An Bille um Chionta Neamh-Mharfacha in aghaidh an Duine (Leasú) (Stalcaireacht), 2021
Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021

Meabhrán Miniúcháin
Explanatory Memorandum
Background

In its 2016 Report on Harmful Communications and Digital Safety, the Law Reform Commission recommended that specific stalking offence should be enacted.

The Commission said that stalking is an aggravated form of harassment characterised by repeated, unwanted contact that occurs as a result of fixation or obsession and causes alarm, distress or harm to the victim. This element of intense obsession or fixation, which creates an unwanted intimacy between the stalker and the victim, differentiates stalking from harassment.

The Commission analysed developments in Scotland, England and Wales where specific stalking offences were introduced in 2010 and 2012 respectively and concluded that the experiences of these jurisdictions strongly suggest that the introduction of specific stalking offences led to an increase in reporting and prosecution of stalking.

The Commission specifically said that stalking as an offence also carries great significance for victims of stalking, because of the “hidden” nature of the crime as well as its aggravated nature compared to harassment.

This bill seeks to amend the Non-Fatal Offences Against the Person Act 1997 by inserting a provision to allow for a specific offence of stalking.