



(full form)

“ASSEVERATION”

I-I/FCA/022

NOTICE & LAWFUL DECLARATION

In the matter of the question as to: “The legal position on harassment & stalking.”

This matter being brought to the Integrity Ireland Findings Commission (‘I-IFC’) for consideration and assessment according to; (i) the Rule of Law; (ii) to existing positive (written) law; and (iii) as per the respective rights, authorities and jurisdiction granted under Irish & international law, as laid out in the I-IFC foundation publications quoted in I-I/FCA/001/3; the Integrity Ireland Association hereby finds and determines as follows:

1. **Harassment is generally defined as:** “Persistently following, watching, pestering, besetting or communicating with another person, without lawful authority or other reasonable excuse, such as to seriously interfere with the other’s peace and privacy, or which causes alarm, distress or harm to the other, by acts which are intentional or reckless and which a reasonable person would realise would have that effect.” [IRL]¹
2. And/or: “The act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice, personal malice, an attempt to force someone to quit their job [or take some other such detrimental action] or grant sexual favours, apply illegal pressure to collect a bill, or merely gain sadistic pleasure from making someone fearful or anxious. Such activities may be the basis for a lawsuit if due to discrimination based on race or sex, a violation of on the statutory limitations on collection agencies, involve revenge by an ex-spouse [or partner], or be shown to be a form of blackmail (“I’ll stop bothering you, if you’ll..”) [take some unwanted action]. The victim may file a petition for a “stay away” (restraining) order, intended to prevent contact by the offending party.” [USA]²
3. Stalking is a form of harassment.
4. Harassment may be argued if any party’s actions, requests, spoken words, gestures, and/or the production, display or circulation of written words, pictures or other materials constitutes ‘unwanted conduct’ by the acting party, unless the said actions are being conducted in context of legitimate, ethical, accurate and truthful reporting ‘in the public interest’.
5. Prejudicial discrimination in any setting on the basis of gender, civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community also constitutes a form of harassment.³
6. S.10 of the NON-FATAL OFFENCES AGAINST THE PERSON ACT, 1997 defines ‘**harassment**’ as a criminal offence:
 - (1) Any person who, without lawful authority or reasonable excuse, by any means

¹ Murdoch & Hunt’s Dictionary of Irish Law, 6th Ed.

² The People’s Law Dictionary (USA) 1981-2005 by Gerald N. Hill and Kathleen T. Hill.

³ Employment Equality Act 1998 s.14A inserted by Equality Act 2004 s.8.

including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with 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.

7. See also Asseveration No 021 'coercion & duress'.

Finding / Determination:

1. Under Irish and international law, harassment in the various forms as outlined in this Asseveration No 022 (stalking, harassment and/or prejudicial discrimination) is a criminal offence.

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| Reg No. Pages & P | I-I/FCA/022/7/1 | Committee | JH/NM/WN/KD/SM/CM/JM |
| Date of Approval | 11.11.2021 | Served by | |

I hereby declare that this is a true copy of the original PDF version.

Submitted / served by

The signed and sealed original of this Asseveration is on file at the Integrity Ireland Association.

