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STALKING AND HARASSMENT: AN INVESTIGATION OF EXPERIENCES IN IRELAND

C. O'Sullivan & C. Staunton

February 2023



sexual violence centre cork



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ABOUT THE AUTHORS



Dr Catherine O'Sullivan, Vice Dean of Learning, Teaching Curriculum at the School of Law, UCC, is a graduate of UCC (BCL, LLM) and completed a PhD at Osgoode Hall Law School, Canada. Her main research interests lie in Criminal Law, Criminology, Gender and the Law, Children's Rights and Law and Popular Culture. She is Chair of the Sexual Violence Centre Cork (SVCC) Board of Directors and has trained to provide Bystander Intervention workshops and Consent workshops to third level students. She is a co-author of a leading student and practitioner text, *Criminal Law in Ireland: Cases and Materials, 2nd ed* (2021), and of *Fundamentals of the Irish Legal System* (2016). She has authored articles in a variety of national and international publications including the Irish Jurist, the Dublin University Law Journal, the Northern Ireland Legal Quarterly, Legal Studies and Human Rights Quarterly and contributed chapters to edited collections.



Dr Ciara Staunton is currently the Academic Operations Manager at Adult Continuing Education, UCC. Ciara is a graduate of UCC (BSc Applied Psychology, 1999; HDip Computer Science, 2001) and Leicester University (MSc Applied Forensic & Legal Psychology). She completed her PhD doctoral studies in forensic psychology at UCC in 2009. Her main research interests lie in the areas of Forensic

Psychology, Criminal Behaviour, Gender-Based Violence, Sexual Offending, Sex Offenders, Victims of Crime, Stalking and Harassing Behaviours. Ciara has been lecturing on the topics of forensic psychology and criminality for over 15 years and has several published articles in the field. In 2006, Ciara designed the Diploma in the Psychology of Criminal Behaviour which continues to be a very popular course with law enforcement personnel. She also delivers short courses on the Criminal Mind for those who are simply true crime fanatics and is a regular contributor to the news and print media regarding high profile cases.

EXECUTIVE SUMMARY

This research was prompted by the bravery of Una Ring and Eve McDowell who spoke out about their experiences of stalking and who advocated for the introduction of a new stalking offence in addition to the existing harassment offence in Ireland. The research was undertaken by Dr Catherine O'Sullivan and Dr Ciara Staunton of University College Cork (UCC) in partnership with the Sexual Violence Centre Cork (SVCC).

In Ireland, stalking is currently understood to be criminalised by the offence of harassment, section 10 of the Non-Fatal Offences Against the Person Act 1997, but its adequacy has been questioned by Ring and McDowell. This inadequacy has been accepted by the government in its proposal to introduce a new offence of stalking via the *Criminal Justice (Miscellaneous Provisions) Bill 2022*. In order to better understand the experiences of those who have been stalked and/or harassed in Ireland, the authors conducted an online survey using a behaviourally defined series of questions which focused on the unwanted behaviours, threats and abuse, malicious communications, and reputational damage experienced by respondents. The survey also elicited respondents' reactions to their experience(s) and the impact of the experience(s) from a social, psychological, physical and financial perspective. Over one thousand participants responded to the survey and the analysis presented here is based on the responses of 892 individuals.

This study is the first general study of its kind and scale to be conducted in Ireland of those who have been stalked or harassed in Ireland. Since its launch in November

2021, 148 people who have experienced stalking and/or harassment contacted the SVCC. The SVCC subsequently provided support to 24 of these individuals in 2021 and 35 in 2022. We hope that the results will help to shed some light on this area and inform the above-mentioned forthcoming legislation which proposes the introduction of a stalking offence.

This Report is the first output from this survey. It has three aims:

1. to provide quantitative data on the stalking and/or harassment process as experienced by people in Ireland;
2. to evaluate the wording of the proposed stalking offence with reference to this quantitative data to help ensure that it is sufficiently broad to capture the behaviours experienced by those subjected to stalking in Ireland; and
3. to provide an initial snapshot of the reasons for reporting or not the behaviours experienced to An Garda Síochána.

The main objective of the study was to focus on the process of stalking and harassment, the effects on those who have been stalked and harassed and their responses to these behaviours. The authors believe that those who have experienced stalking and/or harassment would provide a rich source of information, contributing not only to our understanding of the experience of protracted stalking and/or harassment, but also to our general knowledge of these behaviours. As such, the survey was designed to unearth the kinds of characteristic behaviours that are most frequently associated with the stalking and/or harassment process. By giving voice to self-selecting participants, we can deepen our understanding of the deleterious and potentially devastating effects of being subjected to stalking and/or harassment. Our findings identify a range of avoidance behaviours used by respondents to protect themselves and reveals the sequelae of social, financial, physical, and psychological consequences of stalking and harassment. This research is unique in that regard and will inform public policy and debate around the introduction of anti-stalking legislation and raise public awareness of the dangers of stalking and harassing behaviours.

KEY FINDINGS

What emerges from our findings is a picture of stalking and harassment in terms of its process and the myriad negative effects on those who experience it.

- The majority of the 892 respondents whose responses are analysed in this Report identified themselves as female (88%, $n = 789$). Nine percent ($n = 78$) identified as male. The remaining 3% ($n = 25$) declared themselves as non-binary, transgender MTF, Trans Male, or genderfluid.
- The mean age of respondents was 35 with an age range of between 18 and 75 years.
- The perpetrators identified by the respondents were mostly known to them, i.e., partner or ex-partner ($n = 468$), acquaintance ($n = 206$), friend ($n = 131$), or work colleague ($n = 107$). In a considerable proportion of cases ($n = 257$), the perpetrator was categorised as a stranger.
- Respondents reported being threatened ($n = 393$), physically attacked ($n = 311$) and sexually assaulted ($n = 391$).
- There were 367 reports of the perpetrator threatening to harm themselves around the respondent. Having pictures or recordings taken without consent was mentioned 270 times with 170 reports of private images of a very personal nature being shared.
- 44% ($n = 393$) of respondents indicated that the perpetrators threatened to harm them or those close to them, directly or indirectly.

- Inappropriate texts, WhatsApps or emails ($n = 623$) were the most common forms of malicious communications identified by respondents.
- Being the target of inappropriate or malicious social media contacts (e.g. Twitter, Facebook) was the second highest form of reputational damage, mentioned 268 times.
- Asking the person engaging in the behaviours or actions to stop was the most frequently mentioned course of action taken by respondents ($n = 506$), while actively confronting the individual was mentioned 369 times.
- Significant financial impact was highlighted with 401 respondents (45%) indicating that they sought psychological help in the form of counselling or other therapies, legal advice or the installation of security systems which comes at a cost.
- Changing routes from home or school ($n = 385$) and giving up social activities ($n = 370$) were the most common social impacts mentioned.
- Long term psychological distress was apparent among respondents with anxiety being the most frequently reported psychological consequence of the stalking and/or harassment ($n = 750$). Fear ($n = 584$), increased distrust ($n = 558$) and sleep disturbances ($n = 511$) were the next most frequently reported consequences.
- Forty-two per cent ($n = 371$) of respondents indicated that they reported the incidents to An Garda Síochána. Over half did not report ($n = 511$).
- For those who did report, experiences of reporting were more likely to be negative than positive but key features of positive experiences included being believed, being taken seriously and having the report followed up.
- For those who did not report, and who gave reasons, there seems to be a general lack of trust in An Garda Síochána regarding gender-based violence and/or a fear that they would not be believed because of awareness of deficiencies regarding garda responses to gender-based violence.

RECOMMENDATIONS

In addition to a general recommendation that further research is required to improve our understanding of stalking and harassment and so better help those who experience these behaviours, we make the following ten recommendations, grouped into three categories.

Information Campaign for the Public

Recommendation 1

We recommend that the Department of Justice should conduct an information campaign for the public on stalking and harassment. This campaign should include information on the process and effects of stalking and harassment in order to help those experiencing these behaviours recognise them and so encourage them to seek help either from support services or from An Garda Síochána.

Recommendation 2

This campaign should also advise those experiencing stalking and/or harassment to document and record all incidents to establish evidence of a pattern of repeated behaviour should they decide to report to An Garda Síochána.

Recommendation 3

It is likely that this campaign will lead to more people seeking help from support

services. We acknowledge that many of those who are stalked or harassed will be able to seek help from relationship violence or sexual violence support services, but many will not because the harms that they experience do not fall within either of these spheres. Accordingly, we recommend that dedicated funding be put in place to support the provision of counselling and other services for those who experience stalking or harassment.

Wording of Stalking Offence

We welcome the proposed revision of the existing harassment offence and the introduction of a new stalking offence. We also welcome the proposed introduction of a protection order under section 16 of the *Criminal Justice (Miscellaneous Provisions) Bill 2022* as initiated which can be applied for without the necessity of a criminal conviction. This will provide an opportunity for legal intervention before the behaviour escalates and better security for those who are subjected to these criminal behaviours.

We have four recommendations for how the wording of the proposed stalking offence can be improved.

Recommendation 4

We recommend the removal of the fear result from the proposed stalking offence.

Recommendation 5

If a fear result is retained, we recommend:

- (i) that the wording be changed from “fear violence will be used” to “fear violence might be used”; and
- (ii) that the current alternate result of “serious alarm or distress” be collapsed into the fear result, i.e. “serious alarm or distress or fear violence might be used”.

Recommendation 6

Causing “a substantial adverse impact on his or her usual day-to-day activities” should be an independent stand-alone result and severed from its current connection to “serious alarm or distress”.

Recommendation 7

Section 10(3) should be amended as follows:

- (i) Include threats by the perpetrator to harm themselves as an illustrative example;
- (ii) Include repeated threats and abuse as an illustrative example; and
- (iii) Replace the current illustrative example “pestering a person” with “attempting to make repeated, unwanted contact with a person or any other repeated, unwanted behaviour towards a person”.

Reporting to An Garda Síochána

The focus of our recommendations here is on improving training for An Garda Síochána to enable them to conduct their investigative duties fairly and in line with the demands of justice. Recommendations 9 and 10 are equally relevant to any frontline services who deal with those who have experienced stalking and/or harassment.

Recommendation 8

The current law on harassment must be explained to members of An Garda Síochána to ensure that it is being applied correctly by them. When the new offences are introduced, training must be given on their definitional elements too.

Recommendation 9

Gardaí need training on the process of stalking and harassment. This will help An Garda Síochána to identify potential risks and should prompt immediate action by the authorities both to protect the person being stalked and/or harassed and to deal effectively with the perpetrator.

Recommendation 10

Gardaí need training on the effects of stalking and harassment. The harms caused by both behaviours are serious and An Garda Síochána need to view the behaviour in the round rather than as isolated incidents. This training should be repeated on a regular basis.

ACKNOWLEDGEMENTS

We would like to acknowledge the contributions of the following individuals whose assistance and support at various stages during the conception, progression and completion of this research was vital in the production of this Report.

Una Ring and Eve McDowell for their courage, bravery and their tireless campaigning for the introduction of a stalking offence based on their own personal experiences. In addition to bringing this issue into public consciousness, their regular media contributions have encouraged others to come forward with their own lived experiences of stalking and/or harassing behaviours.

Mary Crilly, Director of the Sexual Violence Centre Cork (SVCC), whose consistent determination has provided focus and drive to get this research completed.

To the staff at SVCC who trialled the survey for us and gave valuable feedback on how to improve it.

Dr Maria Mellins, St. Mary's University, Twickenham London, for reviewing and providing guidance on the first draft of the survey.

Tusla for providing funding to the SVCC which has helped to promote the survey, raise awareness about stalking, provide support services for those who have experienced stalking and harassment, and with the costs incurred in the production of this Report.

Most importantly, to each and every one of the 1,018 individuals who self-selected to participate in this research and share their lived experiences and personal stories of stalking and/or harassment, we cannot thank you enough. We hope that the results of the research will give voice to your experiences and help to identify issues that need addressing in order to support those who will experience stalking and/or harassment in the future.

1. INTRODUCTION

In early February 2021, Cork Circuit Criminal Court sentenced a man to seven years in prison, suspending the last two years. A newspaper report at the time (Heylin, 2021) described the 52-year-old male as having become obsessed with a woman who he went on to harass and threaten to rape. He was arrested when he attempted to break into the woman's home, armed with what was described as a rape kit. Judge Seán Ó Donnabháin described the crime as dramatic and horrific and said that it went significantly beyond a case of harassment (Heylin, 2021). That woman was Una Ring, one of two women whose experiences of stalking have led them to campaign for the introduction of a new offence of stalking separate from that of harassment. The second is Eve McDowell, whose stalker was arrested and convicted after he attacked her roommate upon breaking into her apartment (Healy, 2020).

We do not yet have a specific stalking offence in Ireland. The closest offence is harassment, which is criminalised by section 10 of the *Non-Fatal Offences Against the Person Act 1997* (1997 Act). The harassment offence was introduced into Irish law with little debate, but it is clear from the 1994 Law Reform Commission Report, which informed the contents of the 1997 Act, and from the words of then-Minister for Justice Nora Owens when she introduced the Bill that became the 1997 Act that the harassment offence was intended to criminalise harassing and stalking behaviour (LRC 1994: 257-8; Dáil Debates (15 April 1997)). However, those who have experienced stalking argue that they are not adequately protected by this offence. This is in part because they do not know that the harassment offence is intended to protect them. The Law Reform Commission in its more recent 2016 Report was convinced by this and other arguments to recommend the introduction of a new

stalking offence (LRC 2016: [2.76]). Ring and McDowell noted their early confusion around whether an offence existed to protect them from the behaviour they were experiencing. It is also the case that those whose responsibility it is to investigate allegations of stalking do not always recognise the seriousness of its consequences for the person stalked or that stalking behaviour is criminalised by the offence of harassment. While Ring had very positive experiences with An Garda Síochána, McDowell believes that earlier intervention could have prevented some of the harm that she subsequently suffered (McGrath, 2022).

Ireland is not unique in grappling with these issues. In Scotland, arguments by anti-stalking advocates that stalking is a qualitatively worse experience than harassment convinced legislators to introduce a stalking offence in 2010 (LRC 2016). This new offence led to a dramatic increase in the number of prosecutions for harassment and stalking. In the 10-year period prior to the introduction of the new stalking offence, there were 70 harassment prosecutions. Within four months of the new offence being introduced, the Strathclyde region saw 150 prosecutions (LRC 2016: [2.66]). England and Wales followed suit in 2012. The introduction of the new offence there also led to a dramatic upsurge in reports of harassment and stalking. Reports to the police trebled between 2014 and 2018 (BBC, 2018). In 2019 the number of charges was double that of 2015 (Crown Prosecution Service, 2020). These dramatic increases in reporting and prosecutions do not suggest a sudden upsurge in stalking and harassing behaviours. Instead, they support the proposition that those being stalked did not recognise the harassment offences as applying to the behaviour that they were experiencing and did not report it. Northern Ireland introduced a new stalking offence in 2022.

The Irish Government has committed to introduce new stalking and non-fatal strangulation offences as part of their zero-tolerance approach to domestic, sexual and gender-based violence. The introduction of these new offences, proposed in the *Criminal Justice (Miscellaneous Provisions) Bill 2022 (2022 Bill)*, is being spearheaded by the Minister for Justice Helen McEntee TD as a direct response to two main catalysts. The first is effective lobbying by Ring and McDowell, supported initially by the SVCC and by Senator Lisa Chambers who tabled a Private Member's Bill that sought to introduce a new stalking offence.¹ The second is the killing of Ashling Murphy in 2022 which, along with the killing of Sara Everard in the UK, has re-ignited the conversation on gender-based violence. We welcome this initiative and one of the purposes of this Report is to provide evidence that will help ensure that the wording of the new stalking offence is sufficiently broad to capture the behaviours and recognise the harms experienced by those who have been stalked in Ireland.

1. *Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021*. The first author was involved in the drafting of this proposed legislation.

The other core aim of this Report is to share the first set of findings from the survey, specifically quantitative data regarding the process of stalking and/or harassing behaviours experienced by people in Ireland. To date, there have been no general population studies with those who have been stalked and/or harassed in Ireland. We do not know prevalence rates here, the forms the behaviours take or the consequences for the person being stalked and/or harassed. Internationally, research tells us that women are more likely to be stalked than men and that most stalking is connected to abusive relationships (e.g., Crown Prosecution Service, 2020). We do not know the gender of those being stalked and/or harassed or the relationship between the person being stalked and/or harassed and the perpetrator. This Report is the first step in the process of providing answers to some of these questions in an Irish context. Finally, the Report provides an initial snapshot of the reasons for reporting or not the behaviours to An Garda Síochána. The answers to these questions will help inform policy beyond the introduction of a new stalking offence by identifying the barriers to reporting stalking behaviours.

In Part 2 of the Report we will provide a brief literature review of research on stalking and harassment including that which has been conducted in Ireland. We will also look at international and national literature on reporting stalking and gender-based violence to the police. In Part 3 we will explain language choices by defining key terms used in this Report. In Part 4 we will set out the methodology used to generate the data that forms the basis for this Report. A selection of our results will be presented in Part 5, evaluated in Part 6, and some concluding remarks will be offered in Part 7.

2. LITERATURE REVIEW

As will be discussed in section 3.2 below, although stalking and harassment share similarities, there are differences in both behaviours with stalking generally regarded as worse because of its prolonged and persistent nature whereas harassment can include more minor forms of pestering. In a growing number of jurisdictions, stalking and harassment are separate offences. However behavioural research literature looking at the ways in which people are stalked or harassed and its impacts has tended to utilise the word stalking. Accordingly stalking is the term that will be used predominantly in this section. The popular culture image of stalkers is that they are strangers to the person they stalk who is sometimes a celebrity (Schultz, Moore & Spitzberg, 2014). Indeed, the first anti-stalking legislation in the world was introduced in 1989 in California following public outcry after the murder of Rebecca Schaeffer, a TV actor, by her stalker (Purcell, Pathé & Mullen, 2004A: 160). Stalking is also represented as a behaviour that is committed and experienced roughly equally by women and men (Schultz, Moore & Spitzberg, 2014). Studies however tell us that the general profile of a stalker is that they are male (e.g., Bjerregaard, 2002; Meloy, 1999) and the general profile of a person being stalked is that they are female, were in a relationship with and younger than their stalker. A meta-analysis of 175 studies on stalking involving 122,207 individuals by Spitzberg and Cupach (2007) indicated that women are more likely to experience stalking victimisation than men with a 28.5% lifetime risk for females versus an 11% lifetime risk for males.

It must however be acknowledged that this disproportionate representation of women being stalked and men as stalkers could in part be due to the gendering of stalking and harassment as a behaviour. Generally speaking, men are less likely

to identify as victims of crime because victimisation is seen to be gendered as feminine (Fitz-Gibbon & Walklate 2018). This tendency is exacerbated in the context of stalking where the perpetrator is female or a former intimate partner (Langhinrichsen-Rohling, 2012). Men may also have limited understandings of what constitutes stalking, or they may not recognise unwanted pursuit by a person of the opposite sex as dangerous in the same way that women do due to socialisation scripts (Langhinrichsen-Rohling, 2012). Englebrecht and Reyns (2011) found that men had higher thresholds than women before they recognised their experience as stalking, for example requiring their stalker to physically attack them.

Little is known about the stalking process in its entirety given there is not a clear profile as to this kind of behaviour. What is known is that stalking is chronic behaviour that unfolds over months or years (e.g., Meloy, 1999). While each behaviour on its own may not merit any cause for alarm, it is the compound effect of multiple nuisance, threatening and harassing behaviours that has a devastating impact on those who are subjected to them. The consensus in the literature is that certain types of conduct may be considered common stalking behaviours. These behaviours include loitering nearby, following, harassing by telephone or mail, ordering goods on the victim's behalf, making threats, committing physical and sexual assaults, and even attempting or succeeding to kill (Harmon, Rosner & Owens, 1995; Meloy & Gothard, 1995; Mullen & Pathé, 1994; Zona, Palarea & Lane, 1998). Literature has also revealed certain patterns in behaviours. A survey of 95 self-defined victims of stalking in the United Kingdom found a pattern of repeated intrusions with being watched and followed emerging as the most frequently reported intrusions (Sheridan, Davies & Boon, 2001: 224).

Research on what prompts stalking has found that anger, jealousy, abandonment, rage, and a need for power and control are common motivations identified in clinical studies of male stalkers (Meloy & Gothard, 1995). Strangers or acquaintances are more likely to be targeted by psychotic stalkers than a person with whom they shared a prior intimate relationship (Kienlen, Birmingham, Solberg & O'Regan, 1997; Meloy, 1996; Meloy, 1998; Zona, Sharma, Lane & O'Regan, 1993; Zona, Palarea & Lane, 1998). Those who have been stalked perceive the most likely goal of stalkers is to control them (Tjaden & Thoennes, 1997). A meta-analysis by Churcher and Nesca (2013) of 23 studies from six countries examined predictors of violence. When the datasets were combined, 35.4% ($n = 1,059$) of the 2,995 offenders (2,277 males, 668 females, and 50 with unspecified gender) had been violent towards the person they were stalking. Of the 2,119 victims (285 males, 1,833 females, and one married couple counted as a single participant), 28.4% ($n = 604$) had been physically harmed by the person stalking them (Churcher and Nesca, 2013: 106). Eight risk factors were identified: stalker gender, a prior intimate relationship, the presence of explicit

threats, presence of psychosis, presence of personality disorder, criminal history, violence history, and a history of substance abuse. Other research has confirmed that a prior relationship with the person stalked is predictive of violence. Ex-intimates are the most likely to be attacked, strangers the least (Budd & Mattinson, 2000; Purcell & Pathé, 2002; Sheridan & Davies, 2001; Thomas, Purcell, Pathé, & Mullen, 2008; Tjaden & Thoennes, 1998).

The prevalence of post-relationship stalking (PRS) has led to a research-focus on this form of stalking. PRS has been defined as a pattern of targeted, repeated, and unwanted intrusive acts which occurs after a romantic relationship has dissolved that can be reasonably expected to cause apprehension, distress, or fear in the person stalked (Douglas & Dutton, 2001; McEwan, Mullen & Purcell, 2007; Mullen, Pathé & Purcell, 2009). Spitzberg and Cupach's meta-analysis (2007) found that 79% of victims across 62 studies were acquainted with their stalker with half of all stalking cases originating in romantic relationships. Across 82 studies in which some estimate of violence was provided, 32% of stalking cases involved physical violence and 12% involved sexual violence following the breakdown of an intimate relationship. Tjaden and Thoennes (1998) found that ex-husbands who stalked were significantly more likely than their non-stalking peers to have engaged in controlling and emotionally abusive behaviour toward their partner during the relationship. Stalking in this context can be understood as a form of male-perpetrated domestic abuse and coercive control toward female partners (Mullen et al, 2009; Stark, 2007; Walker & Meloy, 1998). Ornstein and Rickne (2013) found that women who reported being subjected to controlling behaviour by their partner were more likely to be stalked later.

An EU wide survey on Violence against Women (European Agency for Fundamental Rights, 2015) was conducted across the then-28 member states with 42,000 women. While the survey focused on women's experiences of physical, sexual and psychological violence in the main, it also asked respondents about stalking, harassment, intimate partner violence, and whether new technologies were utilised in women's experiences of abuse. The study uncovered extensive abuse of women that is systematically under-reported to the authorities. The EU survey reported that, from the age of 15, 18% of women have been stalked, and 5% of women had been stalked in the 12 months prior to the survey interview (European Agency for Fundamental Rights, 2015: 81). This corresponds to about 9 million women in the EU-28 experiencing stalking within a period of 12 months. One in 10 women (9%) has been stalked by her previous partner. Repeated offensive or threatening messages or phone calls from the same person were received by 14% of the respondents. One in five (23%) had to change their phone number or e-mail address as a result of the most serious incident of stalking. Cyberstalking – stalking by means

of e-mail, text messages or the internet – was experienced more commonly by 18- to 29-year-old women with 4% experiencing it in the 12 month period before the survey interview.² Eight percent of the women who were stalked have been followed or experienced somebody loitering outside their home or workplace and 3% have experienced stalking that involved the same person repeatedly damaging their property (European Agency for Fundamental Rights, 2015: 85). For one-fifth (21%) of the women who were stalked, the experience lasted more than two years. Three quarters (74%) of stalking cases were never reported to the police, including some of the most serious cases of stalking experienced by the respondents (European Agency for Fundamental Rights, 2015: 95).

In England and Wales, the Crown Prosecution Service analysed a sample of stalking cases from 2019 and found that 84% involved complaints against ex-partners, three-quarters of whom had been abusive during the relationship (Crown Prosecution Service, 2020). In Scotland, data from March 2019-March 2020 found that 65% of stalking charges originated in a domestic violence context (Scottish Government, 2020). In 2020-2021, the figure was 57% (Scottish Government, 2021).

In Ireland there has been little research on stalking or harassment and what little there is has focused on specific population subgroups or specific forms of harassment. Nwachukwu *et al* looked at the experiences of 274 Irish psychiatrists and found that 25.1% of their participants considered that they had been stalked, 5.5% were being stalked at the time of the survey, and 4% had been stalked more than once (2018: 90). The participants reported suffering psychological distress and that the behaviour negatively impacted on their work, social life and their partners/spouses. Only 13.9% were aware of the existence of section 10 of the 1997 Act (Nwachukwu *et al*, 2018: 91).

Online harassment has been the focus of some research, with Irish data/case studies being included in larger samples. A three-year study of 50,000 participants from 22 countries including 1,112 from Ireland, found that women were more likely to be sexually harassed online while men were likely to report being physically threatened (Thomas *et al*, 2021: 255). It also found that members of the LGBTQI+ community faced higher levels of harassment. In the 15 countries where it was safe to collect such information, 60% of the LGBTQI+ respondents had been subjected to online hate compared to 41% of cis-gender respondents and had a 173% greater risk of being sexually harassed (Thomas *et al*, 2021: 255). An Irish case was also included in a small study of three high-profile and successful prosecutions of individuals who harassed journalists online in Finland, France and Ireland (McCully, 2019).

2. This compared with 0.3% of women who are 60 years old or older.

Of particular interest to this study was the targeting of female journalists and the chilling effect online harassment can have on journalism. Various legal reforms were proposed to better protect journalists whilst also protecting the right to freedom of expression.

The third level sector has been the subject of several reports. The Union of Students in Ireland conducted an online survey of students' experiences of harassment, stalking, violence, and sexual assault with 2,752 respondents (1,811 women, 926 men and 15 other). While the report, *Say Something* (2013), focused primarily on physical and sexual violence, some key findings are noteworthy. More than 30% of women or other respondents reported being harassed or intimidated at their current institution (USI, 2013: 7). Ten percent of the women who completed the survey reported that they had been made to feel afraid or concerned for their safety as a result of obsessive behaviour. Five percent of men reported that they too had similar experiences. Twelve percent of those identified as perpetrators of obsessive behaviour were described as acquaintances. Three-in-ten of those who disclosed being subjected to obsessive behaviour believed that it had negatively affected their mental health and well-being. More than 40% of respondents reported negative impacts on their relationships and a similar number believed that their studies were affected (USI, 2013: 8).

As part of an inquiry into levels of sexual violence and harassment in the third level sector, the Higher Education Authority (HEA) conducted extensive and separate surveys of staff (3,516) and students (7,901). One fifth of the students who chose to answer a question about whether someone continued to ask them for a date after they said "no" selected the "often" or "many times" options (MacNeela *et al*, 2022B: 148). Those who preferred not to say their gender (28%) and females (26%) were the most likely to experience these levels of repeated unwanted attempts to establish a romantic sexual relationship, closely followed by a fifth (22%) of non-binary students. Seven percent of male respondents had the same experience (MacNeela *et al*, 2022B: 149). Almost one in four respondents (24%) had sexual rumours spread about them via electronic means (MacNeela *et al*, 2022B: 155). Approximately a fifth of female (19%), non-binary (20%) and those who preferred not to say (18%) respondents who chose to answer the question were subjected to unwelcome sexual comments, jokes or pictures by electronic means "often" or "many times" (MacNeela *et al*, 2022B: 158). Five percent of male respondents had this experience.

The concurrent HEA study of third level staff experiences of sexual harassment and sexual violence found that, for those who answered the question on the identity of the perpetrator, men were targeted more by women (55%) and women more by

men (91%). Men accounted for 80% of those responsible for the sexually harassing behaviour (MacNeela *et al*, 2022A: 21). Of the 716 participants who answered the question of whether the perpetrator was a member of staff, 86% answered yes. There have also been other studies of workplace (sexual) harassment, typically with a focus on workplace policies and civil protections. For example, McMahon (2000) conducted a cross-border study of hospitality workers in Ireland and Northern Ireland in 1998. Women were the claimants in 96% of the sexual harassment cases taken in Ireland and in 87% of those taken in Northern Ireland (McMahon, 2000: 385). It was also found that the harasser was predominately male and predominantly the claimant's superior, where that information was provided.

Focusing specifically on relationship violence, we know from Women's Aid that between 1996 and 22 January 2023, 256 women have died violently in the Republic of Ireland. Of resolved cases 55% were killed by a partner or ex-partner and almost nine in ten (87%) women knew their killer (Women's Aid Femicide Watch, 2023). A review by An Garda Síochána of offences committed between 2019 and 2021 found a domestic abuse motive in 90% of the killings of women and girls and in 43% of all attempts/threats to murder, assaults, harassments and related offences (An Garda Síochána, 2022: 8). Eleven percent of men were the victim of one of these offences in a domestic abuse context. It was also found that women were the victims of most harassment and related offences (67%) over this time period (An Garda Síochána, 2022: 10). The offence of coercive control was commenced in January 2019 and between 2019 and 2021 259 incidents were reported to An Garda Síochána (An Garda Síochána, 2022: 11).

The final area to be canvassed is the experience of reporting crime to the police. There is extensive literature on the negative experiences of those who report gender-based violence to law enforcement. The acceptance of rape myths by the police has been found to result in aggressive questioning of complainants and in officers exhibiting disbelief and hostility (Kelly, 2010; Hohl & Stanko, 2015). Rape myths were first defined by Burt (1980) as prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists. They include inaccurate beliefs such as rape is primarily committed by strangers, that rape is violent, endorse victim-blaming narratives that the person raped is responsible for their rape if they are dressed in a particular way or consumed alcohol/drugs, and that women lie. Rape myths can be both subtle in their expression, yet complex in their structure. For example, someone may be entirely sympathetic and supportive towards a rape victim, yet still question her form of dress or her alcohol consumption at the time. As was highlighted by Kelly and Staunton (2021), the impact of such rape myth acceptance has far-reaching consequences which can impact upon a person's physical, emotional, and psychological health and well-being with extended socio-economic effects. They can

also influence police response to and interactions with victims (Venema, 2016). While Sleath and Bull's meta-analysis of 24 studies involving seven jurisdictions published between 2000 and 2016 found that police officers do not hold higher levels of rape myth acceptance than other populations (2017), their endorsement of such myths is particularly problematic because they are the gatekeepers to the criminal justice system and thus may contribute to the high level of attrition in rape cases (Lathan *et al*, 2021; Hine & Murphy, 2019).

To challenge these beliefs, it has been recommended that police are given trauma-informed training. Officers who recognise the impact of trauma can ensure that the environment in which they take reports feels safe, that they communicate respect for the complainant, and empower those reporting sexual violence. The result is that accurate memories are retrieved, facilitating effective investigation (Rich, 2019: 475). However not all trauma-informed training is equally effective. Lathan *et al* found that there was not a significant difference in overall rape myth acceptance between officers who had received trauma-informed training and those who had not (2021: 13). This concurs with other research that rape myths are highly resistant to change. This is likely because they can stem from deeply entrenched cognitive distortions or maladaptive beliefs that are often used by perpetrators of sexual violence to justify their actions (e.g. Ward, 2000). From a societal perspective, it has been posited that rape myths can also be fostered within the gender inequality that exists in a patriarchal society whereby the perpetration of sexual violence against women is justified (e.g. Payne, Lonsway & Fitzgerald, 1999; Suarez & Gadalla, 2010) and that this is then reinforced through cultural and family norms (e.g. Polaschek & Ward, 2008; Ward, 2000; Woods & Riggs, 2008). Lathan *et al* (2021) did acknowledge that the trauma-informed training administered in their study did not specifically address or challenge rape myths and noted that training that does has been found to be more effective.

There is less research on the experiences of those who have reported their stalking experiences but, like those who report gender-based violence, they describe not being believed, being victim-blamed, their experiences being trivialised as merely “domestics”, and not being treated sympathetically (Morris, Anderson & Murray, 2002; Purcell *et al*, 2002; Sheridan, 2001; Taylor-Dunn, Bowen & Gilchrist, 2021; Tjaden & Thoennes, 1998). Recent research from Wales found that the police seemed to require that the stalker use physical violence before they would intervene or would prioritise physical harms over longer patterns of psychological abuse (Korkodeilou, 2016). This finding supports research from England and Wales that there was poor understanding and inconsistent application of the then-governing legislation by the police and other criminal justice professionals (Harris, 2000) and that this poor understanding survived the introduction of the new stalking offence

in 2012 (Taylor-Dunn, Bowen & Gilchrist, 2021). Moreover, it suggests that police have adopted stalking myths (e.g. that stalkers are strangers and stalking consists of violent physical attacks) that operate to limit the credibility of complainants in the same way that rape myths do (Korkodeilou, 2016). It is also highly likely that these same myths are endorsed by those who experience stalking and/or harassment with the result that they fail to recognise or label their experiences as such.

Research has also suggested that the unusual nature of stalking and harassment offences as compared to other offences, where it is often the repetition of behaviour rather than the behaviour itself that is illegal, may partially explain poor police responses to them (Taylor-Dunn, Bowen & Gilchrist, 2021). Drawing on research on coercive control, Taylor-Dunn, Bowen and Gilchrist note “that the incident-based nature of policing can result in officers missing ‘patterns of abuse that do not fit into traditional crime categories’” (2021). For this reason they recommend that police are educated about the impacts of stalking and harassment and connect that to the definition of the relevant offences which include an emotional response from those who experience it (Taylor-Dunn, Bowen & Gilchrist, 2021).

To our knowledge there has been no Irish research on the experiences of those who report stalking and/or harassment to An Garda Síochána but there has been some research on the experiences of those who have reported gender-based violence. Hanly, Healy and Scriver’s research, though dated, is the leading study in this area. In their survey of the then extant research on reporting of sexual violence they identified two themes (2009: 45-7). The first is that some gardaí pursue a “truth over proof” investigative strategy, i.e. focus on establishing whether the complainant is telling the truth instead of looking for evidence that supports or not the allegation. The second is that initial contact with An Garda Síochána is often positive, but lack of follow-up information provision reduces complainant satisfaction. One of Hanly, Healy and Scriver’s research findings was that the majority of those who reported had positive initial experiences with An Garda Síochána but their satisfaction with their overall experience was low (2009: 178). The impact of this was significant with 42% seriously considering withdrawing their complaint, most commonly due to poor treatment from the gardaí. They felt disbelieved, found the process difficult, and did not receive sufficient information/contact (Hanly, Healy and Scriver, 2009: 160).

In the context of domestic violence, Mazzone (2019) similarly found that satisfaction depended on which garda happened to deal with their case. Factors that resulted in a positive experience included the garda understanding the dynamics and risks of domestic violence, taking the respondent’s safety seriously, continuity of contact with an individual garda, and referrals to support. Negative experiences included

in their case, and minimisation of the abuse/risk posed to them (Mazzone, 2019: 34-7). Respondents also noted that gardaí lacked understanding of the complexities of domestic violence and recommended training (Mazzone, 2019: 34). Mazzone stated that “[t]he consultation made clear the limitations of an ‘incident’ based system in providing justice for victims” (Mazzone, 2019: 10). This echoes the observation of Taylor-Dunn, Bowen and Gilchrist (2021) above and suggests that a similar incident-focused approach is likely operating and impeding the investigation of the current offence of harassment in Ireland.

The most recent report in this area is by O’Malley *et al*, which focused on reviewing how vulnerable witnesses were treated within the criminal justice system in the investigation of sexual offences. It was emphasised that a person against whom an offence has been committed is entitled to be treated with consideration, courtesy and respect (O’Malley *et al*, 2020: [3.1]). They also have a right to justice which requires An Garda Síochána to investigate allegations promptly and effectively. To meet this obligation it was recommended that all gardaí, trainee and serving, should be given training on victims’ rights and best practice in dealing with those who report crime (O’Malley *et al*, 2020: [3.10]). This is because any member of An Garda Síochána could be the first point of contact for a person making an initial complaint. This training would include information on how trauma and stress may impact on when and how those subjected to sexual violence report and would challenge rape myths (O’Malley *et al*, 2020: [10.8]). In light of research which suggests that there is a gendered dimension to stalking and harassment and the trauma experienced by those against whom these offences are perpetrated, these recommendations are equally applicable to the investigation of stalking and harassment.

DEFINITIONS

3.1. Respondent and Perpetrator

There is some debate within the literature on what are the most appropriate terms to use when describing the person engaging in the problematic behaviour and the person experiencing it (Thomas *et al*, 2021). This debate mirrors that evident in discussions of sexual violence. Should the person who experienced the behaviour be described as a victim or a survivor? Given the strong reactions to victim (potentially disempowering) and survivor (failing to respect the ongoing trauma) we have elected to use the word respondent to identify the participants in our survey.

With regard to the person who engages in the problematic behaviour we have chosen the term perpetrator. This is because this survey was designed to elicit responses from people who self-identify as having experienced stalking and/or harassment. From their perspective, the behaviour that they have been subjected to was perpetrated against them. We determined that this term was more appropriate than accused because formal legal actions were not taken against the majority of the perpetrators. Fifty-seven percent of respondents did not report their experiences to An Garda Síochána and many of those who did either did not want the matter dealt with formally or charges were not pursued for a variety of reasons.

3.2. Stalking and Harassment

The terms “stalking” and “harassment” are sometimes used interchangeably and the belief that they are synonymous is built into the definition of the Irish harassment

offence. In recommending the introduction of a new harassment offence the Law Reform Commission stated: “acts of harassment which interfere seriously with a person’s right to a peaceful and private life should be captured by the criminal law and not simply those which give rise to a fear of violence. An offence of harassment would capture, for example, the acts of the infatuated psychotic who follows a woman in order to gain her affections” (LRC, 1994: 257-8). This conflation of stalking and harassment was also evident in the then-Minister for Justice’s introduction of the various provisions contained within the *Non-Fatal Offences Against the Person Bill 1997* which became the *1997 Act*:

[s]ection 10 provides for the important new offence of harassment which is aimed at what is commonly called “stalking”. We are all aware of high profile cases of stalking but such behaviour is not necessarily peculiar to people in the spotlight. Unfortunately, it can occur in everyday life when a person, usually a woman, becomes the object of the stalker’s affection — perhaps obsession is a better word — and that person is subjected to sustained harassment and intimidation in a perverted attempt by the stalker to gain the attention or affection of the unfortunate person concerned. This harassment can have a profoundly detrimental effect on the life of the victim (Dáil Debates (15 April 1997)).

However, anti-stalking advocates argue that while harassment and stalking share similarities, stalking is a qualitatively worse experience. Ann Moulds, an anti-stalking advocate and founder of Action Scotland Against Stalking, has explained the distinction in the following way: “[s]omebody might harass another person because they are not happy with them or whatever, but that is slightly different from the intimate relationship that [a] stalker has with his victim. There is an emotional relationship between two people, and it is an unequal relationship” (LRC, 2016: [2.56]). The Law Reform Commission in Ireland were convinced by this and other arguments and recommended that a new stalking offence be created as an aggravated form of harassment “because it involves an intense obsession or fixation on the part of the perpetrator which creates an unwanted intimacy between the stalker and victim” (LRC, 2016: [2.57]). Researchers in the area have also argued that stalking is worse than harassment, suggesting that when harassing behaviour persists for more than two weeks it shifts into stalking (Purcell *et al*, 2004A). Respecting the insights of those who have experienced stalking, aware of the risk that only utilising the word stalking might operate to exclude potential participants from partaking in the survey due to the connotations of the word, cognisant that Ring and McDowell’s early confusion around whether the harassment offence applied to them suggested that using that term exclusively might similarly reduce the number of survey participants, and wanting to capture as broad a range as experiences as possible, we adopted

separate definitions of stalking and harassment in the survey. The definition of harassment was connected to the text of the *1997 Act* while the definition of stalking was drafted drawing from definitions set by anti-stalking advocacy groups. In the survey we were clear that we were interested in experiences of both behaviours. The survey was released and concluded prior to the decision of the government to introduce a new stalking offence.

3.3. Definition of Harassment

The reference point for the definition of harassment that we used in our survey is section 10 of the *1997 Act* as amended by the *Harassment, Harmful Communications and Related Offences Act 2020*:

10. (1) Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with or about him or her, shall be guilty of an offence.

(2) For the purposes of this section a person harasses another where

(a) he or she, by his or her acts intentionally or recklessly, seriously interferes with the other's peace and privacy or causes alarm, distress or harm to the other, and

(b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other.

The actions that constitute harassment are set out in section 10(1). The use of the word "persistently" conveys the requirement that one or more of these actions must occur more than once, but it is broader than this. In *People (DPP) v Lynch* [2010] 3 IR 434 the Court of Criminal Appeal held that a prolonged single incident could meet the persistence criterion. This could occur in one of two ways. The first is where the events in question could be separated out into discrete incidents because of the length of time involved. The second is where a continuous act had the quality of persistence as would be understood by the ordinary person. The Court gave this example: "following of a person on one continuous and unbroken journey over a prolonged distance" (*Lynch*: [18]).

In section 10(2) it is provided that the performance of one or more of the specified persistent actions must be accompanied by either intention or recklessness. An

accused's recklessness is judged according to the standards of a reasonable person (section 10(2)(b)). Section 10(2)(a) requires that the perpetrator's intentional or reckless conduct has the result of seriously interfering with the victim's peace and privacy or causes alarm, distress or harm to the person harassed.

The definition of harassment that we included in the "Study Overview" page that introduced our survey was:

Harassment is when someone behaves in a way that interferes with your peace and privacy or makes you feel alarmed, distressed or threatened, and this has happened either several times or has been for a prolonged single period (e.g., following you for half an hour). The harasser could be someone you know or a stranger.

As can be seen, our definition is a simplified version of the section 10 wording, focusing on the result of harassment as specified in section 10(2)(a). We also included the criterion of "persistently" in our definition but did so using plain English and drew from the *Lynch* judgment to give an example of what persistently could encompass. We departed from section 10(1) by using the phrase "behaves in a way" instead of specifying behaviours. We did not want prospective respondents to self-exclude because of a definition that may be too limited. This was particularly important when one of the original aims of this survey was to determine if the existing offence of harassment was broad enough to capture the range of behaviours engaged in by stalkers, an aim since superseded by the legislative decision to introduce a new stalking offence. We also did not utilise any language around the perpetrator's state of mind when they engage in the harassing actions as the focus of this survey was on the respondent's experiences of harassment and/or stalking.

3.4. Definition of Stalking

Our definition of stalking was derived in part from the definition given by the Law Reform Commission: "[stalking] involves an intense obsession or fixation on the part of the perpetrator which creates an unwanted intimacy between the stalker and victim" (LRC, 2016: [2.57]). We were also informed by the definitions of stalking provided by prominent anti-stalking advocacy groups. Action Scotland Against Stalking have emphasised the F.O.U.R. characteristics of stalking: that it is **F**ixated, **O**bsessive, **U**nwanted and **R**epeated.³ F.O.U.R. is also utilised by the Suzy Lamplugh Trust, which runs the National Stalking Helpline in England. They further define stalking as "a pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive,

3. <https://www.actionagainststalking.org/stalking>

and causes fear of violence or alarm and distress in the victim.”⁴ Paladin National Stalking Advocacy Service, also based in England and Wales, define stalking as “[a] pattern of unwanted, fixated and obsessive behaviour which is intrusive and causes fear of violence or serious harm or distress.”⁵

The definition that was used in our survey was:

Stalking is a pattern of repeated, unwanted and intrusive behaviour that typically involves an intense obsession or fixation on the part of the stalker. The stalker could be someone you know or a stranger.

We utilised the F.O.U.R. characteristics in our definition. We also included the criteria that the stalking be intrusive and involve a pattern of behaviour from the Suzy Lamplugh Trust and Paladin definitions. We excluded any reference to effects on the person experiencing stalking as their inclusion in the definitions used by the Suzy Lamplugh Trust and Paladin have been informed by the legal definition given to stalking in that jurisdiction. We wished to leave the identification of effects to the respondents by providing a range of effects that could be selected from and by allowing for additional qualitative responses.

4. <https://www.suzylamplugh.org/am-i-being-stalked-tool>

5. <https://www.paladinservice.co.uk/>

4. METHODOLOGY

An online survey consisting of 38 questions (including 10 questions where the respondent's consent to begin, proceed with, and submit the survey was sought) was designed. These questions, which were a combination of closed quantitative and open-ended qualitative questions, were divided into five sections:

Section 1: Consent Form

Section 2: Demographic information

Section 3: The Stalking/Harassment Process

Section 4: Impact on You (Social, Financial, Physical and Psychological)

Section 5: Your Responses to the Stalking/Harassment.⁶

The Stalking/Harassment Process was presented as a set of behaviourally defined actions including unwanted behaviours, threats and abuse, malicious communications, and reputational damage. The focus on behaviourally defined actions was chosen to ensure that respondents reported all of the repeated incidents that they experienced and not just those which corresponded to preconceived understandings of stalking or harassment. Effects on the respondent were considered in terms of social, financial, physical and psychological effects. The Responses section was included to try to establish the kinds of actions that respondents took to avoid the experiences that they were subjected to by the perpetrators. The focus on behaviourally defined actions was chosen because we were interested in the experiences of respondents

⁶. Please see the Appendix for the complete set of survey questions.

rather than in the motivations of the perpetrator. Open-ended qualitative questions were also included to allow for additional responses from the respondents and the answers provide a rich source of data that will be examined in detail in future research. Our primary focus in this Report is on the responses to 12 quantitative questions which will be identified below.

A draft version of the survey was shared with Dr Maria Mellins, an Independent Stalking Advocacy Caseworker trained by Paladin and researcher in the area of stalking and coercive control, for her input. Following revision, an online version of the survey was produced on Microsoft O365 Forms. This survey platform was chosen because it accords with the University College Cork (UCC) Policy and allows for anonymous submissions. This draft was shared with Ring and McDowell and with the SVCC. They tested the survey by going through the questions, providing feedback on its readability, suggesting wording amendments, and providing completion time information. The survey received ethical approval from UCC's Social Research Ethics Committee (SREC) in November 2021. The survey was launched on the 25th of November as part of the "16 days of Action against Domestic Violence" campaign, an international initiative which was developed to support businesses and companies to act against domestic abuse and violence.

The survey was hosted on the Centre for Criminal Justice and Human Rights webpage, a research centre within the School of Law, UCC. A survey overview was provided on this page along with a link to the survey. In order to target a general population sample of self-identifying and self-selecting victims of stalking and harassment, a multi-prong recruitment strategy was adopted. The SVCC, which has a well-established and respected public profile, promoted it on its websites and social media. It was also actively promoted by Ring and McDowell and by the first author through similar channels. The SVCC additionally engaged with the NGO and civil society sector in Ireland to further disseminate the survey. As the study accords with the government initiative to tackle sexual violence in the third level sector it was also shared through the network established as part of the Framework for Consent in Higher Education Institutions. Staff in UCC were asked to share it with their students and their networks. The second author promoted the survey through Students Unions affiliated with the Union of Students Ireland.

The survey closed at the end of February 2022 with 1,018 responses. The submissions of respondents who answered "no" to any of the 10 consent questions were removed leaving 957 entries. One of the consent requirements was that participants had to be 18 years or older. One respondent's survey was removed on the basis that they were 17 years old. Finally, submissions were screened to ensure that the behaviours

described accorded with either the definition of harassment or stalking as set out in the opening section of the survey. Entries were removed, for example, because the behaviour was a once-off incident but would not meet the persistence criterion or because the behaviour experienced occurred exclusively in another jurisdiction or because answers other than the consent permissions and demographic information were left blank. This left 892 responses to be analysed for this Report.

The results presented in this Report focus primarily on the responses to the following 12 quantitative questions:

Q6. Gender

Q7. What is your current age?

Q8. What is your nationality?

Q11-Q14. Stalking Process

Q16. Identity of Perpetrator

Q25. Social and Financial Consequences

Q27. Psychological and Physical Consequences

Q30. Actions taken in response to the stalking or harassing behaviour

Q32. Do you describe your experience as stalking or harassment?

As participants could select more than one option for many of the quantitative questions, the totals for variables on various graphical representations of the results exceed the 892 submissions considered in this Report.

Some qualitative responses that detail the effects of stalking and/or harassment will be included for illustrative purposes and to honour our intention to give voice to those who have experienced these behaviours in each output from this research. In addition, preliminary analysis of the answers to the questions asking respondents why they chose to report or not to An Garda Síochána (Q35-Q37) and respondents' explanation for their answer to Q32 will be supported with reference to qualitative responses. To respect the respondents' contributions, we have made the editorial decision not to correct any grammatical or other errors in these responses and have not identified any such errors using [*sic*].

5. RESULTS

5.1. Demographic Information

The majority of the 892 respondents whose responses are analysed in this Report identified themselves as female (88%, $n = 789$). Nine percent ($n = 78$) identified as male. The remaining 3% ($n = 25$) declared themselves as non-binary, transgender MTF, Trans Male, or genderfluid. Two participants preferred not to say.

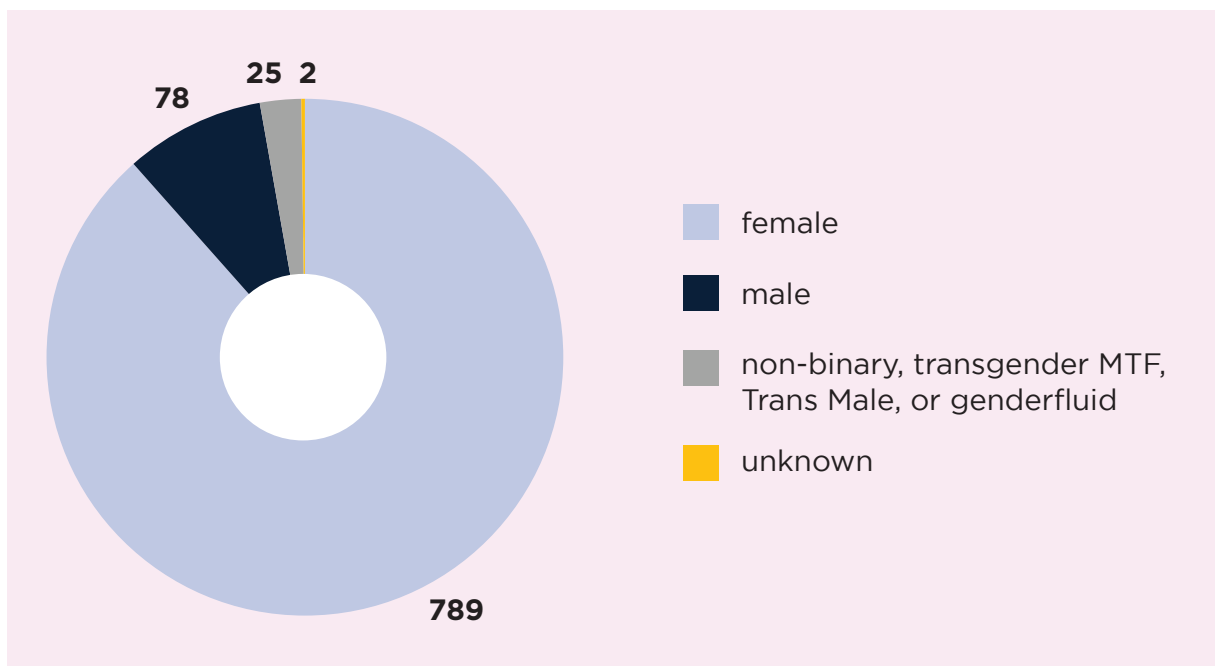


Figure 1: Gender of Respondents

Respondents were aged between 18 and 75 with a mean age of 35 and a median age of 34 years. Respondents were predominantly Irish (89%, $n = 802$). Four percent (n

= 39) were European and 3% ($n = 29$) were from the UK. The remaining nationalities mentioned were South American ($n = 5$), Russian ($n = 3$), African ($n = 1$), Asian ($n = 3$), and Other ($n = 5$). Some respondents claimed dual nationalities. These respondents' nationalities were counted twice. The majority (98%, $n = 875$) of respondents were residing in Ireland. Fourteen respondents indicated that they were not but that the behaviours reported occurred either in full or in part in Ireland.

5.2. The Stalking/Harassment Process

The survey asked respondents a series of questions about the types and frequency of unwanted behaviours, threats and abuse, malicious communications, and reputational damage which can all form part of the stalking and/or harassment process. Most respondents experienced multiple behaviours. The data is presented in Figures 2-5 in count form. What can be seen from the graphs is the prevalence of myriad forms of nuisance behaviours at one end of the spectrum to standalone criminal acts such as physical and sexual assaults at the other. More than a third of our 892 respondents experienced physical assaults ($n = 311$), and nearly half sexual ($n = 391$) assaults and/or threats from the perpetrator to harm them or those close to them ($n = 393$). Property damage was reported 172 times with a further 74 reports of homes being broken into. There were also 367 reports of the perpetrator threatening to harm themselves around the respondent.

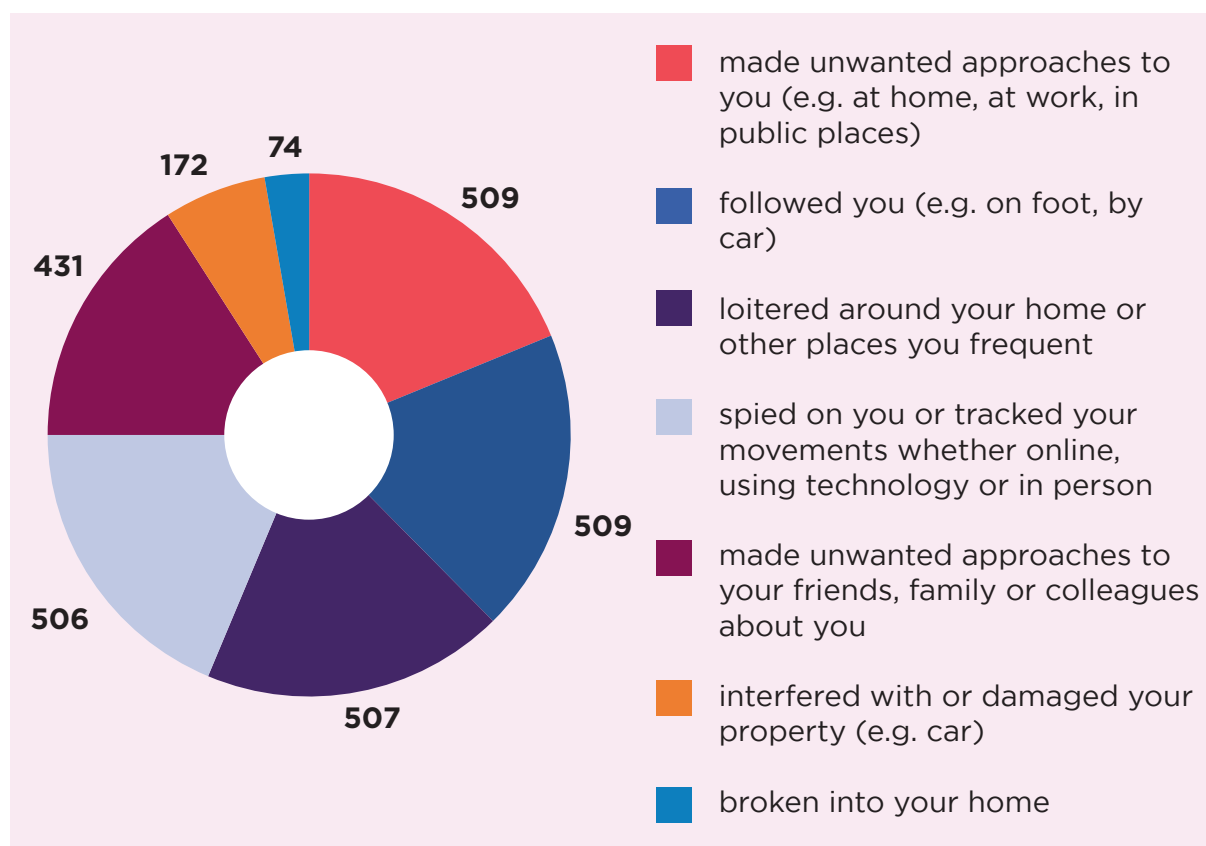


Figure 2: Unwanted Behaviours

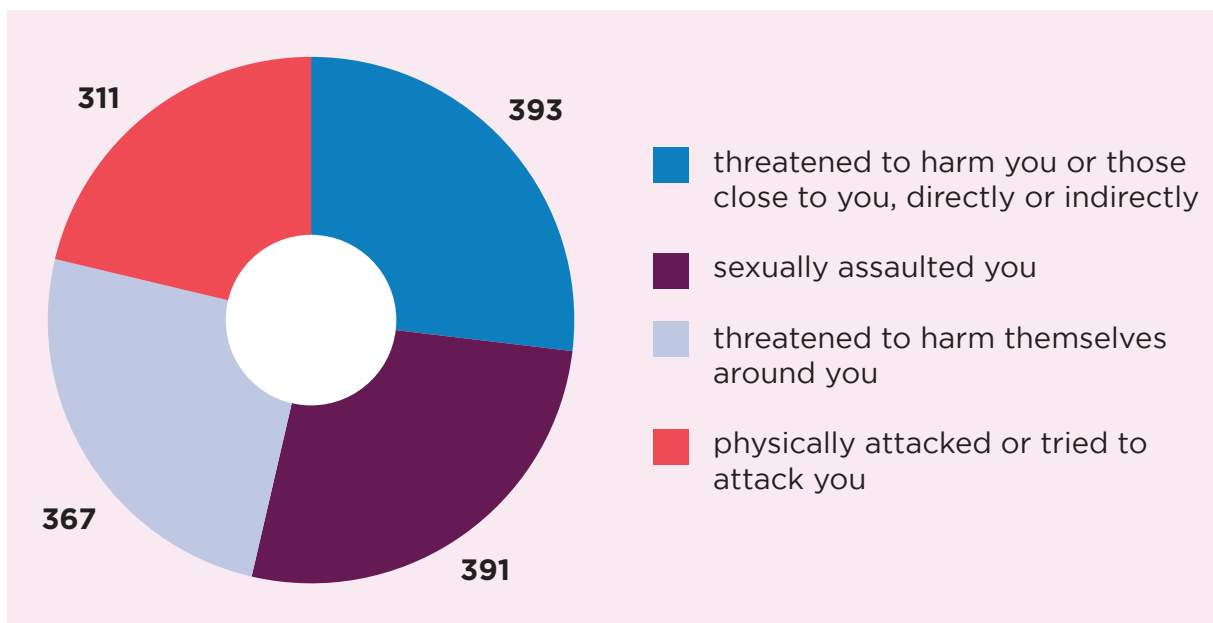


Figure 3: Threats and Abuse

Malicious communications in the form of inappropriate texts, WhatsApps or e-mails ($n = 623$); unwanted approaches ($n = 509$); being followed ($n = 509$); the perpetrator loitering around the respondent's home or other places ($n = 507$); and being spied upon in person or using technology ($n = 506$) were the most common actions identified by respondents. Social media also featured strongly in the reputational damage category. Being the target of inappropriate or malicious social media contacts (e.g., Twitter, Facebook) was mentioned 268 times, the second highest form in that category. Having pictures or recordings taken without consent was mentioned 270 times with 170 reports of private images of a very personal nature being shared.

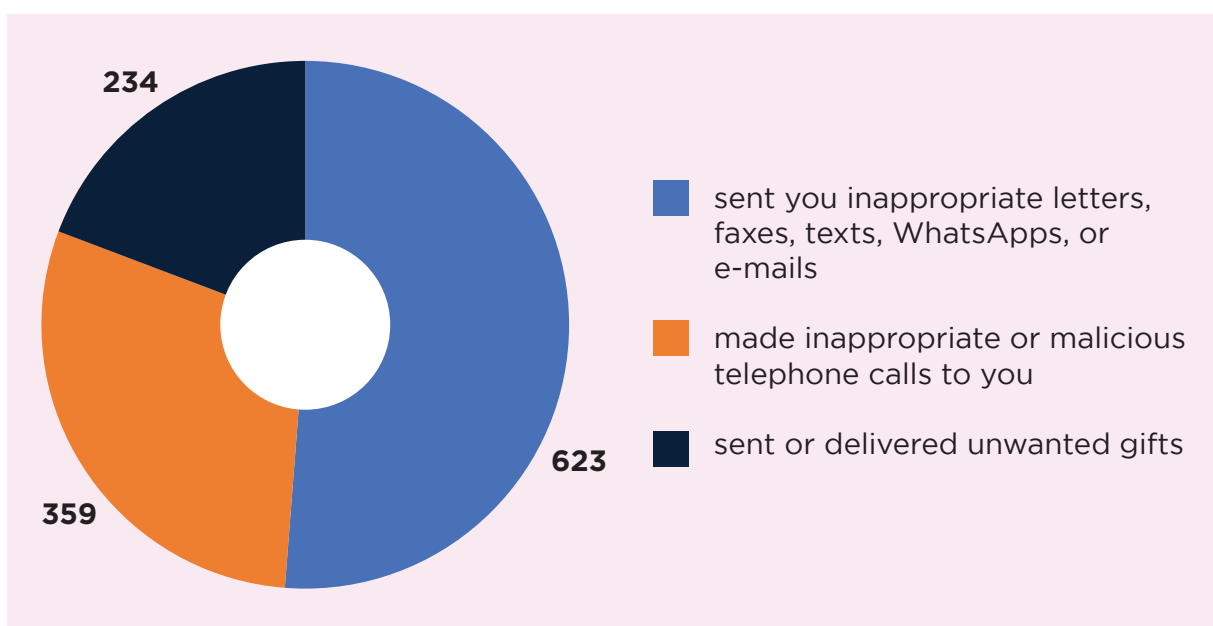


Figure 4: Malicious Communication

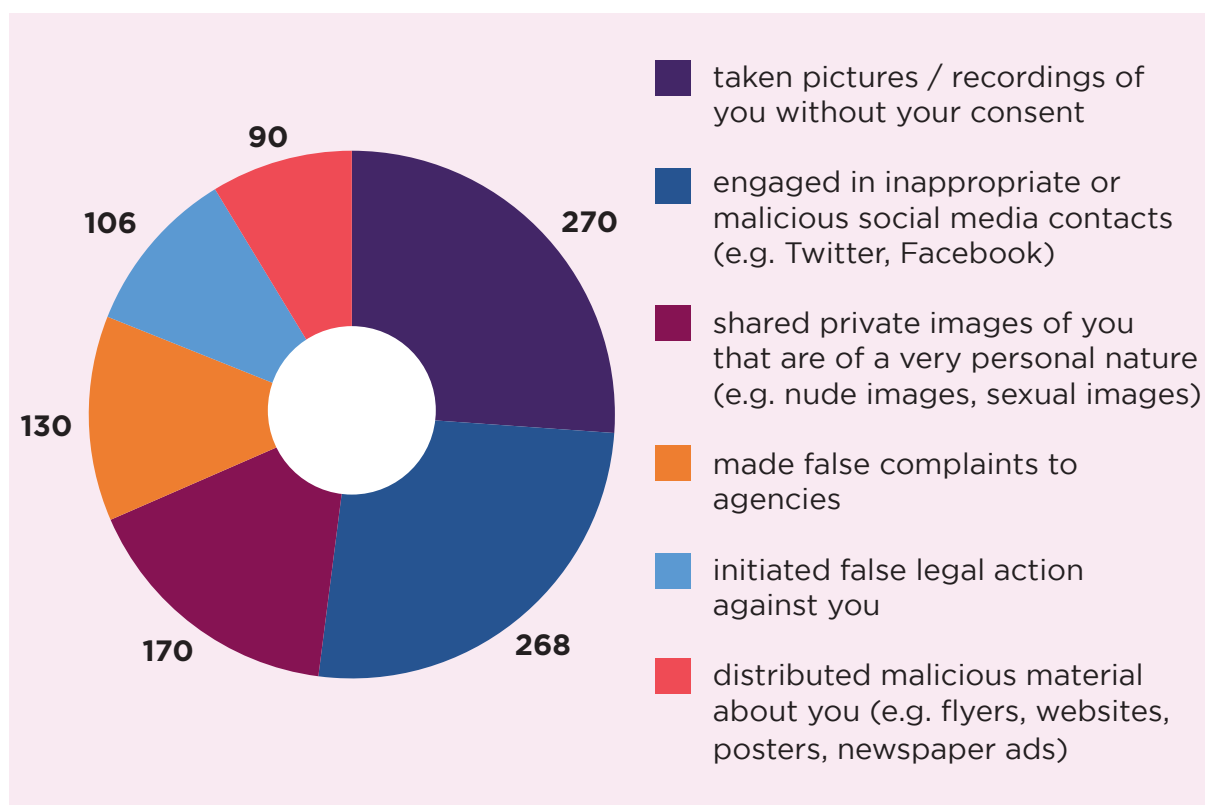


Figure 5: Reputational Damage

5.3. The Perpetrator

Respondents were asked to identify the person who carried out the behaviour, focusing on their relationship to the respondent. More than one category could be selected. In some instances, respondents selected multiple options to indicate that they had been stalked by more than one perpetrator. In others they selected one category but the perpetrator could also have fit into others, e.g. an acquaintance was subsequently described as a work colleague or a stranger.

Of the 892 respondents whose submissions were analysed for this Report, over half (52%, $n = 468$) reported that the behaviours were perpetrated by their partner or ex-partner. A stranger was identified as the perpetrator 257 times while 26 respondents did not know who was stalking them. Twenty-three per cent ($n = 206$) of respondents reported that it was an acquaintance. A work colleague was identified 107 times, friend 131 times and neighbour 74 times.

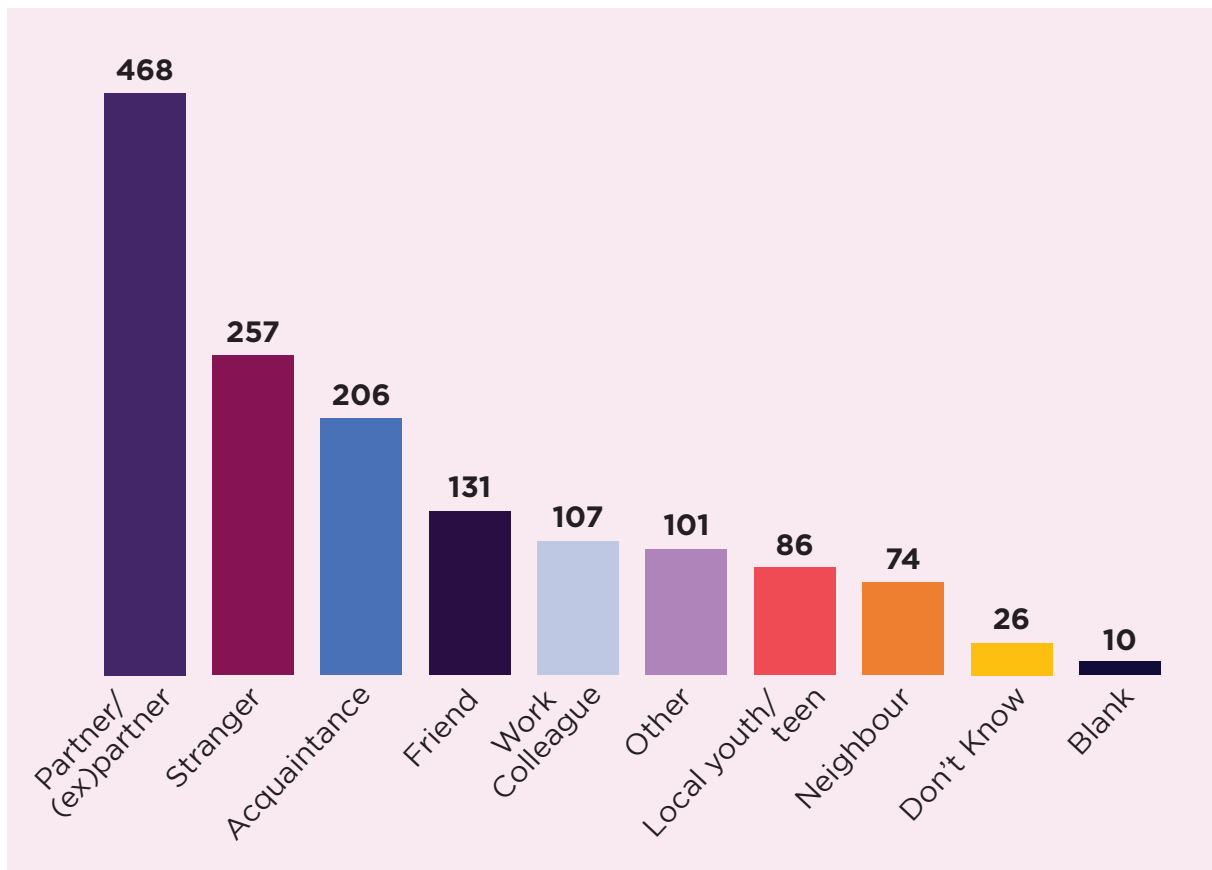


Figure 6: The Perpetrator

5.4. Effects on the Respondent

In section 4 of the survey, respondents were asked a series of questions regarding the effects that experiencing harassing and/or stalking behaviours had on them. The survey listed several behaviours that were categorised according to four themes – Social, Financial, Psychological and Physical – and asked respondents to indicate which ones they had experienced. They could identify as many as were relevant. We also included an “other” option to allow respondents identify any additional behaviours that were not captured in both lists. A thorough analysis of these responses will be completed in the future. Our focus in this report is on the four themes that we identified from the literature. The information presented in the following graphs is in count form.

5.4.1. Social and Financial Consequences

The first question in this section of the survey, Q25, asked respondents to describe the social and financial impact that the experience of stalking and/or harassing behaviours had on them. The results, excluding the “other” and blank responses, are as follows:

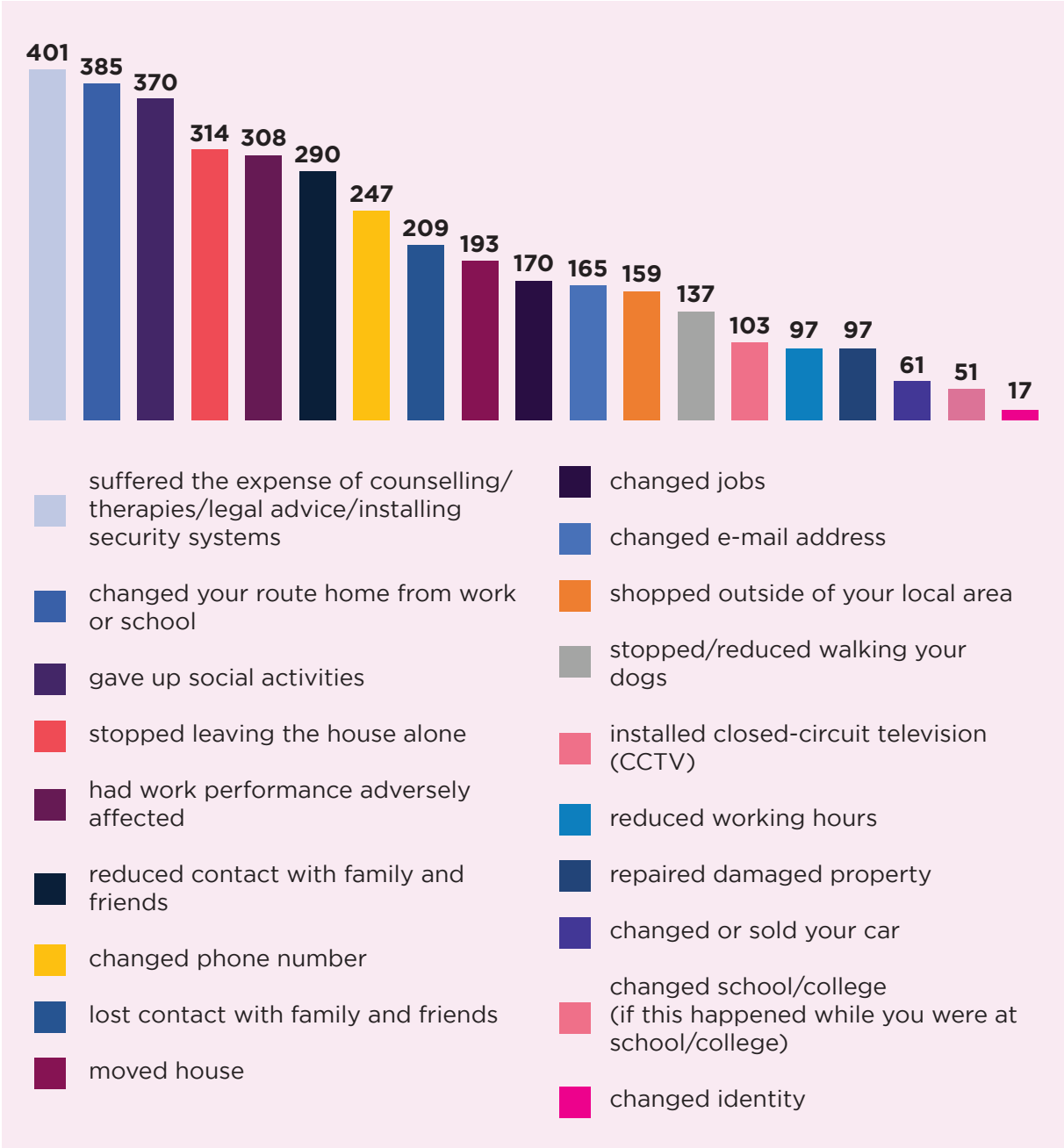


Figure 7: Changing habits and behaviours

These findings highlight how respondents experience the phenomenon in their daily life, how the behaviour informs their internal coping strategies, and how such strategies can negatively affect their daily life and well-being. The significant financial impact is highlighted with 401 respondents indicating that they sought psychological

help in the form of counselling or other therapies, which can be expensive, as does seeking legal advice, or the installation of security systems.

Definitely a huge expense was becoming unemployed, lost my income which was devastating. Then counselling because I wasn't in college at the time I didn't receive any "free" counselling. (ID 85)

Very financially draining to be moving house twice in one year and installing outside and inside CCTV. (ID 95)

If I could afford CCTV I would have purchased. Still remain nervous in the home, have felt that someone has been in the home on a number of occasions. (ID 76)

What is evident from the findings is that respondents attempt to cope with the perpetrator's behaviour by making changes to their own lives, habits and routines. This self-regulation of behaviour consists of various strategies respondents employ to avoid the perpetrator (e.g., changing jobs, $n = 170$; changing routes home, $n = 385$; moving house, $n = 193$).

With the instances seeing him around my college and work, I changed up buses and walking routes to see if that ever through anything off (and found it worked) (ID 69)

The data shows that self-regulation as a means of coping with the perpetrator's behaviour has social and psychological consequences for respondents, including social isolation and apprehension. At a low level, this is indicated by changing behaviours such as shopping outside of their locality ($n = 159$) or reducing or stopping altogether walking their dogs ($n = 137$). At a more severe level, change behaviours included a reduction their working hours ($n = 97$), a reduction in contact with family and friends ($n = 290$) and giving up social activities ($n = 370$). It is highlighted most starkly by the fact that 17 respondents went to the effort of changing their identity to avoid their perpetrator. While these behavioural and significant life changes may have the desired effect of avoiding the perpetrator, they also have the immediate effect of social isolation and the longer-term effect of psychological distress.

18 addresses since I met him. He kept moving close to me. I cannot even quantify the financial, social, professional impact on me. He also tried to take my lives and pastimes from me, I have literally changed my personality to try and stay safe from him. (ID 88)

After moving country I went to therapy for 2 years and I was in therapy for at least 6 months before what had actually gone on clicked....I didn't fully realise it was stalking until then... (ID 59)

5.4.2. Physical and Psychological Consequences

The following table, based on the answers to Q27, shows the psychological and physical consequences that respondents reported. As with the previous section, it excludes the “other” and blank responses.

	Count
Anxiety	750
Fear	584
Increased distrust	558
Sleep disturbances	511
Depression	437
Tiredness	433
Paranoia	386
Anger	385
Panic attacks	383
Agoraphobia	365
Irritation	330
Weight changes	319
Appetite changes	301
Confusion	284
Headaches	272
Suicidal thoughts	265
Nausea	218
Weakness	191
Aggression	164
Self-harming behaviours	148
Physical injuries (inflicted by the person engaging in the behaviour/actions)	99
Suicide attempts	92
Purging (the use of laxatives, forced vomiting)	48

Table 1: Physical and Psychological consequences

The emotional and psychological consequences of the experience of stalking and harassment are severe and prolonged. The stark reality of this is evident from the findings presented in Table 1 with anxiety being the most frequently reported consequence of the experience ($n = 750$). Fear ($n = 584$) and increased distrust ($n = 558$) were the next most frequently reported consequences.

You lose peace in your life. You're always on edge. You never know if he'll appear. I was terrified he'd throw acid or something at me. I didn't know how dangerous he was. (ID 12)

I find it hard to make friends and trust people. I don't like to share things about myself and I absolutely hate it when someone knows something about me that I didn't tell. (ID 13)

Depression was mentioned 437 times while panic attacks were identified 383 times. Most worryingly, suicidal thoughts and self-harming behaviours were mentioned 265 and 148 times respectively. Suicide attempts were reported 92 times. These indicate the serious psychological sequelae of the experiences respondents suffer which impacts their mental health.

I cried constantly, curled up on my bedroom floor just silently sobbing and I felt like I'd never experience happiness again. The memories feel like a blur, as if my brain blocked it out. I just felt completely depressed and worthless and ended up self-harming seriously. (ID 22)

Effects on physical health such as fatigue are not uncommon with tiredness mentioned 433 times and sleep disturbances 511 times. Physical changes such as weight changes ($n = 319$) and appetite changes ($n = 301$) were also identified. Nausea ($n = 218$), weakness ($n = 191$) and purging ($n = 48$) were present. Physical injuries inflicted by the person engaging in the behaviour/actions were reported 99 times.

5.5. Actions and Behaviours of the Respondent in response to the Stalking or Harassing behaviours

The next section of the survey asked participants to describe how they responded to the behaviours of the perpetrator, whether they regarded the behaviours as stalking

or harassment, and sought additional information on their choice to report or not to An Garda Síochána. Respondents were presented with a set of possible actions and behaviours and could select as many as were applicable to their experience. Respondents were also given the opportunity to describe other actions and behaviours in a follow-up question. These qualitative responses will be analysed in subsequent research outputs from the survey.

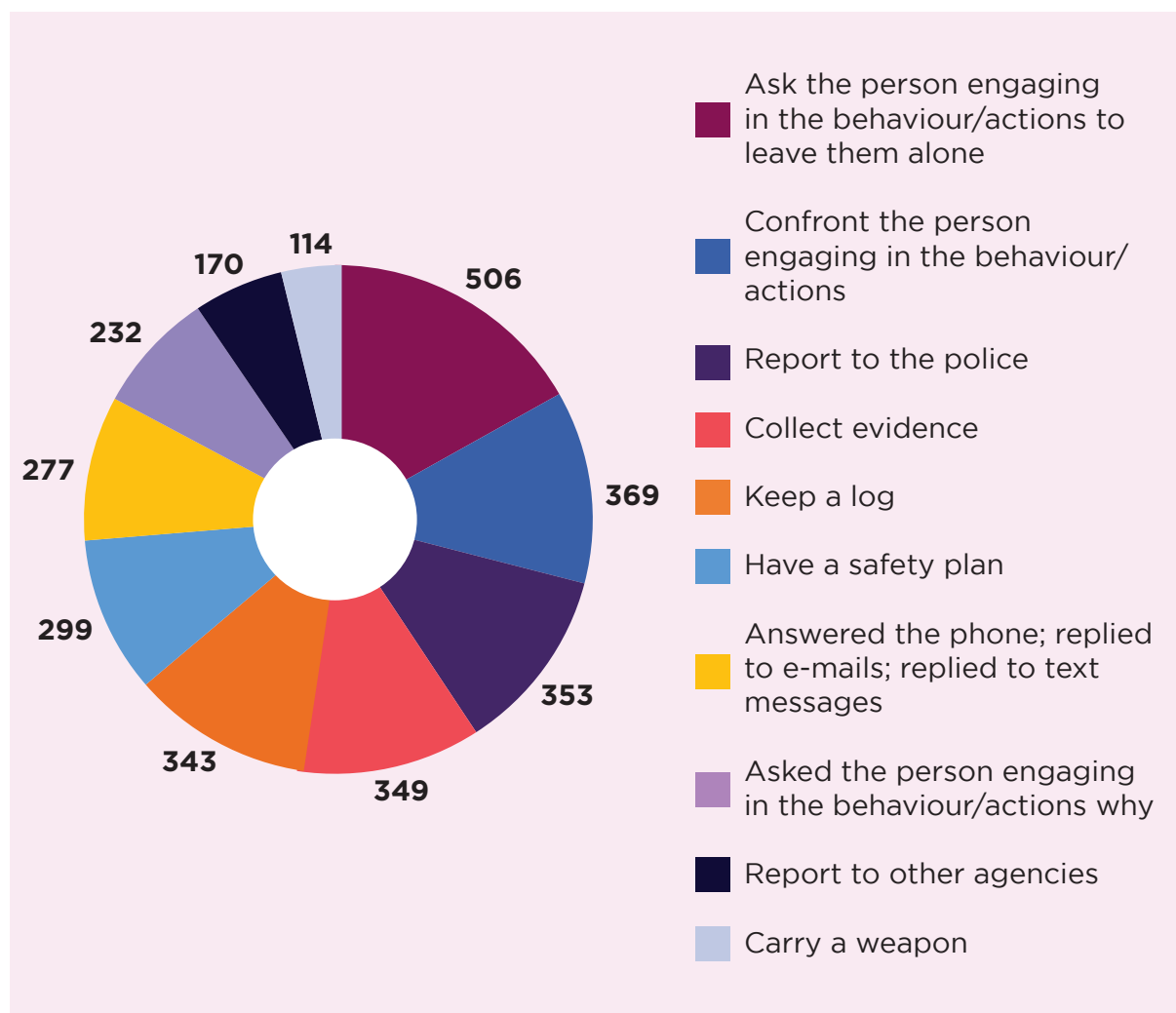


Figure 8: Actions and Behaviours of the Respondent

Asking the person engaging in the behaviours/actions to stop was the most frequently mentioned course of action taken by 57% of respondents ($n = 506$), while actively confronting the individual was mentioned by 41% ($n = 369$). There were 349 reports of collecting evidence of the stalking behaviours and 343 of keeping a log of the incidents.

5.6 Difference Between Stalking and Harassment

Participants were asked in Q 32 whether they would name or identify their experiences as Stalking or Harassment but also given the options of “I don’t know” and “both”. The most popular selection was “both” (n = 426), greater than the combined total of harassment (n = 270) and stalking (n = 72). One-hundred and sixteen respondents selected “I don’t know”.

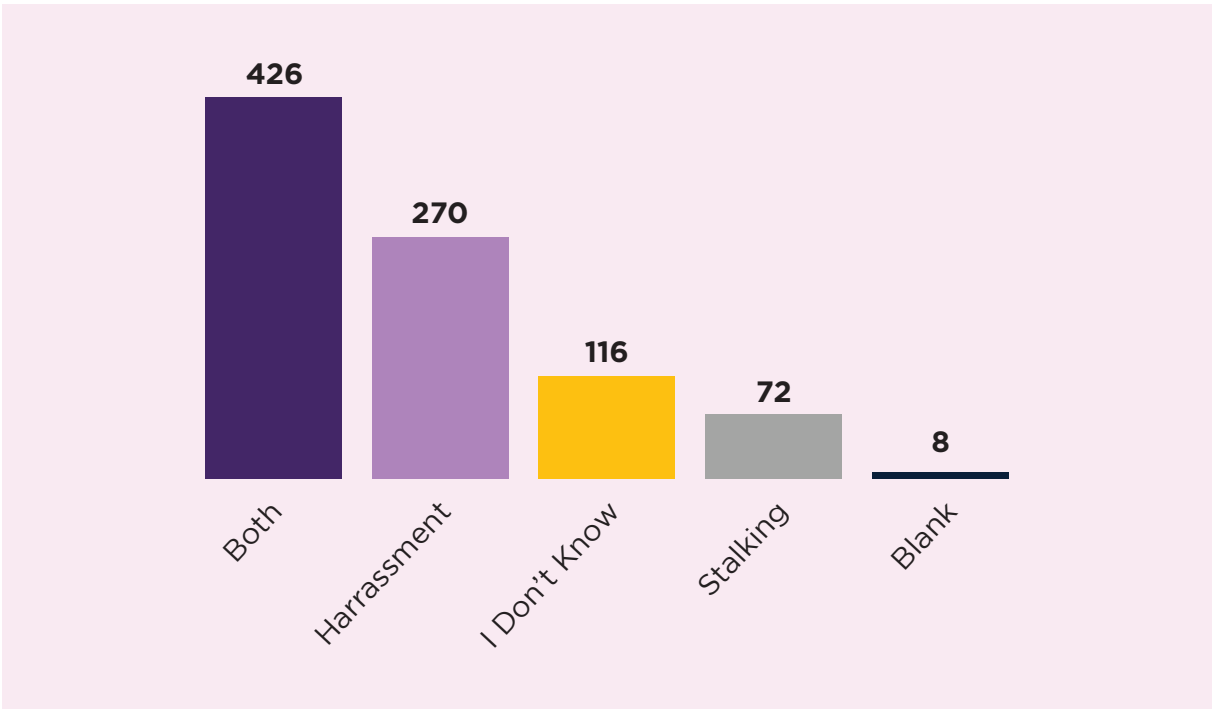


Figure 9: Naming as Stalking or Harassment

Q33 asked if respondents wished to explain their selection. As we were interested to see if Irish respondents agreed with advocates in Scotland and England and Wales that stalking is a qualitatively worse experience than harassment, we decided to focus in this Report on the respondents who selected “stalking”, “harassment” or “both” to describe their experiences. This was because respondents who selected these options were more likely to differentiate between stalking and harassment and thus help answer this question. The findings below are the result of a preliminary analysis of these selected responses. A thorough analysis of all submitted responses will be conducted in future research.

Of the 72 participants who had selected “stalking” as the term that best described their experience, 17 elected not to answer the follow-up question. Many of those who did respond relied upon elements of the F.O.U.R. acronym to explain their selection, demonstrating its resonance for our respondents in describing their stalking experience. Others used emotive language to explain their selection, describing

feeling like prey, being hunted, controlled, persecuted and targeted. These word choices suggest that, for these respondents, stalking is regarded as worse than harassment. A number explicitly stated that they regarded stalking as being worse because of the nature of the behaviour and its effects on those who experience it. Examples of these responses are:

I felt followed - perused - threatened - like I was waiting for him to pounce whenever he chose. It was violent and aggressive and threatening. I've been harassed and you don't feel as disempowered as you do when stalked. (ID 12)

... It is more than harassment when a stalker stays outside your house, jumps out of the bushes as you approach your car, waits at your place of work etc., several times over years. (ID 25)

Stalking requires an obsessive fixation which started when I ended a relationship and continues to this day to be an obsessive fixation. Stalking also constantly escalates, which has been my experience. Finally, stalking leads to harm, and a need to seriously harm or damage or kill someone and I increasingly feel that my life is in danger. (ID 95)

It was like he was hunting us. I believe he would kill us. He completely took over my life and freedom. I didn't feel harassed I felt extreme fear. I don't think the word harassed describes my experience. (ID 892)

However, a small number of respondents seemed to regard stalking as being less serious than harassment:

There was no aggression in what he was doing it was just creepy. (ID 131)

Well it has been continuous for three years and he hasn't actually done anything harassing, he just stared at me and follows me. (ID 669)

One-hundred and six of the 270 respondents who selected “harassment” explained their choice. As with those who selected “stalking”, the implication from many of the responses is that stalking is worse than harassment. For many the difference between the two was the form the behaviour took and its duration. For them, stalking involved being physically followed, being spied upon or behaviour that lasted for a prolonged period. For others, the determinative features were who engaged in the behaviour and where. For example, harassment occurred in the workplace or online while stalking related to one’s personal life. For some harassment was selected as they felt it would be easier to prove than stalking.

Three participants described the behaviour as stalking in their qualitative responses despite having selected “harassment” in the previous answer, one stating “I would not have considered it stalking until my friend sent me this survey and I discovered that I fit the criteria.” This suggests that for this respondent, stalking is worse than harassment. A small few were explicit in their ranking of stalking as worse than harassment, one writing “It didn’t get a chance to escalate to stalking” (ID 134). This meant that a number of respondents felt uncomfortable describing their experiences as stalking:

... I think I might be uncomfortable with the term or have my own kind of inherited misogynistic ideas about what stalking is that I need to think about. (ID 83)

However, as with the respondents who selected “stalking”, there was not uniformity in responses. While a number who selected “harassment” described feeling irritated or uncomfortable rather than afraid or that the behaviour was threatening but manageable rather than dangerous, others were frightened by their harassers. One respondent regarded harassment as being worse than stalking.

“Both” was the most popular selection with 426 respondents choosing this option to describe their experience. Nearly a third of these respondents ($n = 139$) chose not to answer Q33. A review of the responses of those who did revealed that many of the answers were an elaboration on the experience and its effects on the respondent rather than an explanation for the selection of the “both” descriptor. For some “both” was selected because the two behaviours were intrinsically linked:

What's the difference? Jeeze, stalking is harassment, it's unwanted constant contact, it's controlling my movements all day every day, I would not even attempt or think to follow someone or sit outside their house or ring them to let them know where they are! It's just wrong on so many levels! Yet no laws against it! (ID 970)

For others the selection was because they had more than one experience of unwanted behaviour with more than one perpetrator. It was not always possible to discern from these responses how the respondent was differentiating between the two experiences. When it was possible, stalking was typically described as involving being physically followed and harassment was conducted via text or online. The same was true for those who distinguished between different behaviours being perpetrated by one person.

Since I have three separate occasions I would classify them differently. Two I would classify as harassment because it was mostly online and it was more of a constant want to engage with me. The other I would classify as stalking as it was more of a physical nature e.g. walking behind me in town, purposefully standing close to me to scare me etc. (ID 29)

It was stalking as she physically pursued me. It was harassment as she made death threats, screamed at me, was a general nuisance and made me fearful and anxious. (ID 33)

As with the “stalking” and “harassment” selections though, there was not uniformity in responses so a small number reversed these understandings of stalking and harassment, e.g. “I feel a stalker doesn’t go into physical actions where harassment does” (ID 114).

It was not possible to judge from most of the “both” responses whether stalking was perceived to be worse than harassment. Five implicitly suggested that stalking was worse, three linking it to the prolonged duration of the behaviour. Two explicitly stated that it was worse, with one describing it as “a more insidious form of harassment” (ID 692). Four respondents thought harassment was worse than stalking. The consensus across responses where both behaviours were mentioned was that both were damaging: “Goes beyond stalking and being harassed. It’s life and soul destroying” (ID 885).

5.7. Reporting to An Garda Síochána

To ascertain the extent to which the incidents described by survey respondents were reported to An Garda Síochána and to learn something about the thought processes behind decisions to report or not, respondents were asked a few questions about whether they had reported these incidents, their experiences of reporting and, if they had not reported the incident(s), their reasons for not doing so.

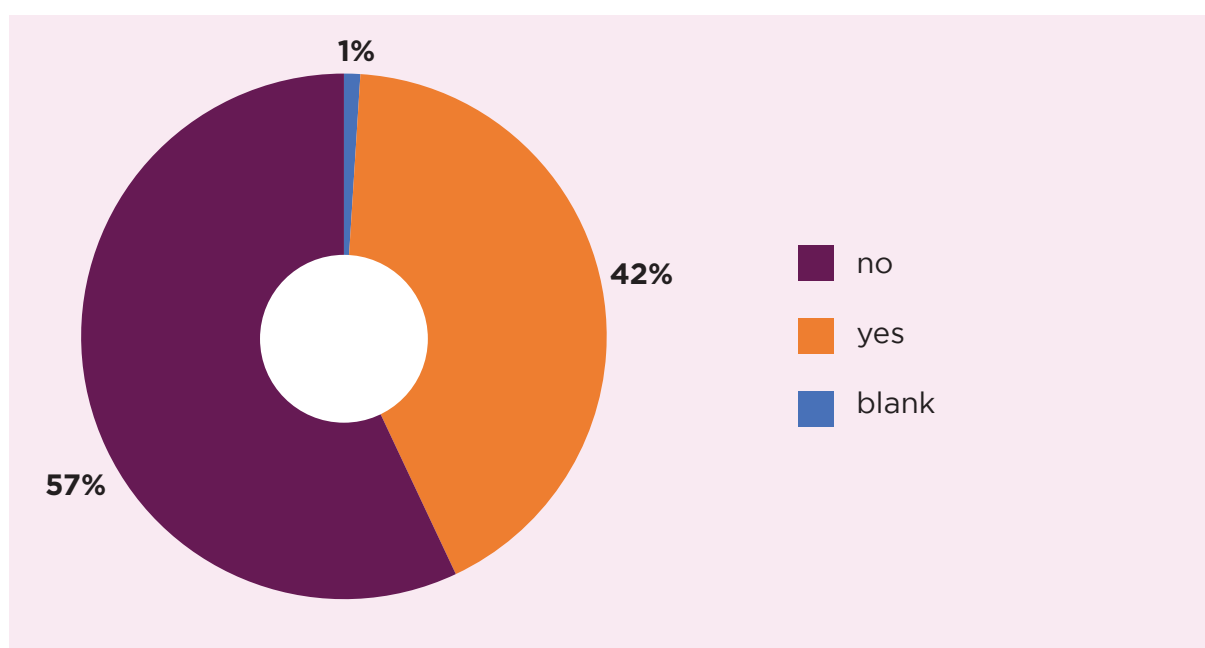


Figure 10: Report to An Garda Síochána

A sizeable proportion of respondents to this survey did report their experiences to An Garda Síochána (42%). In addition, it is worth noting that, in their answers to Q30 considered above, 170 respondents indicated that they reported to other agencies, although it is not known which agencies are being referred to here.

5.7.1. Experiences of Reporting to An Garda Síochána

In order to give voice to the experiences of our respondents in this Report, an initial examination of the qualitative responses to these questions was conducted. It reveals five key reasons why respondents chose to report to An Garda Síochána. These are that the respondent had reached the limits of their tolerance, they were afraid because of the nature of the behaviour, because the perpetrator's behaviour escalated, on the advice of a trusted other to report, and out of concern for others. This final reason took two forms: the perpetrator's behaviour was now negatively impacting others known to the respondent or not wanting future-unknown-others to suffer the same fate at the hands of the perpetrator.

This preliminary reading of the qualitative responses also suggests that negative experiences of reporting to An Garda Síochána outnumber positive experiences although it should be noted that some of the negative experiences pertain not to the gardaí themselves but to issues with the prosecution/court processes. Quite a number of respondents criticised limitations in the law – that the gardaí wanted to help but could do nothing: “they were nice at the time, but told me they could do very little...so nothing was done” (ID 303). However, from some of the respondents’ comments, it is clear that the law was misunderstood by the members of An Garda Síochána:

They were rubbish. They said it would only be considered stalking if he was following me 24/7. (ID 781)

They said they couldn’t do anything until he did something to me or one of my children. (ID 326)

They said they couldn’t do anything until I got a safety order. (ID 406)

Many did not want to press charges. They wanted matters dealt with informally. While An Garda Síochána accommodated this choice for some respondents and they attained the desired outcome – the cessation of the behaviour – for others this choice resulted in the gardaí downplaying or losing interest in their case. Cases were also reportedly downplayed in some instances by the garda categorising the behaviour as a domestic issue. A number of respondents described being victim-blamed, for example:

Really disheartening. I saw his face change when I said I’d slept with the person harassing me. He started making excuses on the harasser’s behalf. He did not do enough & made me feel like I was just being hysterical. (ID 81)

Several respondents spoke negatively about their first reporting experience but then glowingly about subsequent members of the force that they dealt with.

First garda was a disaster. Basically took the view that he fancied me and I should take the compliment and block him. Then told me 3 times that I was putting him in an awful position. Made contact a few weeks later with a friend of a garda and asked to be put in contact with someone who would take it seriously. Totally different experience as this female garda had been through the stalking experience with a friend. She was thorough, caring and professional from the start. (ID 288)

The first time I went I spoke to a Garda and told them what happened, I was due to get a call back from them but never received any. A few weeks later the person showed up at my house pretending to know my housemate. I went back to the Gardaí, spoke to a different Garda this time and they were excellent. They could not have been more professional and understanding. (ID 732)

Being taken seriously and believed was a consistent refrain from those who had positive experiences of reporting as was being followed up with after the initial reporting:

Excellent from the minute I spoke to the detective I was taking extremely serious and told this was very sinister and they would investigate further which they are continuing to do. I only hope the outcome will be a positive one and this man no longer gets to abuse his power. (ID 356)

The strength of these and other positive experiences shows that it is possible for An Garda Síochána to deal with stalking and/or harassment complaints effectively with some training. Indeed, a number of respondents explicitly or implicitly recommended better garda education in relation to the harm caused by stalking and/or harassment:

They did not understand my fear. They said to contact them if it happened again... which it did. In the end I think they thought I was over-reacting. I stopped speaking with them. (ID 544)

Very good in some ways but like I said the experience of a "non violent" harasser/stalker is not understood in terms of the fear a victim has for their life. (ID 630)

Not ideal. They didn't have enough education on what goes on here. Inexperienced and unprofessional at times. (ID 903)

5.7.2. Reasons for Not Reporting to An Garda Síochána

A preliminary review of the responses of those who chose not to report to An Garda Síochána and who explained that choice reveals six main reasons. One of these can be disregarded for the purposes of this Report because the choice was not reflective of respondents' perceptions of the utility of reporting to An Garda Síochána or of respondents' own perceptions of harassment and/or stalking. This was the choice not to report because the issue was resolved through other means, for example the perpetrator was approached by a family member and desisted.

Of the remaining five reasons, the two most common reasons for not reporting were the fear that they would not be believed or the perception that the behaviour(s) lacked seriousness because the perpetrator had not physically attacked them. The latter reason took two forms: it was either because they thought that the gardaí would not take the incident seriously (although they personally regarded it as serious) or they personally thought that it was not serious enough:

There was no evidence of his behaviour and I had not been physically harmed, so felt they would not prosecute. I was also too scared and ashamed. (ID 339)

I didn't feel like I had enough evidence for a legal case, even though the damages to my mental and physical health were immeasurable. (ID 389)

These two reasons were often connected to a third reason that the respondent was young at the time and did not realise that the perpetrator's behaviour was wrong:

When I was younger I assumed this type of behaviour, although unwanted and distressing was to be expected from men. Additionally, lack of confidence in the police, in general, made me believe that something like intimidating and unwanted attention from a man would in no way be taken seriously. If anything, I would've thought it could've caused me more problems if the police were informed. (ID 482)

I didn't think they would take it seriously as I hadn't been physically threatened and I was a teenager. (ID 734)

A fourth common reason for not reporting was that they had personal or general knowledge of the experiences of others being dismissed, often connected to concerns around An Garda Síochána not taking gender-based violence seriously:

I didn't think they would take it seriously. I have one close friend who went through something similar who had contacted gardai and they did nothing. Just told him to get a burglar alarm. Also had a work colleague who was essentially laughed at, at least that was how he felt at the time. Figured there was no point. (ID 89)

[I knew of someone who] was murdered by her stalker, cops knew and said "until he does something we can't do anything to help." So there is no point. (ID 566)

I don't trust the gardai when it comes to gendered violence. They suck at prosecuting rape, domestic violence and stalking why would they be better at dealing with a lesser versions of these crimes with minimal evidence. I also doubted I'd be believed or my concerns taken seriously. (ID 912)

The fifth common reason was concern over what exposure of the behaviour could mean for them. Self-blame, fear of being victim-blamed or the desire to protect their privacy was a common feature of these responses:

I was afraid I would be seen to be overreacting, it took me a while to come to terms with what was actually happening, and I didn't think I would be taken seriously or any legal action would be taken. I also did not want to draw attention to myself as an immigrant. (ID 43)

I was young and not out as bisexual and my stalker was my girlfriend (ID 281)

... I don't want my life to be exposed and scrutinised in this way. I'm not strong enough. (ID 908)

6. DISCUSSION

The main aims of this study were:

1. To provide quantitative data on the stalking and/or harassment process as experienced by people in Ireland;
2. to evaluate the wording of the proposed stalking offence with reference to this quantitative data to help ensure that it is sufficiently broad to capture the behaviours experienced by those subjected to stalking in Ireland; and
3. to provide an initial snapshot of the reasons for reporting or not the behaviours experienced to An Garda Síochána.

Common to all three aims is the desire to place those who experience stalking and harassment at the centre of criminal justice responses to this offending. The first and second aims are linked in that data on the lived experience of stalking and harassment can help inform the content of any new offence. The third aim acknowledges that legal reform without practical changes in terms of education and training is meaningless.

6.1. Experiences of Stalking and Harassment in Ireland

The results of our survey are consistent with the international research presented in the literature review. The overwhelming majority of our respondents were female. We

do acknowledge though that, in light of the gendering of victimisation and stalking (Englebrecht & Reyns, 2011; Langhinrichsen-Rohling 2012), it is possible that men may not have self-selected to take a survey that directly asked about experiences of stalking and harassment. Also consistent with international research is our finding that, for a significant proportion of our respondents (52%), the perpetrator was known to them as either a current or ex-partner. This finding shows that the Irish experience of stalking and harassment fits with the disturbing trend of current relationship or post-relationship stalking and harassment behaviours identified in the literature. There were also 367 reports of the perpetrator threatening to harm themselves around the respondent. This behaviour is indicative of the emotional manipulation that is intrinsic to coercive control.

The high proportion of (ex-)partner perpetrators is also evidence that popular culture images of stalkers being strangers is largely inaccurate. However, 29% of respondents reported a stranger as the perpetrator while 26 respondents did not know who was stalking them. Therefore, it is clear that stalkers and harassers are not a heterogeneous group and further investigation of their profile is needed. Regarding unknown perpetrators, further analysis of the data is required to see if these respondents were stalked or harassed via online platforms.

The data also tells us that many of those who have experienced stalking and/or harassment are excluded from existing support services. While more than half (52%) of our respondents were targeted by a current or ex-partner and so could seek the support of relationship violence services, 48% were not. Similarly, while nearly half (44%) of our respondents experienced sexual violence, 56% did not thereby excluding them from accessing the services of sexual violence centres. Future analysis of the data will ascertain if there is some overlap between these two categories, but even if there is, this is still a significant proportion of our respondents who had nowhere to go. While the SVCC received funding from Tusla to run the “Stalking In Ireland” website and provide interim support to those who have experienced stalking and/or harassment, funding to provide dedicated services in this area is necessary. We therefore recommend the provision of such funding to allow for the training of service providers on the dynamics of stalking and harassment and to extend the provision of counselling and other support.

Turning to the stalking/harassment process, it is evident that it encompasses a wide range of behaviours and the conduction of a public service information campaign to share this information with citizens to help them recognise that such behaviours can be illegal depending on context is one of our recommendations. The extent to which respondents were subjected to criminal behaviours independent of a

potential harassment charge is an alarming finding. The most concerning findings pertain to the threats and abuse category. More than a third of our 892 respondents experienced physical assaults ($n = 311$) and nearly half sexual ($n = 391$) assaults. Further analysis of the data is required to see to what extent there was overlap between these categories but these are significant proportions of our respondents who have suffered harms of the most serious kind. The seriousness of the 393 reports that the perpetrator threatened to harm them or those close to them should also not be underestimated. Threats of harm are a serious indicator of risk of actual harm as highlighted in numerous studies (e.g., Budd & Mattinson, 2000; Purcell & Pathé, 2002; Tjaden & Thoennes, 1998). Predictors of physical attack included the victim being threatened, being an ex-intimate, and being younger at the time of the stalking incident (Purcell, Pathé & Mullen, 2002; Thomas *et al*, 2008).

When we contextualise these findings with the fact that more than half of our respondents did not report their experiences to An Garda Síochána it is clear that more work needs to be done to increase citizens' confidence in the force's ability to respond to such harms. We would also like to note at this point that some of the responses that were excluded from the analysis undertaken in this Report would seem to meet the definitions of serious criminal offences, including rape, sexual assault, assault and exposure (flashing). Their exclusion from this Report is not intended to diminish the seriousness of those respondents' experiences. Their exclusion is simply because the harms described would not constitute stalking or harassment as defined by us because they, for example, were once-off occurrences of limited time-duration.

Our study also found that unwanted behaviours such as being followed, spied on or approached were more common than direct threats of harm towards the respondent or those known to them. These methods induce fear and impose control, hallmarks of stalking behaviour. Similarly, the use of indirect stalking and harassment methods, such as spreading untruthful information about the person being stalked or harassed, have the effect of jeopardising respondents' sense of security. The prevalence of social media and modern technology as a means through which stalking and harassing behaviours are carried out is a worrying trend. Our findings indicated that inappropriate texts, WhatsApps or e-mails and being spied upon in person or using technology were common forms of malicious communications identified by respondents. Being the target of inappropriate or malicious social media contacts (e.g. Twitter, Facebook) was the second highest form of reputational damage identified by respondents.

This raises questions warranting further research, including the extent to which

social media contributes to stalking and harassment. For example, is the stalking and/or harassment that is perpetrated online a continuation of other forms of malicious communication, or are there qualitative differences in the use of social media as a means and method of stalking and/or harassment. Does the anonymity that online platforms afford make it easier for those who wish to perpetrate these kinds of stalking/harassing behaviours? It also begs the question as to context and to what someone's likely intentions were in the first place. Were they designed for the purpose of inducing fear, or have they been perceived in this way by the person receiving the communication? It is not possible to elicit this detail from the current data set as this research focuses on the experiences of respondents rather than the motivations of the perpetrators. We accordingly recommend further research be undertaken to answer these questions.

Regarding the effects of stalking, international research has shown that the majority of those who are stalked experience symptoms of traumatic stress (Pathé & Mullen, 1997) and other forms of psychological, social and vocational damage (Blaauw, Winkel, Arensman, Sheridan & Bjerregaard, 2002; Brewster, 1998). Our findings conform with this international research. Our respondents who self-identify as having been stalked and/or harassed report a full range of psychological symptoms from anxiety and depression to suicidal thoughts, self-harming behaviours and suicidal attempts. Anxiety and fear were the most reported psychological consequences by 84% and 65% of respondents respectively. Poor mental health outcomes seem highly likely for respondents without appropriate intervention and care and therefore it is not surprising that almost half (45%, $n = 401$) of respondents suffered the expense of counselling, therapies, legal advice, or the costs of installing security systems. Our survey also unearthed a panoply of broader negative outcomes, with respondents making changes to their lifestyle, impairing their interpersonal and vocational functioning.

Respondents were also asked about what actions they took in response to the stalking and/or harassing behaviours. In addition to asking the perpetrator to stop or confronting them, there were 349 reports of collecting evidence of the stalking behaviours and 343 of keeping a log of the incidents. This is a good practice according to Meloy (1999). Those being subjected to unwanted behaviours should keep a log of each event (i.e., date, time, place, and behaviour) and retain evidence of its occurrence, such as photos, text messages, e-mails, social media posts, unwanted gifts, and any inappropriate or frightening items. Careful documentation of this nature establishes evidence of a pattern of repeated behaviour that may be central to convincing the judge or jury that stalking or harassment occurred. It would be important to share this information on the proactive keeping of records with those who are experiencing stalking and/or harassing behaviours. We recommend that

this information should be part of a public information campaign on stalking and harassment.

6.2 New Offence of Stalking

The findings above show that stalking and harassment are seriously distressing experiences for those who are subjected to them and involve harms of various kinds. This needs to be recognised by everyone and reform of the existing law on harassment is a step in the right direction. The government's intention to create a new stalking offence in the *2022 Bill* is welcome and accords with the views of many of our respondents that there is a difference between the experience of being harassed and stalked and that the latter is worse. It also underlines a significant shift in the government's commitment to tackling this serious crime. Immediately following the publication of the *2021 Bill*, the private member predecessor to the government *2022 Bill*, the Department of Justice position was that a new stalking offence was unnecessary and government had no plans to introduce a stand-alone stalking offence (McGreevy & O'Halloran, 2021).

Section 13 of the *2022 Bill* as initiated proposes the substitution of section 10 of the *1997 Act* with new text. The new section 10(1) will modify the existing offence of harassment by simplifying the language and extending it to cover situations where the victim retrospectively becomes aware of the harassing actions. The new section 10(2) will define a separate offence of stalking while the new section 10(3) will give illustrative examples of what constitutes stalking and harassing behaviour. The relevant text is:

10 (1) A person shall be guilty of the offence of harassment where—

(a) the person, without lawful authority or reasonable excuse, persistently, by his or her acts, intentionally or recklessly, at the time when the acts occur or when the other becomes aware of them—

(i) seriously interferes with another's peace and privacy, or

(ii) causes alarm, distress or harm to the other,

and

(b) the person's acts are such that a reasonable person would realise that the acts would seriously interfere with the other's peace and privacy or cause alarm, distress or harm to the other, at the time when the acts occurred or when the other becomes aware of them.

(2) A person shall be guilty of the offence of stalking where—

(a) the person, without lawful authority or reasonable excuse, by his or her acts, intentionally or recklessly causes another, at the time when

the acts occur or when the other becomes aware of them—

(i) to fear that violence will be used against him or her or another person connected to him or her, or

(ii) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities,

and

(b) the person's acts are such that a reasonable person would realise that the acts would cause the other, at the time when the acts occur or when the other becomes aware of them, to fear that violence will be used against him or her or another person connected to him or her, or serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.

(3) Without prejudice to the generality of subsections (1) and (2), the acts referred to in those subsections include the following:

(a) following, watching, monitoring, tracking or spying upon a person;

(b) pestering a person;

(c) impersonating a person;

(d) communicating with or about a person;

(e) purporting to act or communicate on behalf of a person;

(f) disclosing to other persons private information in respect of a person;

(g) interfering with the property (including pets) of a person;

(h) loitering in the vicinity of a person;

(i) causing, without the consent of the person, an electronic communication or information system operated by a person to function in a particular way;

(j) breaching a court order—

(i) made pursuant to this section or Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2022, or

(ii) otherwise restraining the person from communicating with or about the other person or, within such distance as is specified in the order, approaching the other or the place of residence, education or employment of the other person.

The same maximum penalty will apply to both offences, namely a maximum sentence of 10-years' imprisonment, pursuant to the new section 10(6). In addition to the possibility of a fine and/or imprisonment, section 10(4) will allow for the imposition of an order restraining the convicted person from communicating with or about or being within a specified distance of the person stalked or harassed at various venues.

Separately, and importantly, section 16 of the *2022 Bill* as initiated will allow a person experiencing harassment or stalking to apply for a similar order without the necessity of a criminal conviction. Such an order can last for up to five-years and breach of the order will be a criminal offence subject to a fine and/or a term of imprisonment up to 12-months (section 32 as initiated). Although the focus of this Report is on the wording of the new stalking offence, we welcome this addition to the law as it provides an opportunity for legal intervention before the behaviour escalates and better security for those who are subjected to these criminal behaviours. It is also welcome because, as our data shows, up to 48% of our respondents would not be able to avail of similar orders under the *Domestic Violence Act 2018* because the perpetrator is not a current or ex-partner.⁷ However, we would like to repeat the warnings made by campaigners in England and Wales that it is important that the issuance of such orders does not become an alternative to prosecutions (Townsend, 2020). Where prosecutions are warranted, they should be pursued to ensure the safety of the person being stalked/harassed.

The simplification of the text of the harassment offence in the proposed section 10(1) is welcome; the fact that Supreme Court judges could not agree on the meaning of various behaviours included in the definition of harassment in the *1997 Act* was recognised by them to be a cause for concern (*People (DPP) v Doherty*, [2020] IESC 45). The creation of a stand-alone stalking offence, which is more serious than harassment, is also welcome. While causing “alarm, distress and harm” will ground a harassment charge, “serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities” is required for a stalking offence if fear that violence will be used is not felt. This wording is very similar to that used in the stalking offence in England and Wales,⁸ and replicates the language used in section 39(2)(b) of the *Domestic Violence Act 2018* which introduced the offence of coercive control into Irish law. This recognition that stalking is worse than harassment accords with the general tenor of the responses of those who answered Q33.

The new stalking offence will require that a person stalked experience one of two results as part of proof of the offence. These are that the perpetrator’s actions create fear that violence will be used against them or another person connected to them (s.10(2)(a)(i)) or cause serious alarm or distress that has a substantial adverse impact on their usual day-to-day activities (s.10(2)(a)(ii)). We have several concerns about the framing of these two results. The first is the inclusion of a fear standard at all. While fear was experienced by 65% ($n = 584$) of our respondents and, as the

7. Further analysis of the “other” responses to Q16 is required to see if the perpetrator could fall into one of the other categories of person against whom a safety, barring, interim, emergency and protection order can be taken under the *Domestic Violence Act 2018*.

8. The only difference is that the word “effect” is used instead of “impact” in England and Wales; s. 4A, *Protection from Harassment Act 1997* as inserted by the *Protection of Freedoms Act 2012*.

research above confirms a fear of violence among respondents is not misplaced, Dietz and Martin (2007) have questioned why the person stalked must feel fear when such emotional responses are not required for other serious crimes. Stalking and harassment are clearly serious crimes given the extent of the effects outlined in our findings above. We agree with Dietz and Martin and recommend the removal of the fear result but acknowledge that their criticism was made in the context of stalking offences for which fear was the sole required result. The proposed offence in Ireland does permit an alternate result so the retention of a fear result here may be possible but only where the alternative result is sufficiently different from fear. As will be discussed below, we do not think this is currently the case.

If a fear result is to be retained, the question must be why the person must fear that violence *will* be used. In England and Wales, the use of similar language in the context of an aggravated form of harassment (putting another in fear of violence) that pre-dated the introduction of the stalking offence was interpreted strictly by the courts. In *R v Henley* [2000] Crim LR 582 the Court of Appeal held that causing someone to be seriously frightened about something that might happen is not the same as fear that violence will happen. As Finch (2002) observed, this narrows the parameters of the offence greatly because many of those who are subjected to stalking fear that violence *might* be used. In our view, the fear that violence might be used can be debilitating and it is a harm that is worth recognising. The fact that section 10(2)(b) requires that the acts must be such as a reasonable person would recognise their capacity to cause those results protects against concerns regarding over-criminalisation or overly-sensitive complainants. Accordingly we recommend, at minimum, that the word “will” be replaced with “might” in section 10(2)(a)(i).

We also have concerns about the alternate result being “serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities”. Our concern derives from research on the fear standard, research that we believe applies equally to the result of “serious alarm or distress”. This is because we do not consider that there is a sufficient difference in meaning between “fear” and “serious alarm or distress” to warrant them as the sole alternative results captured by the offence. In the US the fear standard has been criticised for failing to accommodate the gendered and racial dimensions of fear and to recognise that not every person who is stalked feels fear. In a study looking at the subset of respondents to a US national Violence Against Women survey who reported experiencing stalking behaviours, it was found that women who were stalked by current or former intimate partners were more likely to feel fear than those stalked by others and that Black women were less likely to report a fear response than White women (Dietz & Martin, 2007). A quarter of all the women who self-reported stalking behaviours did not report fear. In another US survey involving female and male respondents it was found that 90% of respondents

who reported being personally afraid were women (Owens, 2015: 2207).

In our study anger was identified as a psychological consequence by 43% ($n = 385$) of respondents and was the eighth most popular selection from the 23 options offered in Q27. Very few respondents selected anger as their sole emotional response. For the majority, anger co-existed with fear and other equivalent responses. However, when fear, serious alarm or distress are the only options, there is a risk of excluding those whose predominant emotions are anger or annoyance. A solution can be found through severing “a substantial adverse impact on his or her usual day-to-day activities” from “serious alarm or distress” and creating it as a separate alternative result for a victim. This result was an independent result in the *2021 Bill* since superseded by the *2022 Bill*. As our survey shows, respondents dramatically change their lives, habits and routines in order to avoid the perpetrator. These strategies to cope with the perpetrator’s actions compound the social, economic and psychological consequences for respondents. Accordingly, we recommend that if fear is retained as a result, it should appear as part of the result of causing serious alarm or distress. It should also appear as the third of these three effects, i.e. after serious alarm and distress, to prevent inadvertently setting too high a threshold before the offence is perceived to be triggered. This threshold point will be returned to below. We also recommend that causing a substantial impact on a person’s day-to-day activities can and should be regarded as sufficiently serious to warrant being a standalone result worthy of legitimating a conviction once the other elements of the offence are met. This would also reduce the threshold risk.

A potential gap in the current wording in section 10(2) regarding the result that the person alleging stalking must fear for themselves or a “person connected to him or her” is that this would not always cover situations where the person being threatened with harm is the perpetrator themselves. It would be important to clarify this by means of an illustrative example in section 10(3) as such threats were the third most selected option in Q12, selected by 367 respondents, shortly after threats against the respondent and those close to the respondent ($n = 393$) and sexual assault ($n = 391$).

The provision of illustrative examples in subsection 3 of what constitutes stalking is a positive from the perspective of a person who is experiencing stalking and who wonders if what they are experiencing is a crime that can be reported to An Garda Síochána. It is also useful from a legal certainty perspective. In some jurisdictions in the US where statutes have provided closed lists of what constitutes stalking, it has been argued that this serves as notice to prospective perpetrators and thus protects the offence from constitutional challenge due to vagueness (Walker, 1993).

However the risk of a closed list is that it excludes novel forms of stalking behaviour. The benefit of an illustrative list therefore is that it balances the needs of flexibility and notice.

The illustrative examples provided in subsection 3 capture most of the categories of behaviour that were canvassed in our survey and confirmed as being experienced in Ireland – unwanted behaviours (Q11), malicious communications (Q13), and reputational damage (Q14). The one category that is not captured is that of threats and abuse (Q12). This category is instead partially covered by section 10(2) which provides that fear that violence will be used against them or another can be relevant to the commission of the offence. However, we would express concern that this wording is too narrow and the focus on violence may inadvertently be seen as a threshold by those experiencing stalking behaviours and deter them from reporting to An Garda Síochána until the behaviour has escalated to dangerous levels. There is some evidence that this is already the case regarding the current offence of harassment, as outlined in section 5.7.2.

There is also a risk of a threshold being imposed by members of An Garda Síochána. The preliminary reading of the responses to Q36 on experiences of reporting to An Garda Síochána suggests that many respondents felt that the gardaí underestimated the effect that stalking and/or harassment had on them and/or stated that their hands were tied until the behaviour escalated. This is a particularly worrying finding as it suggests that individual members of An Garda Síochána failed to recognise that the current offence of harassment does not require constant surveillance or the use of physical violence in order for it to reach the definitional elements of the harassment offence. In this regard, we see An Garda Síochána replicating the confusion and failing to act in accordance with the definition of the offence as exhibited by police officers in England and Wales (Harris, 2000; Korkodeilou, 2016; Taylor-Dunn, Bowen & Gilchrist, 2021). It is therefore important that the current law on harassment is correctly explained to members of An Garda Síochána in the interim and that no such erroneous threshold is inadvertently created in the new harassment and stalking offences. If, as recommended above, the effect on a person's day-to-day activities becomes a separate result element in section 10(2) this would reduce the threshold concern, but it would still be important to provide explicit reference to lesser threats and abuse of a repetitive nature in section 10(3).

In light of the resonance of the F.O.U.R. acronym for our respondents, it may also be worth including within the proposed section 10(3) wording that references those criteria. An example of such wording was utilised in the earlier *2021 Bill*: “attempting to make repeated, unwanted contact with a person or any other repeated, unwanted

behaviour towards a person”. This wording may be a more meaningful guide for someone experiencing stalking and/or harassment than “pestering a person”.

6.3. Reporting to An Garda Síochána

As Korkodeilou observes, “legal reform does not necessarily entail that stalking victims will be taken seriously and their cases will be properly dealt with by the criminal justice system” (2016: 260). For this reason it is important to learn from the experiences of those who reported and to uncover barriers to reporting. Forty-two percent ($n = 371$) of respondents indicated that they reported the incident(s) to An Garda Síochána. Over half did not report. The responses of participants on the reasons for choosing to report or not to An Garda Síochána will be analysed in more detail in future research, but some preliminary observations and recommendations can be made. For those who did report, experiences of reporting were more likely to be negative than positive but key features of positive experiences included being believed, being taken seriously and having the report followed up. These features were also highlighted by respondents to research commissioned by Her Majesty’s Inspectorate of Constabulary Fire and Rescue Services (Taylor-Dunn, Bowen & Gilchrist, 2021) and in the Irish context in the studies on rape (Hanly, Healy & Scriver, 2009) and domestic violence (Mazzone, 2019). For those who did not report, and who gave reasons, there seems to be a general lack of trust in the gardaí regarding gender-based violence and/or a fear that they would not be believed because of awareness of deficiencies regarding garda responses to gender-based violence.

In addition to the recommendation in the previous section that An Garda Síochána should be provided training regarding the content of the current law on harassment and on the future law when it is enacted, it is clear from the responses of our survey participants that more general training on the process and effects of stalking and harassment is also needed. This study has identified the types and kinds of behaviours commonly associated with the stalking and harassment process and frequently reported by respondents. Consistent with previous research, the stalking and harassment process identified here includes unwanted behaviours such as being approached, followed, or spied on and malicious communications via email, text or WhatsApp. Not only does this mean that it may take time for the person who is being subjected to this behaviour to recognise its seriousness but it also poses difficulties for police in determining the point at which attention changes from nuisance into threatening behaviour (Taylor-Dunn, Bowen & Gilchrist, 2021).

It is essential therefore that An Garda Síochána are educated on what can be the slow unfolding process of non-threatening nuisance behaviours to serious acts

of criminality including physical and sexual assaults and murder. This will help An Garda Síochána to identify potential risks and should prompt immediate action by the authorities both to protect the person being stalked and/or harassed and to deal effectively with the perpetrator. The introduction of the new court order without the necessity of a criminal conviction in section 16 as initiated should also allow for a quicker response on the part of An Garda Síochána and should indicate to them that escalation is not needed for action.

Similarly, An Garda Síochána should receive training on the effects of stalking and/or harassment. Any repetitive behaviour that threatens a person's sense of safety should be a cause for concern. Yet, as documented by our respondents, this does not seem to be the case. The negative social, financial, physical, and psychological impacts experienced by many of our respondents were dismissed and downplayed. This again demonstrates a failure by members of An Garda Síochána to recognise that the offence is not just focused on the offender's behaviour but consists of their behaviour *and* its emotional impact on the victim. Without proper training on the parameters of the offence, it is unsurprising, as Taylor-Dunn, Bowen and Gilchrist write in the context of the law in England and Wales, "that victims are still being advised that sitting outside someone's house is not a criminal offense ..." (2021).

The need for education and training of An Garda Síochána is particularly important in light of the experiences of other jurisdictions when new stalking offences were introduced. Targeted legislation on stalking, and the publicity that will surround it, will likely have the immediate effect of helping those who are subjected to it to recognise stalking for the serious criminal offence that it is. With this recognition will come the inevitable increase in reports of the crime. As noted previously, when specific stalking offences were introduced in Scotland and in England and Wales there were dramatic increases in reporting of this behaviour. It is essential that the good work in introducing the legal reforms is not undone by poor or uninformed treatment at the hands of the member of An Garda Síochána who happens to be at the desk when the attempt to report is made.

A connected point is that many of those who chose not to report made that choice on the basis that they were afraid that they would not be believed or because they have general concerns about An Garda Síochána's handling of and attitudes towards gender-based violence. Our survey shows that this fear was not ill-founded. It was borne out by the experiences of many of those who did report. Training on the effects of stalking and harassment should go some way towards improving the experiences of those who report, and the ripple effect when they share those positive experiences with others, but it is important too to emphasise that it is not

difficult to make a person's experience of reporting a positive one. It is not too much to ask that a person making a complaint about behaviour that threatens their sense of personal safety is treated with courtesy, has their complaint taken seriously, and that they are contacted at regular intervals to be updated with the progress (if any) on their complaint. More than this, it is a matter of justice (O'Malley *et al*, 2020).

Research on trauma-informed policing in the context of sexual violence shows that such policing not only improves the experience for the complainant but also improves the detection of crime. This is because

[a]s a result of trauma, victims who do not receive [trauma-informed] care may exhibit inappropriate affect; switch topics, make little to no eye contact; or appear forgetful Police officers are trained to look for indicators of psychosis, drug abuse, and fabrication; posttraumatic stress behaviors may mimic these As a result, a negative feedback loop can be activated in which rape victims and police officers engage in distrustful, defensive, or confrontational exchanges. (Rich, 2019: 465)

However, in light of the possibility that stalking myths have developed and operate in a similar fashion to rape myths (Korkodeilou, 2016), it is important that any such myths are challenged as part of the training programme. It is also important that this training is not once-off. As Lathan *et al* note, studies have found that those who participate in sexual assault education and prevention programmes often have an attitudinal rebound, i.e. revert to their prior rape myth acceptance level over time (2021: 14). Refresher training is therefore important, as is Lathan *et al*'s finding that rape myth acceptance was connected to officer burn out. Consideration needs to be given to workload management and to the types of emotional support that must be put in place to ensure that members of An Garda Síochána can conduct their investigative duties fairly and in line with the demands of justice.

7. CONCLUSION

The fundamental goal of this research has been to give voice to those who have endured stalking and/or harassment. Legislative changes cannot be delivered in a vacuum and this study has addressed a gap in our knowledge around the impact of stalking and harassment through the lived experience of the respondents. The research lends support to the discourse on gender-based violence in that women are most at risk from their current or ex-partners. But the study shows that men too are stalked and harassed (9%, or 78 of the respondents were men). It also demonstrates the extent and severity of the harms suffered by those who are subjected to stalking and harassment and indicates that there are deficiencies in how An Garda Síochána handle reports of such behaviours.

Based on our findings, we make the following ten recommendations, grouped into three categories.

Information Campaign for the Public

Recommendation 1

We recommend that the Department of Justice should conduct an information campaign for the public on stalking and harassment. This campaign should include information on the process and effects of stalking and harassment in order to help those experiencing these behaviours recognise them and so encourage them to seek help either from support services or from An Garda Síochána.

Recommendation 2

This campaign should also advise those experiencing stalking and/or harassment to document and record all incidents to establish evidence of a pattern of repeated behaviour should they decide to report to An Garda Síochána.

Recommendation 3

It is likely that this campaign will lead to more people seeking help from support services. We acknowledge that many of those who are stalked or harassed will be able to seek help from relationship violence or sexual violence support services, but many will not because the harms that they experience do not fall within either of these spheres. Accordingly, we recommend that dedicated funding be put in place to support the provision of counselling and other services for those who experience stalking or harassment.

Wording of Stalking Offence

Recommendation 4

We recommend the removal of the fear result from the proposed stalking offence.

Recommendation 5

If a fear result is retained, we recommend:

- (i) that the wording be changed from “fear violence will be used” to “fear violence might be used”; and
- (ii) that the current alternate result of “serious alarm or distress” be collapsed into the fear result, i.e. “serious alarm or distress or fear violence might be used”.

Recommendation 6

Causing “a substantial adverse impact on his or her usual day-to-day activities” should be an independent stand-alone result and severed from its current connection to “serious alarm or distress”.

Recommendation 7

Section 10(3) should be amended as follows:

- (i) Include threats by the perpetrator to harm themselves as an illustrative example;
- (ii) Include repeated threats and abuse as an illustrative example; and
- (iii) Replace the current illustrative example “pestering a person” with “attempting to make repeated, unwanted contact with a person or any other repeated, unwanted behaviour towards a person”.

Reporting to An Garda Síochána

Recommendation 8

The current law on harassment must be explained to members of An Garda Síochána to ensure that it is being applied correctly by them. When the new offences are introduced, training must be given on their definitional elements too.

Recommendation 9

Gardaí need training on the process of stalking and harassment. This will help An Garda Síochána to identify potential risks and should prompt immediate action by the authorities both to protect the person being stalked and/or harassed and to deal effectively with the perpetrator.

Recommendation 10

Gardaí need training on the effects of stalking and harassment. The harms caused by both behaviours are serious and An Garda Síochána need to view the behaviour in the round rather than as isolated incidents. This training should be repeated on a regular basis.

As highlighted in the methodology, the findings presented in this Report provide an initial snapshot as to the process, impact and consequences of stalking and/or harassment on those who experience it in Ireland. Further more detailed analyses of both the quantitative and qualitative data will be completed in due course. In addition, we intend to conduct interviews with persons who have experienced stalking and harassment to enrich our understanding of the impacts of these behaviours and to continue to give voice to those who have experienced them. This is an under-researched area in Ireland and we invite other researchers to build on this Report and contribute to knowledge creation in this area. This will provide an evidence base from which we can draw in order to improve the support and services made available to those who are stalked and harassed.

SUPPORT SERVICES

If you have been affected in any way by the contents contained in this report, support is available via the following services.

Service	Website
An Garda Síochána	https://www.garda.ie/en/contact-us/station-directory/
Crime Victims Helpline	https://www.crimevictimshelpline.ie/
Stalking in Ireland	https://www.stalkinginireland.ie/stalking

If you think that you have been stalked or are being stalked you can find more information on stalking in Stalking in Ireland. This site is a resource run by the Sexual Violence Centre Cork and funded by Tusla.

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Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021.

England & Wales

Protection from Harassment Act 1997.

Protection of Freedoms Act 2012.

APPENDIX

Stalking and Harassment in Ireland – Overview of Study

Thank you for considering participating in this research project. This is an anonymous survey designed to investigate the prevalence of stalking and harassment in Ireland. To date there have been no studies on the prevalence, process or impact on victims of stalking and harassment in Ireland. This research, with its focus on your experience, will help fill this gap.

The terms ‘stalking’ and ‘harassment’ are sometimes used interchangeably, but they can be very different.

Harassment is when someone behaves in a way that interferes with your peace and privacy or makes you feel alarmed, distressed or threatened, and this has happened either several times or has been for a prolonged single period (e.g. following you for half an hour). The harasser could be someone you know or a stranger.

Stalking is a pattern of repeated, unwanted and intrusive behaviour that typically involves an intense obsession or fixation on the part of the stalker. The stalker could be someone you know or a stranger.

Survey Design

The survey is divided into 5 sections as follows:

Section 1: Consent Form

Section 2: Demographic Information

Section 3: The Stalking/Harassment Process

Section 4: Impact on You (Social, Financial, Physical and Psychological)

Section 5: Your Responses to the Stalking/Harassment

There are 38 questions in this survey which will take approximately 15-20 minutes to complete. Participation in this study is voluntary. Please answer the first five questions that indicate your consent to participate. You can refuse to answer any other questions that you are not comfortable with or you can decide to withdraw from the survey at any point. To do so, simply click “no” to any question asking if you wish to proceed to the next section of the survey.

Support

WE DO NOT INTEND TO CAUSE ANY DISTRESS TO PARTICIPANTS. SOME OF THE TOPICS BROACHED IN THE SURVEY, HOWEVER, ARE OF A SENSITIVE AND PERSONAL NATURE. Questions are asked around your experiences of unwanted behaviours that could constitute stalking and/or harassment.

If you are affected in anyway by the content of this survey, we recommend that you contact the Sexual Violence Centre Cork for appropriate support info@sexualviolence.ie / CALL 1800 496 496 / TEXT 087 1533 393

Further Information

Please note that **respondents must be over 18 years of age** but the experiences you discuss may have happened to you before the age of 18.

If you have any queries about this research, please contact c.staunton@ucc.ie

Link to Survey

If you agree to take part in this study, please click on the link below to be brought to the Consent Form, the first section of the survey:

<LINK TO SURVEY>

SECTION 1: Consent Form

There are five questions in this section including the withdraw or proceed question. The purpose of this section is to ensure that you have given informed consent to participate in this survey. It is not possible to proceed with this survey unless you respond to all questions.

Q1. I understand that the purpose of this study is to uncover the prevalence of stalking and harassment experienced by both males and females in Ireland and to gather data on the form these behaviours take. I understand that the results of this study will be published and shared (e.g. by article, book chapter, student thesis, social media publicity of the study's findings, etc.) and that sections of my account may be quoted in presentations and publications. I also understand that any potential identifying features (of myself or others) that I disclose in my answers will be removed from all publications. I understand that the results of this research may feed into future national and international research.

Yes ☐ No ☐

Q2. I understand that I must be 18 years of age or older to participate in this survey but I understand that if I experienced any of the behaviours listed in this survey when I was younger that I can include these in my responses.

Yes ☐ No ☐

Q3. I am participating voluntarily. I understand that I can withdraw my consent to participate in the survey at any stage prior to completing it by deciding not to proceed to the next section. I understand that any data gathered from incomplete surveys will be deleted and not analysed.

Yes ☐ No ☐

Q4. I understand that if I submit the survey, my answers will be added to the pool of answers given by other participants and that my answers cannot be removed at this stage. This is because the answers I give are being provided anonymously so my individual data cannot be identified after it is submitted.

Yes ☐ No ☐

Q5. Are you happy to proceed to the next section? If you wish to withdraw from the survey please select "no"

Yes ☐ No ☐

Section 2: Demographic Information

There are 5 questions in this section, including the withdraw or proceed question

Q6. Gender

- Male ☐
- Female ☐
- Non-Binary ☐
- Other ☐
- Prefer not to Say ☐

Q7. What is your current age?

Q8. What is your nationality?

Q9. Are you currently residing in Ireland?

Yes ☐ No ☐

Q10. Are you happy to proceed to the next section? If you wish to withdraw from the survey please select “no”

Yes ☐ No ☐

Section 3: The Stalking/Harassment Process

There are 14 questions in this section, including the withdraw or proceed question

Q11. Has one person ever engaged in any of these unwanted behaviours more than once or in a prolonged single incident or have you experienced a mix of these behaviours/actions from a single person? Please tick as appropriate. Please tick

every behaviour that you have experienced.

- ☐ loitered around your home or other places you frequent
- ☐ spied on you or tracked your movements whether online, using technology or in person
- ☐ followed you (e.g. on foot, by car)
- ☐ made unwanted approaches to you (e.g. at home, at work, in public places)
- ☐ made unwanted approaches to your friends, family or colleagues about you
- ☐ interfered with or damaged your property (e.g. car)
- ☐ broken into your home

Q12. Has one person ever threatened or abused you more than once or in a prolonged single incident or have you experienced a mix of these behaviours/actions from a single person? Please tick as appropriate. Please tick every behaviour that you have experienced

- ☐ threatened to harm you or those close to you, directly or indirectly
- ☐ threatened to harm themselves around you
- ☐ physically attacked or tried to attack you
- ☐ sexually assaulted you

Q13. Has one person ever engaged in malicious communications with you more than once or in a prolonged single incident or have you experienced a mix of these behaviours/actions from a single person? Please tick as appropriate. Please tick every behaviour that you have experienced

- ☐ sent you inappropriate letters, faxes, texts, WhatsApps, or e-mails
- ☐ made inappropriate or malicious telephone calls to you
- ☐ sent or delivered unwanted gifts

Q14. Has one person ever attempted to cause you reputational damage more than once or by means of a prolonged single incident or have you experienced a mix of these behaviours/actions from a single person? Please tick as appropriate. Please tick every behaviour that you have experienced.

- ☐ distributed malicious material about you
(e.g. flyers, web-sites, posters, newspaper ads)

- ☐ engaged in inappropriate or malicious social media contacts (e.g. Twitter, Facebook)
- ☐ initiated false legal action against you
- ☐ made false complaints to agencies
- ☐ taken pictures / recordings of you without your consent
- ☐ shared private images of you that are of a very personal nature (e.g. nude images, sexual images)

Q15. If there is any behaviour or action that you have experienced more than once from a single person or in a prolonged single incident that was not included in questions 11-14, please describe it here

Q16. Who is the person who engaged in any of the behaviours/actions identified above? If you have experienced stalking or harassment more than once then you may select more than one option

- ☐ Partner/ex-partner
- ☐ Neighbour
- ☐ Acquaintance
- ☐ Work colleague
- ☐ Stranger
- ☐ Friend
- ☐ Local youth/teen
- ☐ Don't know

Other

Q17. What made you first realise that you were being subjected to one or more of the unwanted behaviours identified above? If you have experienced stalking or harassment from more than one person then you may provide more than one answer here.

Q18. What age were you at the time? If you have experienced stalking or harassment from more than one person then you may provide more than one answer here.

Q19. How long did it go on for? If you have experienced stalking or harassment from more than one person then you may provide more than one answer here.

Q20. What time of the day was the person who was engaging in the unwanted behaviours identified above most active? If you have experienced stalking or harassment from more than one person then you may provide more than one answer here.

Q21. Were other members of your family or friends threatened?

Yes ☐ No ☐

Q22. If your answer to the previous question was yes, and you feel comfortable answering this question, could you identify who was threatened and how they were threatened?

Q23. When did it stop (if applicable)? If you have experienced stalking or harassment from more than one person then you may provide more than one answer here.

Q24. Are you happy to proceed to the next section? If you wish to withdraw from the survey please select “no”

Yes ☐ No ☐

Section 4: Effects on You

There are 5 questions in this section, including the withdraw or proceed question

Q25. Social / Financial Consequences

As a result of the experiencing the behaviours/actions above, did you change your own habits/behaviours? Please tick as appropriate. You may tick all relevant options.

- ☐ stopped leaving the house alone
- ☐ shopped outside of your local area
- ☐ changed your route home from work or school
- ☐ installed closed-circuit television (CCTV)
- ☐ moved house
- ☐ changed jobs
- ☐ changed school/college (if this happened while you were at school/college)
- ☐ gave up social activities
- ☐ changed phone number
- ☐ changed e-mail address
- ☐ had work performance adversely affected
- ☐ reduced working hours
- ☐ reduced contact with family and friends
- ☐ lost contact with family and friends
- ☐ changed or sold your car
- ☐ repaired damaged property
- ☐ changed identity
- ☐ suffered the expense of counselling, expense of therapies, expense of legal advice, or expense of installing security systems
- ☐ reduced your working hours
- ☐ stopped/reduced walking your dogs
- ☐ Other

Q26. If you would like to describe any of your experience(s) above in greater detail, please do so

Q27. Psychological and Physical Consequences

As a result of your experience, have you suffered from any of the following?

Please tick as appropriate. You may tick more than one option.

- ☐ aggression
- ☐ agoraphobia (avoid places and situations that might cause you to feel panicked, trapped or scared)
- ☐ anger
- ☐ anxiety
- ☐ change in appetite
- ☐ confusion
- ☐ depression
- ☐ fear
- ☐ headaches
- ☐ increased distrust
- ☐ irritation
- ☐ nausea
- ☐ paranoia
- ☐ panic attacks
- ☐ purging (the use of laxatives, forced vomiting)
- ☐ physical injuries (inflicted by the person engaging in the behaviour/actions)
- ☐ self-harming behaviours
- ☐ sleep disturbances
- ☐ suicidal thoughts
- ☐ suicide attempts
- ☐ tiredness
- ☐ weight changes

_____ weakness

_____ Other

Q28. If you would like to describe any of your experience(s) above in greater detail, please do so.

Q29. Are you happy to proceed to the next section? If you wish to withdraw from the survey please select “no”

Yes ☐ No ☐

Section 5: Your Responses to the Stalking/Harassment

This is the final section of the survey. There are 9 questions in this section, including the withdraw or proceed question

Q30. Did you do any of the following as a result of the stalking or harassing behaviours/actions that you experienced? Tick as appropriate. Please tick all relevant options.

_____ Keep a log

_____ Report to the police

_____ Report to other agencies

_____ Collect evidence

_____ Have a safety plan

_____ Carry a weapon

_____ Confront the person engaging in the behaviour/actions

_____ Ask the person engaging in the behaviour/actions to leave them alone

_____ Answered the phone; replied to e-mails; replied to text messages

_____ Asked the person engaging in the behaviour/actions why

Q31. Please describe any other actions that you may have taken that are not described above:

Q32. Do you describe your experience as stalking or harassment?

Stalking ☐ Harassment ☐ Both ☐ I don't know ☐

Q33. Could you explain your selection?

Q34. Did you report your experience to the police?

Yes ☐ No ☐

Q35. If yes, could you explain what prompted you to do so?

Q36. How would you describe your experience with the Gardaí?

Q37. If you did not report to the Gardaí, could you explain what factors influenced your decision not to do so?

Q.38. This is the end the survey. If you are happy to submit your answers please select yes. If you wish to withdraw from the survey please select "no"

Yes ☐ No ☐

Thank You

Thank you for taking the time to complete this questionnaire-survey. Your answers have been submitted. If you decided to withdraw from the survey at any point we thank you for being willing to attempt to participate in it.

If taking or attempting this survey has upset you in any way, please seek appropriate support by contacting the Sexual Violence Centre Cork. Contact details are here:

Email info@sexualviolence.ie / CALL 1800 496 496 / TEXT 087 1533 393

If you would be interested in participating in further research about your experience of stalking and/or harassment, please click on the link below to enter your e-mail and we will contact you:

<LINK TO SEPARATE PAGE>

We are sending you to a different form in order to protect the anonymity of your responses in this questionnaire survey.



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