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Stalking now an offence under new anti-harassment bill



SINGAPORE — A fine up to S\$5,000, a jail term not exceeding 12 months or both may await those who engage in stalking, under a proposed legislation that seeks to make the behaviour a new offence under the law, Parliament heard today (March 3).

BY AMIR HUSSAIN - MARCH 3

SINGAPORE — A fine up to S\$5,000, a jail term not exceeding 12 months or both may await those who engage in stalking, under a proposed legislation that seeks to make the behaviour a new offence under the law, Parliament heard today (March 3).

Stalking was among the offences included in the Protection from Harassment Act 2014, which was tabled in Parliament this afternoon. Other offences laid out in the Bill are harassment, causing alarm or distress, fear or provocation of violence, and threatening, abusing or insulting a public servant or public service worker.

These offences, which are currently covered under the Miscellaneous Offences (Public Order and Nuisance) Act, will see heftier penalties.

The Bill states unlawful stalking as engaging in a course of conduct which causes harassment, alarm or distress to a victim; and the accused intends or ought to reasonably know that it would do so. Subsequent offenders may meanwhile face a fine of up to S\$10,000, a jail term not more than two years, or both.

Examples of acts which are associated with stalking in the Bill include following a victim or a related person, attempting to make any communication by any means to the victim or a related person, loitering in any place, interfering with property in the possession of the victim or a related person, giving or sending material to the victim or a related person, and keeping the victim or related person under surveillance.

Among other considerations in determining an offence under the Bill is that the court would regard the number of occasions on which acts related to stalking are carried out, the frequency and duration of the acts, the manner and circumstances in which they were carried out, and the likely effects of the course of conduct on the victim's safety, health, reputation or economic position.

Acts carried out under a duty or power under the law for the purpose of preventing or detecting crime, or carried out on behalf of the Government and was necessary for the purpose of national security, national defence or the conduct of international relations are not criminalised under the Bill.

Some offences under the Bill:

UNLAWFUL STALKING

Participating in stalking-related activities which an offender should reasonably know would result in harassment, alarm or distress. Examples include following a person, loitering in any place, giving or sending material, and keeping a person under surveillance.

Illustrations

- Y repeatedly sends emails to his subordinate (X) with suggestive comments about X's body.
- Y sends flowers to X daily even though X has asked Y to stop doing so.
- Y repeatedly circulates revealing photographs of a classmate (X) to other classmates.

HARASSMENT, ALARM OR DISTRESS

Speaking or acting in a threatening, abusive or insulting way such that a person becomes harassed, alarmed or distressed.

Illustration

- X and Y are classmates. X posts a vulgar tirade against Y on a website accessible to all of their classmates.

INTENTIONALLY CAUSING HARASSMENT, ALARM OR DISTRESS

Speaking or acting in a threatening, abusive or insulting way such that a person becomes harassed, alarmed or distressed.

Illustration

- X and Y are co workers. At the workplace, X loudly and graphically describes to other co-workers his desire for a sexual relationship with Y, knowing that Y can hear his comments.

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