

FREEDOM OF MOVEMENT

Monitoring and tracking are increasingly being used as a form of abuse by perpetrators of violence against women.

This is against the law, and this handout details which laws can be used to support women and children.

1. DOMESTIC ABUSE (SCOTLAND) ACT 2018

- This law makes **coercive control** a criminal offence.
- It covers **psychological abuse**, including **digital behaviours** like:
 - Monitoring someone's phone or social media.
 - Controlling who they speak to or what they post.
 - Using tech to isolate or intimidate them.
- It applies to **partners and ex-partners**, even if they don't live together.
- The law recognises that abuse is often **non-physical** and includes **patterns of behaviour**.

2. CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 – SECTION 39

- This law defines **stalking** as a criminal offence.
- Stalking includes:
 - Repeated unwanted messages or calls.
 - Tracking someone's location or online activity.
 - Using tech to cause **fear or alarm**.
- Only **two incidents** are needed to meet the legal definition of stalking.

3. ABUSIVE BEHAVIOUR AND SEXUAL HARM (SCOTLAND) ACT 2016

- This law makes it illegal to **share or threaten to share intimate images** without consent — often called **revenge porn**.
- The offence carries a penalty of up to **5 years in prison**.
- It recognises that this behaviour is about **power, humiliation, and control**, not “revenge” or “porn”.

4. PROTECTION FROM HARASSMENT ACT 1997

- This law allows victims to apply for **civil protection orders** like:
 - **Non-harassment orders**.
 - **Interdicts** (similar to restraining orders).
- These can be used to stop someone from contacting or monitoring you digitally.

5. DATA PROTECTION ACT 2018 & UK GDPR

- If someone **misuses your personal data** (e.g. hacks your accounts or shares private info), you may be able to claim compensation.
- This includes **emotional distress** caused by a data breach.