and dangerous is the rise of the use of deepfakes in IBSA.

Deep Fakes can be photographs or Videos where people’s faces and bodies are swapped to make believable social media content that isn’t true. The practice got its name from an anonymous user of Reddit, who went by the name ‘deepfakes’ and who shared the first deepfakes by placing celebrities into adult video clips without consent. By sharing the code that produced the deepfakes, widespread interest led to an explosion of fake content (Kietzmann et al. 2019).

“The harm this can do to us all becomes even clearer in the case of a then-18- year-old female, an ordinary, non-famous citizen who one day discovered hundreds of explicit deepfake images and videos with her face on the bodies of porn actresses. These deepfakes not only put her reputation at risk, but also her emotional well-being, her career prospects as an aspiring lawyer, and her physical safety. With such a powerful technology and the increasing number of images and videos of all of us on social media, anyone can become a target for online harassment, defamation, revenge porn, identity theft, and bullying, all through the use of deepfakes.”⁶⁹

We have anecdotal evidence that young people especially are already experiencing online abuse with the use of deepfake technology, in some cases where it is being used to threaten young people with police intervention, where the deepfake might be used as evidence of illicit images of a minor, or illegal sexual activity. There are strong correlations and overlaps between IBSA and deepfakes, both have become so prevalent as to be mainstreamed: an incident involving thousands of Irish women, whose images were leaked by a Discord server in November 2020, has prompted new legislation to be introduced in Ireland (Coco’s law), yet 100s more each day are being shared and redistributed and ruining women’s lives by harming their mental health, risking employment and study and impacting community reputations.

“‘Revenge porn’ is disturbingly big business. Before it was shut down in 2012, Hunter Moore’s notorious ‘Is Anyone Up?’ website, which regularly featured ‘revenge porn’, was said to receive over 300,000 unique visitors a day (Lee 2012).

⁶⁸ Joris Van Ouytsel, Michel Walrave, Lieven De Marez, Bart Vanhaelewyn, Koen Ponnet, (2021) Sexting, pressured sexting and image-based sexual abuse among a weighted-sample of heterosexual and LGB-youth, Computers in Human Behavior, Volume 117, <https://doi.org/10.1016/j.chb.2020.106630>

⁶⁹ Jan Kietzmann, Linda W. Lee, Ian P. McCarthy & Tim C. Kietzmann(2019) Deepfakes: Trick or treat? https://www.sciencedirect.com/science/article/pii/S0007681319301600?casa_token=EFhDvC1OdU8AAA:VSBfBza8y3iwnFpU5gqpceFq1fNaRIKu53Kq4hS-ZPnsEeEe23fINxbTs5M1GYAvZ76xxY4 p.8

Though figures vary, and date quickly, it is estimated that there are around 3000 dedicated 'revenge porn' websites, and more than 30 sites operating in the UK. These sites host images of women and sometimes men, but it is the images of women that are more frequently viewed and commented on. Not surprisingly in this light, the evidence on prevalence suggests high levels of abuse and a gendered impact. In the first year following the criminalization of 'revenge porn' in England and Wales, over 200 cases were prosecuted.”⁷⁰

Northern Ireland has no methods for prevention or justice for IBSA, prevention can only happen through education, awareness-raising, support services and protections for the victims of these malicious actions. In Ireland an organisation called CEARTAS help victims remove their images from the sharing sites, both those who make money from their images like OnlyFans, and non-commercial victims of image-based sexual abuse, but “they have around 120 people a week requesting their help. Matt says that even with the new laws, gardaí will have to work proactively to try and stem the issue. “If the guards were to do this, it would take them three years to catch up,” he said.”⁷¹

Therefore, it is vital that the investment into prevention is prioritised, as it is clear that the pace of technology will always be evolving faster than the capabilities of widespread police training,

7.3 Existing UK & Ireland Legislation to Deal with Social Media and Online Platforms:

The current legislation across the UK to deal with social media and the cyber world is wholly inadequate and outdated. There is an urgent need to address the inability for legislation created before the existence of social media to ever be able to effectively address the growing problem of targeted abuse, harassment, cyberstalking and threats towards women, particularly women from marginalised groups. This includes urgent reform of:

- the Protection from Harassment (Northern Ireland) Order 1997;
- the Public Order Act 1986;
- the Malicious Communication (Northern Ireland) Order 1988 and,
- the Communications Act 2003.

In particular, it is crucial to address the extremely problematic and serious harm derived online and the impact of targeted abuse, threats, stalking and harassment targeting women. One major issue is that social media companies are not compelled under legislation to remove harmful content online. We would recommend that the above forms of legislation are all updated to cover

⁷⁰ McGlynn, C., Rackley, E. & Houghton, R. Beyond ‘Revenge Porn’: The Continuum of Image-Based Sexual Abuse. *Fem Leg Stud* 25, 25–46 (2017). <https://doi.org/10.1007/s10691-017-9343-2>

⁷¹ Moore, A (2021) 'Collector culture': Thousands of non-consensual images of Irish women still being traded online <https://www.irishexaminer.com/news/arid-40230338.html>

information posted from the UK, or online activity that has taken place in the UK, to fall within the jurisdiction of the UK criminal justice system. Further, Westminster intervention is also needed to create legislation that places greater responsibility on social media companies which operate within the UK to address the rapidly growing levels of hatred, harm, obsession, harassment and targeted abuse that many women face daily.

“I started a relationship with someone I met off twitter, around the time his very large parody account was suspended... It turned out he has multiple twitter accounts and had been seeing/messaging several women. He had been stalking me on twitter using anonymous accounts throughout our relationship and continues to do so. Since the end of this relationship I've had to install security cameras as someone keeps entering my rear garden and opening shed/playhouse doors in the middle of the night, chopping at my plants, and random items have been going missing from the sheds (like one half of a pair of gardening gloves etc). I have been getting heavy breathing calls at 2am and messages stating "miss you" from those websites that hide your telephone number.” RYV respondent

In Ireland under new legislation there are two image-based sexual offences which could potentially offer a model for NI:

- Distributing, publishing or threatening to distribute or publish an intimate image without consent with intent to cause harm. The penalties applicable can be an unlimited fine and/or 7 years' imprisonment.
- Recording, distributing or publishing an intimate image without consent even if there is no specific intent to cause harm. That offence carries a maximum penalty of a €5,000 fine and/or 12 months' imprisonment.

Within the Northern Ireland legislative context, there needs to be urgent reform to the Protection from Harassment (Northern Ireland) Order 1997, as it is wholly insufficient to address stalking, particularly online or cyber stalking, due to the increasing ability of perpetrators to hide behind fake or anonymous profiles. There is also a growing awareness that the law will never be able to keep up with the exponential speed of developments in technology and therefore it should be broad enough to encompass future possibilities in technological stalking and abuse. A response to the previous consultation on the need for Stalking legislation in Northern Ireland from a group of key legal scholars suggested,

“Anti-stalking legislation should be able to adapt to address issues of ‘surveillance by stalkers with newer forms of technology that do not require proximity to or communication with the victim.’ Online communication is currently covered by the Malicious Communications (Northern Ireland) Order 1988, if the communication sent is ‘... indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender,’ yet this does not cover other online activity (such as monitoring a person’s communication and movements) or other forms of online communication (which may appear benign to another observer, but provide significance to the victim due to the relationship

with the stalker). Future legislation that is drafted with sufficient flexibility will ensure it is possible to respond to new methods of stalking as technology continues to develop.”⁷²

7.4 Financial Account Takeover by Stalkers:

Account takeover is prevalent and is usually when a stalker obtains an individual's personal banking information (account number and social security number usually suffice) and changes the official mailing address with the victim's financial institution (FI). If established, the stalker has created an opportunity to make transactions without the victim's knowledge. Any account could be taken over including, bank, credit card, email, utility bills, internet provider, phone bills and other service providers. People often choose passwords we can remember, because stalkers know their victims well and will be determined, they often succeed in guessing a victim's password(s). When a stalker compromises your customer account, they can use the victim's account to send themselves abusive messages in order to incriminate the victim. *“They can damage or destroy relationships by accessing a victim's email account to send family, friends, work colleagues or clients abusive messages, or messages telling them never to contact the victim.”⁷³* Additionally they can use the control of the finances to threaten or coerce their victim. This is an increasing tactic used by stalkers as a means of further control over their victims and this must also be considered in protecting people from stalking.

⁷² Killean, R., Stannard, J., McNaull, G., Beigi, S., Born, A., Johnston, S., O'Malley, G., & Watters, J. (2016). Review of the Need for Stalking Legislation in Northern Ireland. Queen's University Belfast. <http://www.niassembly.gov.uk/assembly-business/committees/justice/inquiries--reviews/review-of-the-need-forstalking-legislation-in-northern-ireland/written-submissions/>

⁷³ Hamid and Carsten (2013) Online Harassment and Digital Stalking, International Journal of Computer Applications (0975 – 8887) Volume 76– No.12
<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.402.8620&rep=rep1&type=pdf>

8.Sentencing and Recidivism and Preventative Measures to Tackling Stalking:

8.1 Stalking Recidivism Rates

There is little data on recidivism rates where stalking is concerned, and the UK Ministry of Justice data does not mention stalking at all⁷⁴. While there is no evidence of primary research in the UK, where research has been undertaken by academics it shows high recidivism rates, with 77% charged with new offences within a 9-year period. These figures show about 56% reoffending post-conviction and 33% charged with violent recidivism⁷⁵. Research from the Netherlands shows a slightly lower recidivism rate of 50% but it also shows around 21% moving on to a new victim and repeating the pattern of behaviour⁷⁶. The view of the authors of these studies seems to be that some offenders are committed recidivists and will “neutralise” their behaviours with arguments designed to make them appear innocent or explicable, and these people are resistant to all interventions. For others, psychological interventions did appear to be helpful if used correctly, by professionals and deployed early in the cycle of harmful behaviour.

In light of this limited but alarming data we need to ensure that any justice measures take the form of targeted interventions or custodial sentences as appropriate. Restorative justice will not be appropriate in these cases, regardless of the age or relative vulnerability of the offender, because of the controlling and abusive nature of the behaviour.

8.2 Preventative Measures, Education and Awareness

Any serious attempt to deal with stalking must take preventative measures into account, and we note that there is nothing in the Bill about preventative measures. As outlined under section 3 above, stalking is a gendered crime with roots in misogyny, entitlement and deeply flawed and dangerous notions of love and romance. These attitudes must be subject to serious and urgent interventions when they present themselves but we have a duty to include these issues in the education that our young people receive in schools in Relationships and Sexuality Education

⁷⁴ See:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/199224/compendium-of-reoffending-statistics-and-analysis.pdf

⁷⁵ See: http://drreidmelo.com/wp-content/uploads/2015/12/2011_StalkingRecidi.pdf

⁷⁶ See: <https://www.tandfonline.com/doi/abs/10.1080/14999013.2019.1661885?journalCode=ufmh20>

which must be standardised, mandatory and seek to model healthy relationships and attitudes towards people of all genders.

“Public information, some people think they are doing grand romantic gestures, like those they see in movies. Inform the public that unwanted attention is not romantic. Inform the public more about coercive control, I didn’t recognise it in my own relationship for a long time. Teach girls and boys about consent, not just sexual but in all things.” RYV Respondent

In addition, we need a fully funded public awareness campaign that will inform the public about what stalking is. The fact that victims/survivors often do not report until the 100th incident is a damning indictment of how our society as a whole minimises and misunderstands this issue.

“Public information, some people think they are doing grand romantic gestures, like those they see in movies. Inform the public that unwanted attention is not romantic. Inform the public more about coercive control, I didn’t recognise it in my own relationship for a long time. Teach girls and boys about consent, not just sexual but in all things.” RYV respondent

The Stormont Executive has both a moral and legal duty to meet this educational need for our young people, as per the Executive Formation etc. NI Act 2019 which enshrined into law the obligation to fulfill the 2018 CEDAW recommendation for age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, which would include sessions on consent, IBSA, stalking and harassment.⁷⁷

As well as the legal duty, research by Belfast Youth Forum with QUB’s Centre for Children’s Rights and Common Youth⁷⁸ shows that young people believe that the sex education they received was not good enough, with 60% saying that they found the information they received “not very useful” or “not useful at all”. The vast majority of students knew they had a right to RSE in school, but felt that this right was not being met. The top priority that students identified was learning about how to navigate personal relationships (66%) with many stating that they want to learn about a range of issues as diverse as menstruation, domestic abuse and consent in a way that is inclusive of everyone and up to date with technology. We are aware also that the Youth Forum presented this evidence to your colleagues in the Education Committee in January 2021.

*“If they clearly understood boundaries from a young age, through education, but also if there was a collective response, like if workplaces or friends notice the behaviour in others they should call it out. If laws were introduced and were widely publicised it might stop these behaviours- but sure look at rape. Still happens. And is nearly legal if we compare conviction rates to those of reported cases. I definitely think a collective response is needed. If we call out the behaviour it may carry more weight than laws that carry none. **But also programmes***

⁷⁷ <https://www.legislation.gov.uk/ukpga/2019/22/section/9/enacted>

⁷⁸ <https://www.belfastcity.gov.uk/Documents/youth-forum/Any-use-report>

facilities in schools and workplaces. So that everyone is included in the discussion and is proactive in making a change” RYV respondent

Further, Judge John Gillen also recommended comprehensive RSE as part of the Gillen Review⁷⁹ into the law and procedures in serious sexual offences, recognising the role that this plays in prevention of such crimes as well as in achieving justice in any trials that take place, and has recently repeated calls for progress to be made on this front. The Royal College of Midwives (RCM) has also called for progress on this in light of a report published on 31st March 2021, citing the “direct impact on the overall health of women” and adding “Children and young people need to be given the knowledge and skills they need to manage their sexual and reproductive health and wellbeing across the life course. This must begin with high quality relationships and sex education in schools”.⁸⁰

Whilst the Assembly initiates debates on Violence Against Women and Girls, pragmatic work can be done in classrooms across NI, to ensure that young people embark on healthy and safe adult relationships that would be able to recognise the multi-faceted harms and incarnations of stalking that occur and could be prevented. Equipping young people with a robust understanding of consent and the tools they need to recognise abuse, has been shown to challenge the attitudes and beliefs which can lead to abusive behaviour⁸¹. This starts with introducing standardised and compulsory RSE in schools that is inclusive, evidence-based and for everybody.

Education ought to be included for police and statutory bodies, without redirecting funding that should go to survivors and the support agencies in the women and LGBTQ and Education sectors, so that they, too, recognise stalking when seemingly disparate incidents are reported to them, and know of measures that can disrupt the harmful behaviour and keep the victim/survivor safe. This must not be the preserve of specialist officers, and any relevant information relating to a new law on stalking must be part, not only of new recruits’ training, but of a training programme for all serving officers. Preventative advice should be given to victims who report - for example one respondent mentions publicly available information that their abusive ex used to find their location, the fact that they could register to vote without having their home address available should have been passed on by police and ought to be part of any future public information campaign.

“At the time I wasn't aware that you could register to vote anonymously, I have since moved and am now registered anonymously. I'm pretty sure that's how he found out where I lived...” RYV Respondent

⁷⁹ <https://www.justice-ni.gov.uk/publications/gillen-review-recommendations>

⁸⁰ <https://www.fsrh.org/documents/niact-full-report-31st-march-2021/>

⁸¹ Development of Contextually-relevant Sexuality Education:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6406865/>

9. Guidelines for Workplaces, Educational Institutions and Public Spaces:

9.1 Educational Institutions

“Happened in college where I was studying for A Levels. Some guy I'd never met before started leaving notes on my car saying he fancied me, but never revealed his identity. He also worked out what classes I was taking and found the timetables for these classes in the teachers' lounge on the top floor of campus. He wasn't an A Level student in the college, and we didn't share any classes. He then started turning up to my classes as they were ongoing - standing well back from the pane of glass in the door so I couldn't really see his face, and he usually wore a peaked cap. This went on for most of the year and I started carrying a personal alarm. My boyfriend at the time gave me a knuckle duster to keep in the car.” RYV respondent

The UK government asked Ofsted to undertake an immediate review of safeguarding policies in state and independent schools. The review looked at the extent and the severity of the issue to ensure schools have appropriate processes in place to allow pupils to report concerns freely, knowing these will be taken seriously and dealt with swiftly and appropriately.

Nothing similar has yet happened in Northern Ireland as far as the WPG are aware and we would recommend schools need to become more active in the response to stalking.

Ofsted Chief Inspector Amanda Spielman said:

“Schools have a crucial role to play in teaching young people about sexual consent and respect for women and girls. They must also be places where all children feel safe, and where they are able to report any incidents of abuse or harassment and be confident that what they say will be acted upon. We will set out the terms of the review shortly.”

Help for victims and survivors of stalking in schools, FE Colleges and Universities should be prioritised in order to help them rebuild their lives by boosting investment in specialist sexual violence support services delivered by the voluntary sector. NI schools lack the legally mandated Sex and relationships education required to tackle abusive behaviours like stalking before they happen (see preventative measures). Schools are often reported to fail to meet the safeguarding standards necessary to stop stalking and harassment, especially online.

“My ex-boyfriend constantly called and emailed me (up to 3 times a day) for a year. I took it to the university we were both in attendance and as a law student they told me it would effect his fitness to practice if it was to be taken further and instead they wrote him an email off my account asking him to stop. I feel like if this had been dealt with appropriate and I would have been supported with going to the police I could have had proper support, protection and would not have eventually ended up in a cycle of otherwise emotionally abusive behaviour.” RYV respondent

Members of WPG have been supporting women in both NI universities, where the systems to support students and keep them safe, do not appear to extend to their policies on digital harassment, IBSA, and all kinds of stalking. There have been multiple incidents of students who have left their programme of study in order to avoid their stalker, as the support systems in the university have led students to believe that ‘vexatious claims’, could result in them losing their place, even when the PSNI have issued ‘No Contact’ orders. This is highly irregular when compared to the treatment of students who break the code of conduct around St. Patrick’s Day, and one which we believe demonstrates the Universities’ in-built misogyny that must be addressed.

“My first experience of stalking starting when I was 12, it was mostly following me around school, liking everything online, ringing me to the point of harassment. I had 2 more stalkers similar to this in my teens. Then I turned 18 and dated someone who was older than me. The relationship ended but he didn’t take it well. He started by calling me nonstop, then my friends to see where I was, with who. It progressed when I moved to a new house. He started showing up to parties uninvited trying to find my new address. He would have hung around my work and followed me when I was leaving work. He would follow me around uni, even though he didn’t attend the same campus as me... I would block and change my number multiple times, but he always found a way. At one point he hacked my emails and google account. It took 4 years and moving 3 more times for it to stop. I’m still scared.” RYV respondent

9.2 Developing Guidelines for Employers and Workplaces:

“My employer geo-tracked my every move on my personal mobile phone for 407 days... He accessed my private social media messages, personal email accounts and my photos stored in the cloud then used the information to mock, torment and threaten me about my very personal and private things. One being the emails he found about my recent ADHD diagnosis and the other being nude photos that I’d sent to previous ex-

*boyfriends. The thought of my boss seeing my intimate photos and possibly showing them to his fellow directors is absolutely mortifying. **I resigned yet he still shows up at my door unannounced and texts me.** What happened was essentially discrimination and sextortion via stalking but there is nothing I can do about it - apparently, I signed a contract which somehow gives employers a right to do this!?! This was the most traumatic experience of my entire life which basically led to a breakdown.” - RYV respondent*

Stalking can take place at work and can include: unwanted calls, false complaints, sending gifts, visiting the workplace, sending excessive emails, monitoring behaviour, computer hacking, physical assault. Hollie Gazzard, Natalie Esack, Clare Bernal and Jane Clough were all stalked and murdered in their workplace in the UK. A stalking policy is important for maintaining a safe environment at work. It is a legal requirement under the Health and Safety at Work Act 1974 that employers must ensure, so far as is reasonably practical, the health, safety and welfare at work of all their employees, however many employers are unaware or are the people causing harm.⁸²

Within the responses we received from victims in our call for evidence, 31.6% of responses referenced their stalker showing up at their place of employment. This involved following them to and from work, sitting in the foyer of their workplace, harassing them via public work email addresses/phone numbers, harassing and attacking staff members and much more. Worryingly, in one case a victim was stalked by her boss for over a year. In another, the victim was stalked by an ex-partner who was also a colleague. Clearly, there is a need for strong guidelines to be provided for all employers to ensure staff are protected under safeguarding policies and health and safety workplace policies. There should be zero tolerance for employers or other people in positions of power abusing their employees and victims of stalking should have avenues to report this abuse without fear for the impact on their employment.

Within a response to the previous Department of Justice Stalking Consultation in 2019, NIPSA, the largest trade union in Northern Ireland, highlighted the following, which is still relevant now and highlights the further need for workplace guidelines:

“Given that 75% of domestic stalkers will target their victim at work, with 79% of male perpetrators using work resources to target the victim; stalking within the workplace can be the most dangerous cases. We only need to be reminded about the cases of Clare Bernal and Rana Farugui to understand the serious nature of stalking where the victim is targeted at work and the importance of ensuring that employers have a specific workplace policy and procedure around stalking.

NIPSA supports the introduction of specific stalking legislation for Northern Ireland. We believe the current legal framework the Protection from Harassment (Northern Ireland) Order 1997 is ineffective in dealing with cases of stalking. It does not give a legal definition of stalking but states in the Police Service of Northern Ireland website: ‘it is generally accepted that it includes repeated

⁸² <https://paladinservice.co.uk/workplace/>

attempts to impose unwanted communications and/or contacts on another in a manner that could be expected to cause distress and/or fear in any reasonable person'. It does not give a list of behaviours which constitutes stalking and does not clearly differentiate between harassment and stalking by ensuring the fixated and obsessive nature of stalking is properly addressed. The harassment law also fails to adequately fit the reality of stalking in the context of pre-existing intimate partner relationships."

In a positive trend, many workplaces are adopting more robust workplace policies to deal with domestic abuse as a workplace issue. However, the connection between stalking and domestic abuse is not well known, and guidelines for employers should help raise awareness of this issue. Furthermore, these guidelines should be made universal so that they are adopted across all workplaces in Northern Ireland. We recommend that the Justice Committee engages with the Trade Union sector in Northern Ireland to develop robust Guidelines for Employers. As with all other recommendations we have made relating to strategies, awareness raising and public programmes, these need to be developed in co-design with experts and adequately resourced. The issue of stalking is a workplace issue, and the lack of awareness surrounding the severity of stalking is having an extremely negative impact on many victims, who often have to leave their jobs as a result of persistent abuse.

"I'm educated to post-grad level, yet my reputation and career is ruined thanks to my employer. I have been threatened into silence and too scared to speak up about it in case my reputation is damaged any further. I will never work for another employer again until I know that I would be protected from this. I've increased my security at home, put up a security camera on my porch and covered every window with net curtains in case he calls to my house again. I've deleted many of my social media accounts and added extra security to other online accounts. It's had a massive impact on my mental health and confidence too. I feel worthless." - RYV respondent

9.3 Developing LGBTQ+ Inclusive Training and Recognising LGBTQ+ Relationships:

Even when LGBTQ+ people do report domestic violence, there is a lack of adequate recording, often making the LGBTQ+ community a hidden population in this area. We recommend that all section 75 groups should be monitored inclusive of sexual orientation and gender identity. If monitoring sexual orientation and gender identity is standard procedure, this will remove the onus on the individual to 'come out' in an environment they are not sure will be welcoming. Everyone has a sexual orientation and gender identity, and we need to stop othering those who are not heterosexual and/or cis gender (their gender matches that assigned at birth).

Policies and procedures should be co-designed with representatives of section 75 groups as specialists and experts to ensure there are no oversights – for example, even when recorded, bisexual people are often mis-recorded based on the gender of their current partner. To date there has been very little acknowledgement in policy/legislation of LGBTQ+ people who experience stalking.

There must be mandatory training on best practice such as using gender neutral pronouns and sexual orientation awareness. There should be LGBTQ+ Domestic Violence Liaison Police Officers and specialist Independent Domestic Violence Advocates. We recommend the Department considers this guide for service providers from Galop⁸³.

Further, in service provision quite often the LGBTQ+ community is overlooked because it is invisible due to the default of heteronormativity (the assumption of heterosexuality). As well as mainstream provision, there should be LGBTQ+ specific services for people who have been stalked.

Mainstream services should be explicitly inclusive in their resources and awareness campaigns that they are inclusive of LGBTQ+ people. Service providers should also be adequately trained to support LGBTQ+ people.

Access to LGBTQ+ specific support is very limited, it is rare to find specific support for issues like stalking in the LGBTQ+ sector and where there are supports in place the organisations are funded by grant making organisations and are usually funded for between one and three years this is not sustainable and sustainable long-term funding needs to be put in place to ensure the best possible support for minority groups.

In addition, as recommended in past consultation responses on DAPOs/DAPNs, any SPOs that are implemented should also include LGBTQ+ social spaces to protect LGBTQ+ victims of stalking. More on the SPOs will be covered in the clause by clause comments in section 11 of this response.

“Messaged by a boy every day for two year despite being blocked and me never replying, before blocking he would incessantly comment on my photos, followed me around school. Mine and his friends thought it was funny.”
- RYV LGBTQ+ respondent

⁸³ <http://www.galop.org.uk/wp-content/uploads/For-Service-Providers-Barriers.pdf>

10. Lessons from Elsewhere and International Obligations:

10.1 Lessons from Elsewhere:

“Being a victim of stalking has changed my life forever, I will never be the same carefree person I was before, I didn’t leave the house for 2 years for fear of my life. I live in fear each day and I am in a state of hyper vigilance. I have isolated myself from everyone that I know, and I don’t think that I will ever have a romantic relationship again. I have had to accept the harrowing fact that it’s possible one day my stalker may decide to murder me as he has threatened to do so before with no accountability. I also suffer from PTSD as a result.” - RYV respondent

Stalking is now a crime in England and Wales.

- Two new offences of stalking were introduced on November 25 2012, spearheaded by Laura Richards and Harry Fletcher.
- Under the Protection from Harassment Act (PHA) 1997, (amended by Protection of Freedoms Act 2012) it is necessary to prove a course of conduct amounting to harassment (Section 2) or stalking (Section 2a) or fear of violence (Section 4) or stalking (Section 4a) which causes serious alarm or distress which has a substantial adverse effect on the victim’s usual day-to-day activities’ which the perpetrator knows or ought to know amounts to harassment or stalking or fear of violence.
- A course of conduct is conduct that occurs on at least two occasions. Most stalking cases should be arrested and charged at Section 4a. It also has a power of entry to perpetrator address. Section 2a allows for a warrant to search the perpetrator’s home address.⁸⁴

However, there is still limited knowledge, awareness and education about stalking. Many people and agencies, including law enforcement, still do not fully understand stalking and harassment behaviours and the risks. We need to learn lessons from elsewhere to ensure that the Protection from Stalking Bill is as robust as it can possibly be.

For too long, victims in Northern Ireland have not been afforded the same protections from forms of gender-based violence as elsewhere. While we welcome the great progress that has been made here since 2020 on domestic abuse, there are still many gaps that remain alongside no specific legislation addressing the specific gendered aspects of these forms of abuse. Throughout this response, we have tried to show the key areas of concern that need to be at the core of this Bill, while also highlighting issues that remain unsolved such as dealing with growing forms of online

⁸⁴ <https://paladinservice.co.uk/wp-content/uploads/2014/11/Digital-and-Cyber-Stalking-Toolkit-2013.pdf>

abuse, increasing public awareness on the issue and truly creating a zero tolerance attitude in our society towards misogyny.

Clearly, there is still a long way to go. We would recommend that the committee speaks to experts from other jurisdictions on the examples of best practice elsewhere and learn from their mistakes. We would also recommend implementing measures that exist in other parts of the UK, such as a Stalking Register and a Violence Against Women and Girls Strategy. Other investigations could also be done on how to better utilise the Domestic Abuse, Stalking and Honour Based Violence (DASH 2009) Risk identification, Assessment and Management Model⁸⁵.

Finally, we believe that all legislation relating to crimes that are so predominantly done against women *must* be fully compliant with international obligations.

“Without adopting a prescriptive approach which suggests a specific form of legislation, this submission has noted that any future legislation should avoid requiring specific intent which may be lacking, should focus on the impact stalking has on its victims as a means of identifying the crime, and should be drafted in a way that allows the law to adapt to future methods of stalking. While it has argued that the introduction of legislation would have symbolic value and would better equip the criminal justice system to address stalking, it has also acknowledged that legislation alone cannot ensure this”⁸⁶

10.2 International Obligations to Address Stalking

The UK also has obligations in international law to recognise gender-based violence against women as a specific human rights issue. As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UK is required to take action on violence against women and girls, which the Convention defines as a barrier to women and girls enjoying their full human rights⁸⁷. The CEDAW Committee has repeatedly emphasised that protections for women and girls in Northern Ireland must be put on an equal footing with the rest of the UK, most recently in the Concluding Observations from the examination of the UK under CEDAW in 2019⁸⁸. Stalking legislation is one of the key gaps, as legislation has been in place in Scotland since 2010⁸⁹ and in England and Wales since 2012⁹⁰. This legislation is therefore a

⁸⁵ DASH Risk: <https://www.dashriskchecklist.co.uk/>

⁸⁶ Killean, R., Stannard, J., McNaul, G., Beigi, S., Born, A., Johnston, S., O'Malley, G., & Watters, J. (2016). Review of the Need for Stalking Legislation in Northern Ireland. Queen's University Belfast. <http://www.niassembly.gov.uk/assembly-business/committees/justice/inquiries--reviews/review-of-the-need-forstalking-legislation-in-northern-ireland/written-submissions/>

⁸⁷ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), articles 1 and 2. The UK signed the Convention in 1981 and ratified in 1986.

⁸⁸ [Concluding Observations](#) 2019, 2013, 2008 on examinations of the UK under CEDAW

⁸⁹ [Criminal Justice and Licensing \(Scotland\) Act 2010](#)

⁹⁰ [Protection of Freedoms Act 2012](#)

critical element for meeting the CEDAW recommendation that protections for domestic abuse in Northern Ireland are put on an equal footing with protections elsewhere in the UK.

The UK is also a member of the Council of Europe, which in 2011 adopted the Istanbul Convention of preventing violence against women and combating domestic violence, which sets out the core standards states must meet to progress elimination of violence against women and girls⁹¹. The Convention is built on the four pillars of **prevention, protection, prosecution** and **coordinated policies, and explicitly** sets out criminalising stalking as a key criterion for compliance⁹². Shortfalls such as a lack of stalking legislation in Northern Ireland are a key reason why the UK still in 2021, a decade after signing the treaty, is yet to ratify the Convention. It is vital that this Bill contributes to ensuring UK compliance and enables ratification; this is more important than ever in light of the intensifying attacks on the rights of women and girls including Turkey withdrawing from the treaty⁹³.

⁹¹ [Council of Europe Convention on the prevention and combating violence against women and girls](#)

⁹² [Brief overview](#) of Istanbul Convention requirements on prosecution, from the Council of Europe website on the Convention

⁹³ See eg. CNN news piece 20 March 2021 '[Turkey withdraws from Istanbul convention to combat violence against women](#)'

11. Clause by Clause Comments on the Protection from Stalking Bill

Protection from Stalking:

- **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, as highlighted in our research in section 2 of this submission.

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, Women’s Aid have had experience with a woman who 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. Further, the existing UK legislation relating to online communications is outdated, and the growing issue of cyberstalking needs to be covered adequately in this Bill.

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.

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.⁹⁴

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 Bill 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:*

⁹⁴ [Stalking and Harassment | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/stalking-and-harassment)

(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,

(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.⁹⁵

- Clause 2. Offence of threatening or abusive behaviour

The members of this joint response agree with the offence of threatening or abusive behaviour, wording, and sub sections including sentencing and penalties.

- Clause 3. Special measures directions

In line with similar recommendations we have made in relation to domestic abuse and hate crime, 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

⁹⁵ Circular: a change to the Protection from Harassment Act 1997 - GOV.UK (www.gov.uk)

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. However, 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 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. This is also a recommendation within the Gender Equality Strategy Expert Advisory Panel Report⁹⁶

- **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.

Stalking Protection Orders (SPOs)

- **Clause 6. Meaning of act associated with stalking and risk associated with stalking**

All of the organisations involved in this joint submission 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, and we would like to emphasise the need for this Bill to be given adequate resourcing to ensure it is operational. It is

⁹⁶ Ibid, n17.

important that the meaning and definition of the acts and risks associated with stalking are not exhaustive, as highlighted in response to Clause 1.

- Clause 7. Applications for orders

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 protection from the police, while tackling the impact of the stalking.

This 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, Raise Your Voice and the Women's Policy Group all previously submitted responses to the Department of Justice Consultation on Enhanced Legal Protections for Victims of Domestic Abuse. Therefore, we 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. In addition, 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 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, LGBTQ+ social spaces etc.

One testimony we would like to highlight again from our research participants further emphasises the need for these other prohibitions:

"I was stalked by my ex-partner after he attacked me in our apartment. He stalked me online, and in person. He was outside my place of employment several times a week while he was on bail for assaulting me and subject of a non-molestation order. He also roamed the halls of my apartment building as he still had a key fob to access the building, police would not take this from him despite my non molestation order and occupancy order and his bail conditions to not be in the area. He was outside my apartment door listening to my conversations every day for 2 months straight until he was caught in the act by the police. He would then threaten me online about my private conversations. **When he was caught by the police, they gained access to his key fob report which showed that he had accessed the building over 100 times in a 30-day period, sometimes staying in the hallways for 12 hours and overnight.** I then moved to a new address and he found it and drilled a hole through my back gate and sent more threats online. I got CCTV. He was never held accountable for stalking me and I am unsure if he is still stalking me. As soon as the non-molestation order expired, he sat outside my workplace attempting to stalk me again." - RYV Respondent

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

- **Clause 9. Duration of orders**

The biggest concern with placing a time limit within statutory regulations is that this may not take into account the toll that this can place on a woman 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.

This is of particular concern given the testimonies from victims provided throughout this response, where several victims have been stalked for over 20 years or by someone, they met many, many years previously. In addition, the lifelong impact the stalking has had on victims was evident in many of the testimonies we included in this submission, further exemplifying the strain and anguish that could be caused by placing a time limit on an order. The evidence of the extremely high recidivism rates connected to stalking outlined in section 7 further demonstrates the issue with placing a time limit within statutory regulations.

Additionally, at present, many women have discussed giving up employment or further education as a result of being stalked/harassed. This was the case for many of the respondents to our research who reported dropping out of university, leaving their jobs or having to move due to the actions of their stalker. 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.

- Clause 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.

- **Clause 12. Content of, and procedure for, orders**

There is a concern with regard to the criminalisation of under 18 years old's in relation to this clause. Anyone under 18 years old should be dealt with in a Youth Court setting, but 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. However, as stated throughout this evidence, we would advocate for the urgent implementation of a standardised RSE curriculum across every school in Northern Ireland. This is of particular importance given the evidence presented throughout this submission of several women being stalked at school, or by someone they met at school several years previously.

- **Clause 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.*

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, including several examples provided by participants in our research throughout this submission. These issues need to be addressed before implementation of a new Order to make sure breaches are dealt with seriously.

PSNI Statistics show that:

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.

It should be a breach of 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. Victims in Northern Ireland consistently have less protections than their counterparts in England and Wales and we do not believe this should be the case.

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.

- Clause 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.

- **Clause 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:

1.1.1 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.

- Clause 16. Offences relating to notification

We believe that within this clause it 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.

- Clause 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, including the organisations involved in this joint response, and would like to see clarity in relation to this and assurances that we will be involved in this process.

As highlighted consistently throughout this submission, there is a significant amount of work needed to raise awareness in the public domain together with police, judiciary, PPS and all legal professionals.

- Clause 18. Interpretation

No comments.

- Clause 19. Commencement

No comments.

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

No comments.

12. Concluding Remarks

We would like to thank the Justice Committee for the opportunity to submit evidence in relation to the Protection from Stalking Bill. Given the severity and prevalence of stalking in our society, the gendered nature of this form of abuse, and the interconnected relationship it has with both domestic abuse and misogyny, we have used our collective expertise to try and raise as many issues to the Committee that may not have been considered otherwise.

Our own primary research was striking, and we have tried to put the voices of victims at the core of this evidence submission. It is clear that the lack of protections in Northern Ireland has had a devastating impact on the lives of many, and we hope to continue working with the Justice Committee, and the Executive Office, on ensuring all legislation that relates to Violence Against Women is as robust as it can be with the voices of victims at the core.

This joint evidence submission was made on behalf of:

Women's Policy Group Northern Ireland
Women's Resource and Development Agency
Raise Your Voice
Women's Aid Federation Northern Ireland
Alliance for Choice
HERe NI
Cara-Friend
Transgender NI
Northern Ireland Women's European Platform
Race Crisis NI
Women's Support Network

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