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## Stalking

### Report<sup>1</sup>

Committee on Equality and Non-Discrimination

Rapporteur: Ms Gisela WURM, Austria, Socialist Group

### Summary

Stalking is the repetition of acts intruding into a person's life which increase in intensity over time. There are many ways in which such an intrusion can take place, such as repeatedly following another person, engaging in unwanted communication with another person or letting another person know that he or she is being observed. A specific form of stalking called "cyberstalking" is persistent and threatening intrusion online.

About 10% of the population in Europe has been, or will be, affected by stalking, the majority of victims being women. Stalking is a form of violence in itself but can lead to other forms of violence, including murder. However, victims often fail to recognise the early signs of this form of violence and do not report it. Despite its dramatic impact on victims, causing distress, anxiety or fear, stalking has not yet been widely qualified as a criminal offence. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence can be instrumental in strengthening the legal framework against stalking, as Article 34 requires States Parties to establish a specific criminal offence for it.

Council of Europe member States should introduce the notion of stalking into their legal system as a specific offence, organise training for law-enforcement officials on how to identify and respond to stalking cases, instruct the police to investigate and keep a record of cases of stalking, allocate sufficient funding for the creation and functioning of support services for stalking victims, make prevention of stalking, including cyberstalking, a priority and organise awareness-raising campaigns, develop and implement rehabilitation programmes for stalkers and conduct research on the prevalence of violence against women, including stalking.

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1. Reference to committee: [Doc. 12861](#), Reference 3854 of 23 April 2012.

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## A. Draft resolution<sup>2</sup>

1. Stalking is the repetition of acts intruding into a person's life which increase in intensity over time. There are many ways in which such an intrusion can take place. One of them, called "cyberstalking", is persistent and threatening intrusion online. Stalking causes distress, anxiety or fear. It is a form of violence in itself but can lead to other forms of violence, including murder.
2. About 10% of the population in Europe has been, or will be, affected by stalking. The great majority of the victims are women. Often they fail to recognise the early signs of this form of violence. Often they do not report it, because they do not consider each act in itself as a threat. When reporting it, they do not always find a meaningful response, because the authorities fail to see that the intrusions amount to a pattern or because there is no notion of stalking in national law.
3. In this regard, the Parliamentary Assembly considers the adoption of legislation on stalking by Austria, Belgium, Denmark, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland and the United Kingdom an important step forward. Despite this positive development, however, most Council of Europe member States do not consider stalking as a criminal offence.
4. The Assembly believes that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") can be instrumental in strengthening the legal framework against stalking, as Article 34 requires States Parties to establish a specific criminal offence for it.
5. In order to tackle stalking effectively, it is also necessary to demystify some misconceptions through awareness-raising campaigns and prevention activities aimed at the public as well as specific groups: stalking does not only happen to public figures. This phenomenon always leads to further violence and its dangers should not be minimised.
6. In the light of these considerations, the Assembly calls on Council of Europe member States to:
  - 6.1. with regard to combating stalking:
    - 6.1.1. introduce the notion of stalking into their criminal law, as a specific offence, and ensure its implementation. The definition of stalking should be in line with the Istanbul Convention and include a non-exhaustive list of behaviours by way of example, such as repeatedly following another person, engaging in unwanted communication with another person or letting another person know that he or she is being observed;
    - 6.1.2. organise training for law-enforcement officials on how to identify and respond to stalking cases;
    - 6.1.3. instruct the police to investigate and keep a record of cases of stalking;
    - 6.1.4. ensure the implementation of restraining orders also in cases of stalking;
  - 6.2. with regard to assisting victims of stalking:
    - 6.2.1. allocate sufficient funding for the creation and functioning of support services for stalking victims, such as helplines, shelters and counselling;
    - 6.2.2. provide targeted support to minors who are victims of stalking, including cyberstalking;
    - 6.2.3. provide specific training on stalking, including cyberstalking, to staff working in these support services;
  - 6.3. with regard to preventing stalking:
    - 6.3.1. organise awareness-raising campaigns on combating violence, which would include a specific part on stalking and cyberstalking;
    - 6.3.2. develop guidelines for the media on how to deal with violence against women, including stalking, in order to ensure protection of the victims;
    - 6.3.3. develop and implement rehabilitation programmes for stalkers, with a view to preventing reoffending;

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2. Draft resolution adopted unanimously by the committee on 24 June 2013.

- 6.4. conduct research on the prevalence of violence against women, including stalking, in member States;
  - 6.5. identify and share best practices in preventing and combating stalking.
7. The Assembly is convinced that parliamentarians have a decisive role to play in raising awareness on stalking and ensuring that relevant legislation is adopted and implemented. The Assembly therefore calls on the parliaments of member States to:
- 7.1. urge their governments to sign, ratify and implement the Istanbul Convention and refrain from making reservations;
  - 7.2. organise parliamentary debates and hearings on stalking.
8. Furthermore, the Assembly calls on non-governmental organisations to:
- 8.1. contribute to raising awareness on stalking among the general public and to include a part on stalking in general campaigns on combating violence against women and domestic violence;
  - 8.2. actively promote the ratification and implementation of the Istanbul Convention.

## B. Explanatory memorandum by Ms Wurm, rapporteur

### 1. Introduction

1. I would like to start this report with the case of Anna, 22, who was studying and working part-time, whilst living with her mother and younger brother.

*Anna had a boyfriend named Adam for 12 months. He was never physically abusive, but he was controlling and did not like her having friends he did not know or going out without his permission. Anna ended the relationship after an argument about his objecting to her going on a university trip. After the relationship ended, Adam texted and called her repeatedly to apologise and ask for her back. He said he loved her and could not live without her, but also that he would harm himself if she did not respond. Anna told him that she did not want him to contact her. Adam then started contacting Anna's family and friends. Sometimes he followed her brother home.*

*At this point Anna went to the police, but they said that, as Adam was not contacting her directly any more, he was not committing an offence. Anna was starting to feel very afraid, she could not sleep or eat and was doing badly at university. Then she started to receive e-mails from an anonymous source, stating that there were nude photos of her on the Internet, calling her a whore and stating that she deserved to die. She noted the IP address of the e-mails and took the e-mails to the police who said that there was no way they could trace them.*

*The police said there was nothing further they could do. Two nights later, Anna's mother received a call from the police saying that Adam had been found trying to break into their house whilst everyone had been out. Later that day, as Anna was leaving work, Adam forced her into his car, drove her to a secluded spot where he strangled her and then killed himself. It was later revealed that Adam had previously been convicted of a serious assault on another ex-girlfriend, for which he had been jailed. He had been released shortly before he started dating Anna. The police had been aware of this information, but not shared it with Anna or other agencies.<sup>3</sup>*

Anna is one among too many victims of stalking. How many Annas are facing danger today in Council of Europe member States?

### 2. Definition of stalking<sup>4</sup>

2. Stalking has always existed, but the use of the term "stalking" for the phenomenon in question dates back only to the late 1980s, originating in California. The term takes a number of pre-existing behaviour patterns often viewed in isolation and combines them into a single entity. The value of characterising and naming a phenomenon is that it enables a new understanding of a problem and of its seriousness and, in doing so, permits a coherent social and legal response.

3. The term "stalking" covers in fact a constellation of behaviour patterns which fall into five categories.<sup>5</sup>
- a. communication: with the victim by telephone or in written or electronic form, including text messages, e-mail and use of the Internet;
  - b. physical intrusion into a person's life: following, surveillance, loitering nearby, direct approach, breaking into their home, going to their place of work, or approaching their friends or relatives;
  - c. impersonation: acts undertaken by the perpetrator in the name of the victim, such as cancelling services, ordering goods, resigning from their job or sending malicious letters or e-mails to others;

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3. The Network for Surviving Stalking (United Kingdom) provided information about this specific case (names have been changed).

4. The present report has been prepared on the basis of an expert report drafted by Ms Alexis Bowater, Coordinator of the Network for Surviving Stalking, who also participated in an exchange of views with the Committee on Equality and Non-Discrimination in Strasbourg on 21 January 2013. I wish to thank Ms Bowater for her contribution.

5. Mullen P.E., Pathé M.T. and Purcell R. (2009), *Stalkers and their victims* (2nd edn), Cambridge University Press, Cambridge.

- d. use of proxies: the recruitment of others to harass the victim, for instance through false complaints to the police, professional bodies or spurious legal action, or recruiting others to engage as surrogates in stalking activities;
  - e. denigration campaigns: the spreading of false and malicious accusations or gossip, through use of posters, leaflets, advertisements and, increasingly, the publication of material on the Internet and social network sites (Twitter and Facebook) with poisonous or embarrassing content (sexual photographs).
4. Whilst many stalking behaviours constitute a crime in their own right, it is the combination and protracted nature of otherwise apparently innocuous behaviour, such as making telephone calls and writing letters, that often typify the destructive aspect of the stalking phenomenon. Stalking is therefore sometimes characterised as “psychological rape” or “psychological terrorism”. Making unwanted telephone calls or writing pleading letters are, to an extent, part of the normal fabric of human behaviour, for instance at the end of a relationship. However, it is when they persist in an intrusive manner that the behaviours assume a different quality.
5. Stalking is a behaviour rather than a disorder. There are different forms of motivation which lead individuals to commit this particular form of malicious persecution. However, there is an increasing body of evidence concerning the causes of this behaviour, how the risk to the victim and societal institutions can be assessed, the most effective legal means of tackling the problem, and the most efficient ways of dealing with stalkers, including both criminal justice solutions and psychological treatments.
6. Stalking is a pattern, consisting of acts intruding into a person’s private life which increase in intensity over time and can lead to physical violence (“aggravated stalking”). Often it is not only the primary victim who is stalked, but also close friends and family.
7. Between 80 and 90% of stalkers are male and around 80% of victims are female.<sup>6</sup> The mean age of stalkers is early-to-mid-thirties, but with a wide range. Stalkers and their victims come from all backgrounds. Often, women are stalked after a relationship has come to an end. Although some famous women, especially from show business, have recently publicly declared themselves victims of stalking, it would be erroneous to think that this form of violence affects mainly celebrities. People in high-profile positions, such as actresses and politicians, are often a target of stalkers, but the majority of victims are ordinary women, from all walks of life.
8. Primary victims can be classified in terms of their relationship, if any, with the stalker. These fall into three groups: those formerly in a close relationship with the victim (such as sexual partners, estranged family members and friends); casual acquaintances; and complete strangers. This is the basis of some classifications of stalking.<sup>7</sup> The proportion of stalkers known to their victims varies between studies;<sup>8</sup> however, strangers probably form the largest group, followed by acquaintances and then former intimates. Secondary victims are those targeted by the stalker due to their connection with the primary victim, such as friends, family, a new partner, work colleagues or the police.
9. Perpetrators turn to stalking for very different reasons. There are five categories of stalkers: the rejected, intimacy seekers, the incompetent, the resentful and the predatory:<sup>9</sup>
- the rejected stalker commences stalking after the breakdown of an important relationship that was usually, but not always, sexually intimate in nature. In this group, the stalking reflects a desire for reconciliation, revenge or a fluctuating mixture of both;
  - the intimacy seeker desires a relationship with someone who has engaged his or her affection and who he or she is convinced already does, or soon will, reciprocate that love despite obvious evidence to the contrary;
  - the incompetent suitor also engages in stalking to establish a relationship. However, unlike the Intimacy Seeker, he or she is simply seeking a date or a sexual encounter;

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6. Mullen P.E, Pathe M.T. and Purcell R., op. cit.

7. Mohandie K., Meloy J.R., McGowan M.G. and Williams J. (2006), “The RECON typology of stalking: Reliability and validity based upon a large sample of North American stalkers”, *Journal of Forensic Sciences*, 51(1), pp. 147-155.

8. Purcell R., Pathé M. and Mullen P.E. (2004), “When do repeated intrusions become stalking?”, *Journal of Forensic Psychiatry & Psychology*, 15(4), pp. 571-583.

9. Mullen P.E., Pathé M., Purcell R. and Stuart G.W. (1999), “Study of stalkers”, *American Journal of Psychiatry*, pp. 1244-1249.

- the resentful stalker sets out to frighten and intimidate the victim to exact revenge for an actual or supposed injury. Resentful stalkers differ from Rejected stalkers in that the cause of their resentment does not lie in rejection from an intimate relationship;
- the predatory stalker engages in pursuit behaviour in order to obtain sexual gratification or in preparation for an attack, usually sexual.

### 3. Cyberstalking as an increasingly frequent phenomenon

10. Cyberstalking involves the persistent and threatening online presence of an unwanted individual. Like physical stalkers, cyberstalkers intrude into the lives of victims in frightening and unpredictable ways. This kind of stalker uses technology to mediate their activities – they are able to make repeated unwanted intrusions, at any time, regardless of whether they or their victim are physically present.

11. Use of the Internet and of social media as tools for stalking is becoming increasingly widespread. It presents a particular challenge to those seeking to prevent stalking or to intervene in stalking cases. Attacks appear to fall into three main clusters, which may occur singly or in combination:

- direct communication, where threatening and unpleasant material and/or electronic sabotage is sent directly to the victim by the stalker – who may or may not have concealed their identity or assumed another identity;
- indirect communication occurs where information is posted or circulated about the victim in online environments;
- misrepresentation of the victim online, where the victim's identity is used by another to enact behaviour likely to cause offence.

12. A recent study in the United Kingdom, the ECHO (Electronic Communication Harassment Observation) project, was designed to collect information specifically about cyberstalking. It reported the experiences of self-defined victims of cyberstalking, or of those primarily victimised through cyberstalking. The results provide a complex and disturbing picture. Typically, attacks impacted and violated all aspects of online life, an individual's online reputation, their physical and psychological health, as well as their economic functioning. Frequently, the harasser is not identified and remains unknown to the victim. In these cases, the added unpredictability of anonymity makes risk even harder for the victim to assess on a daily basis and therefore may increase the level of anxiety and fear.

13. Given the degree of harm caused by cyberstalking, the lack of support from agencies and from victims' personal networks such as family, friends and work colleagues is striking. Sixty-one per cent of victims reported that they received no support whatsoever from agencies or from anyone in their personal network. The absence of support experienced demonstrates a worrying lack of awareness about the toxicity of online harassment and the lack of understanding victims face.

14. It is important that support professionals and victims are educated on how technology works, how it can be used to put people at risk and what steps can be taken to reduce those risks. The digital world means that an abuser has access to information 24/7. This not only feeds the abuser's obsession, but also provides the tools they need to monitor, contact, intimidate or humiliate a victim. To abuse a victim, perpetrators no longer have to be physically present, or make the effort to post a letter. They are able to use their computer and/or mobile to stalk.

15. Cyberstalking leaves substantial evidence of the abuse on social networks, websites and e-mails. However, connecting the perpetrator to that evidence relies on the co-operation of service providers. This is a problem, because the volume of abuse reports and the cost to the service providers may make it difficult for them to respond promptly to police requests for the data, once legal barriers to such information provision have been overcome. This discourages the police from requesting the information necessary to pursue online stalking and harassment cases.

16. In addition, there is a significant increase in the availability of computer software and mobile apps that have monitoring capabilities. These applications are easy to find and use, they are inexpensive and very powerful in terms of capabilities. They can provide an abuser access to a victim's usernames and passwords, contacts, documents, location, online activity, e-mail, etc. They are sold as legal applications to monitor children or employees, or locate stolen phones, but can easily be abused by stalkers. Spyware is software that

enables a user to obtain covert information about another person's computer activities.<sup>10</sup> Spyware can be used to "catch a cheating spouse" by giving access to usernames, passwords, contacts, locations, and providing the ability to delete data, for a cost of less than 40 euros.

17. Account access or takeovers occur when a perpetrator either knows or guesses a victim's username and password. They can then access the victim's online accounts, including e-mail, social networks, e-shopping or banking. The Council of Europe Convention on Cybercrime (ETS No. 185) requires Parties to adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, access to the whole or any part of a computer system without authorisation. A Party may require that the offence be committed by infringing security measures, with the intent of obtaining computer data or other dishonest intent, or in relation to a computer system that is connected to another computer system (Article 2).<sup>11</sup>

18. There are many legal and technical challenges to tackling cyberstalking, since the whole area of electronic communication is subject to rapid and continuous technological change. Only Australia, Belgium, the United Kingdom and the United States have so far recognised cyberstalking as a criminal offence in its own right. Cyberstalking is sanctioned in other countries by anti-stalking laws.

#### 4. Prevalence of stalking

19. Over the last thirty years in Europe, there have been three forms of social behaviour which have come to be recognised, not simply as socially unacceptable, but as unlawful: domestic violence, sexual abuse and stalking. To many people, the term "stalking" will bring to mind only the nightmare scenarios of Hollywood films, such as *Fatal Attraction*, *Sleeping with the Enemy* and *Play Misty for Me*. Whilst these remain an excellent introduction to the subject for those wishing to gain a rapid understanding of the issues involved, the fear and distress that being a stalking victim entails will be only too familiar to a sizeable minority of the European population.

20. Prevalence surveys of stalking are available in a number of European countries and figures are broadly similar: 12% of the population in England and Wales, 12% in Germany, 11% in eastern Austria, 16.5% in the Netherlands and in 9% Sweden.<sup>12</sup> These figures are similar to those found in Australia and the United States of America.

21. Crime statistics are of limited value since offences are under-reported, and figures for stalking convictions are only collected where a specific offence of stalking exists. And, even in such jurisdictions, those committing serious offences in the context of stalking will be convicted under the more serious charge.

#### 5. The impact of stalking on the victims

22. Victims often hesitate to seek the authorities' help, either because they are or were emotionally attached to the perpetrator or because they are not sure that they will be taken seriously. It is estimated that, in the United Kingdom, 77% of the victims of stalking wait until they have had more than 100 incidents of unwanted behaviour before telling anybody about it.

23. Stalking victims, in a study from Australia,<sup>13</sup> displayed at least one of the symptoms of post-traumatic stress disorder, with 55% reporting recurrent intrusive recollections of the stalking and 38% describing avoidance or numbing symptoms. It is important to note that many of the physical consequences listed above arose regardless of whether the victim had been physically assaulted.

24. Stalking can have devastating emotional and physical effects. In Japan, a study compared the long-term psychological effects of various types of sexual and psychosexual victimisation among 434 female students. Direct sexual assault appeared to cause the most severe and the most enduring psychological trauma, followed by stalking.

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10. <http://oxforddictionaries.com/definition/english/spyware>.

11. <http://conventions.coe.int/Treaty/en/Treaties/Html/185.htm>.

12. Modena Group on Stalking (2007), *Protecting Women from the New Crime of Stalking: A Comparison of Legislative Approaches within the European Union*, University of Modena and Reggio Emilia, Modena. Copies can be retrieved from: [www.antiviolenzadonna.it/menu\\_servizio/documenti/studi/id204.pdf](http://www.antiviolenzadonna.it/menu_servizio/documenti/studi/id204.pdf).

13. Pathé M. and Mullen P.E. (1997), "The impact of stalkers on their victims", *British Journal of Psychiatry*, 170, pp. 12-17.



25. In one study, victims reported that they were less friendly towards others and less outgoing as a result of being stalked. Other victim, community and student surveys have recorded wide-ranging psychological and physical deterioration. Although the actual percentages reported by individual investigations vary – usually as a result of sampling and definitional differences – most have reported that stalking results in increases in fear, distrust of others, persistent nausea and/or headaches, exacerbation of existing medical conditions, substance use and abuse, confusion, nervousness, anxiety, stomach problems, chronic sleep disturbances, persistent weakness or tiredness and loss of appetite.<sup>14</sup> In some cases, victims decide to put an end to their suffering by committing suicide. In Canada, Rehtaeh Parsons, 17, killed herself following the publication on the Internet of pictures taken during a collective rape.<sup>15</sup>

26. Stalking victims also suffer losses of a social and economic nature, although these have not been the principal focus of any investigation. These economic and social losses reported by victims may be changing or losing jobs or courses of study, changing telephone number(s), medical and/or counselling expenses or moving.

27. The victims of stalking incur financial costs. A researcher interviewed 187 women who had been stalked recently by former partners, and found that financial costs had been incurred by 80% of them. The sums lost ranged from nominal costs to US\$100 000, with a median of US\$1 000. It is not known how respondents were asked to estimate financial losses.<sup>16</sup>

28. The consequences for the victims of these behaviours, psychological as well as physical, are serious. Whilst some have lost their lives as a consequence of society's failure to react to the problem with sufficient vigour, the extensive toll of stalking to individuals in terms of anxiety disorders, depression and post-traumatic stress disorder have recently been documented. The cost to society in terms of time off work, health-care costs, policing and criminal justice costs is considerable, and social and economic realities are persuading an increasing number of countries to enact legislation against stalking.

## 6. The legal framework in Council of Europe member States

29. It is preferable to introduce a specific offence for stalking because, when considered out of context, actions such as sending unwanted messages, showing up at somebody's house, calling someone's friends and family cannot be considered unlawful. The introduction of a specific offence makes it possible to capture the pattern. However, the large majority of member States have no specific legislation against stalking. A wider understanding is inhibited by simple issues, for instance the absence of an equivalent word to the English "stalking" in many languages. Where there is no linguistic concept of a phenomenon, there is a major barrier to understanding what it means, let alone to an appropriate legal, policing and societal reaction to its occurrence.

30. Anti-stalking legislation was first introduced in 1990 in California. Since then, most English-speaking jurisdictions have introduced some form of anti-stalking legislation. The following European countries currently have specific anti-stalking legislation: Austria, Belgium, Denmark, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland and the United Kingdom.<sup>17</sup> Bosnia and Herzegovina has an anti-stalking provision which applies only to family members. In Turkey, victims of stalking are listed among the targets of Law 6284 on the Protection of Family and Prevention of Violence against Women which entered into force in 2012. Stalking is recognised as a form of violence against women, since the implementation of the law is based on the Istanbul Convention. However, this law does not provide a definition of stalking and does not contain specific anti-stalking provisions.

31. Legislation is generally framed in terms of three elements – conduct, intent and effect on the victim. The conduct element defines a course of conduct or a number of acts that constitute stalking. Most legislation requires a minimum of two acts, although in some countries one is sufficient. The intent element generally concerns an intent to cause fear and/or recklessness as to whether fear is caused, based on a reasonable person test.

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14. Bjerregaard B. (2000), "An Empirical Study of Stalking Victimisation", *Violence and Victims*, 15(4), pp. 389-406.

15. [www.europe1.fr/International/Victime-de-cyber-harcelement-elle-se-suicide-1479639/](http://www.europe1.fr/International/Victime-de-cyber-harcelement-elle-se-suicide-1479639/).

16. Brewster M.P. (1997), An exploration of the experiences and needs of former intimate stalking victims: final report submitted to the National Institute of Justice, West Chester University, West Chester, PA.

17. De Fazio L. (2009), "The Legal Situation on Stalking among the European Member States", *European Journal on Criminal Policy and Research*, 15(3), pp. 229-242.

32. In **Austria**, stalking is a punishable act since the “Antistalking Act”<sup>18</sup> took effect on 1 July 2006. Section 107a, entitled “Persistent persecution” (*beharrliche Verfolgung*) was introduced in 2007 in the Criminal Code, allowed countering psychological terror caused by various forms of persistent persecution by resorting to criminal law. The Second Protection Against Violence Act of 2009 further improved the protection of victims. “Persistent persecution” is liable to punishment if it interferes with the victim’s life to an unacceptable degree. It includes the following behaviours:

- trying to be close to the victim (for example following him/her by car, accosting him/her at home or in the workplace);
- contacting by telecommunication or any other means of communication or via third parties (for example frequent letters, e-mails or text messages);
- ordering goods or services for the victim by using the latter’s personal data (for example clothes from a mail-order company);
- inducing third parties to contact the victim by using the latter’s personal data (for example placing contact ads on behalf of the victim).

A maximum sentence of one year’s imprisonment applies. There is the possibility to apply for an interim injunction for the “Protection against invasion of privacy”. The legislation also allows the court to issue an injunction against any further such behaviour.

33. In **Belgium**, Article 442 bis of the Criminal Code covers stalking.<sup>19</sup> The text of the law reads as follows:

*“Whoever has harassed another person while he/she knew or should have known that due to his/her behaviour he/she would severely disturb this person’s peace, will be punished with a term of imprisonment of fifteen days to two years and with a fine of 50 to 300 euros, or with one of these two sanctions.”*

The behaviour described in this article can only be prosecuted following a complaint by the person claiming to be harassed. Belgian legislation makes a difference between stalking and cyberstalking. Stalking can only be prosecuted if there is a complaint by the victim, which is not required for cyberstalking prosecutions. In addition, cyberstalking requires an intent to cause a nuisance to a correspondent.<sup>20</sup> Article 145.3bis of the Telecommunications Act of 2005 foresees the exact same punishment for cyberstalking as for generic stalking. In its ruling 198/2011, the Belgian Constitutional Court explained that “the generic stalking rules aimed to protect the personal life of the victim while cyberstalking provisions aim to protect users of telecommunications services, irrespective of any criterion of disturbing the peace or impinging on personal life”.<sup>21</sup>

34. In **Bosnia and Herzegovina**, the Law on Protection from Domestic Violence 2005 (Article 14) prohibits harassment or stalking by “family members”.<sup>22</sup> The law on the Protection from Domestic Violence allows a restraining order for a period between a month and a year, if stalking or harassment occurs. However, this law does not cover stalking cases when these occur outside the family.

35. **Denmark** has included the crime of stalking in its Penal Code since 1933. “Any person who violates the peace of some other person by intruding on him/her, pursuing him/her with letters or inconveniencing him/her in any other similar way, despite warnings by the police, shall be liable to a fine or to imprisonment for any term not exceeding two years. A warning under this provision shall be valid for five years.” The person has to have ignored a police warning before further measures can be taken (Criminal Code, Chapter 27, s265).<sup>23</sup>

36. **Germany** has had a civil anti-stalking law since 2002, and a criminal law since 2007.<sup>24</sup> Stalking is defined as severe and continuing acts of harassment, “by seeking out physical proximity; using telecommunications or other instruments of communication or using third parties to get in contact; using personal data improperly to order goods or services; threatening life, physical integrity, physical health or freedom”. The sentence can be up to three years of imprisonment. In cases of severe physical injuries or danger of death for the victims or his/her relatives, the sentence can be up to 10 years of imprisonment.<sup>25</sup>

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18. Strafrechtsänderungsgesetz (2006), BGBl. I No. 56/2006, [www.bka.gv.at/site/cob\\_\\_37006/6845/default.aspx](http://www.bka.gv.at/site/cob__37006/6845/default.aspx).

19. [www.polfed-fedpol.be/crim/crim\\_fccu\\_stalking\\_nl.php#\\_Wetgeving\\_en\\_juridische\\_middelen](http://www.polfed-fedpol.be/crim/crim_fccu_stalking_nl.php#_Wetgeving_en_juridische_middelen) (in Dutch or French).

20. [www.timelex.eu/fr/blog/detail/belgian-constitutional-court-upholds-cyberstalking-provisions](http://www.timelex.eu/fr/blog/detail/belgian-constitutional-court-upholds-cyberstalking-provisions).

21. Idem and [www.const-court.be/public/f/2011/2011-198f.pdf](http://www.const-court.be/public/f/2011/2011-198f.pdf).

22. [www.hsph.harvard.edu/population/domesticviolence/bosnia.domesticviol.05.pdf](http://www.hsph.harvard.edu/population/domesticviolence/bosnia.domesticviol.05.pdf).

23. [www.logir.fo/foldb/lbk/1939/0000215.htm](http://www.logir.fo/foldb/lbk/1939/0000215.htm) (in Danish).

24. <http://dipbt.bundestag.de/dip21/btd/16/005/1600575.pdf>.

37. In **Ireland**, stalking is covered by the Non-Fatal Offences against the Person Act, 1997.<sup>26</sup> Section 10 of the Act provides that any person who harasses another “by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence”. Harassment is defined as the act of a person who, “intentionally or recklessly, seriously interferes with the other’s peace and privacy or causes alarm, distress or harm to the other”. The sentence can be up to seven years of imprisonment or/and a fine not exceeding 1 905 euros.<sup>27</sup>

38. A law on stalking was adopted in **Italy** in 2009 (Law No. 38/2009 of 23 April 2009 on “Urgent measures of public safety to combat sexual violence and persecution acts”).<sup>28</sup> The law introduces Article 612 bis in the Criminal Code and foresees that stalking can be prosecuted only upon the complaint of the alleged victim. The head of the local police administration can admonish the alleged perpetrator. If he/she reiterates his/her conduct, “the crime becomes subject to public prosecution and the sanctions of the crime include imprisonment – from six months up to four years – and the interdiction from visiting places frequented by the victim”.<sup>29</sup>

39. In **Luxembourg**, Article 442-2 of the Criminal Code introduced in 2009 covers obsessional harassment.<sup>30</sup> A sentence from two weeks to two years of imprisonment and/or a fine of 251 to 3 000 euros is foreseen.

40. In **Malta**, harassment is recognised as an offence since 2005. Article 251A of the Criminal Code states that “A person who pursues a course of conduct which amounts to harassment of another person, and which he knows or ought to know amounts to harassment of such other person shall be guilty of an offence under this article”. Article 251B adds: “A person whose course of conduct causes another to fear that violence will be used against him or his property or against the person or property of any of his ascendants, descendants, brothers or sisters or any person mentioned in Article 222(1) shall be guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions, and shall be liable to the punishment of imprisonment for a term from three to six months or to a fine (*multa*) of not less than four thousand and six hundred and fifty-eight euro and seventy-five cents (4 658.75) and not more than eleven thousand and six hundred and forty-six euro and eighty-seven cents (11 646.87), or to both such fine and imprisonment.”<sup>31</sup>

41. In the **Netherlands**, Article 285b of the Criminal Code defines stalking as: “He who unlawfully, repeatedly, wilfully intrudes upon a person’s privacy with the intent to force that person to do something, to refrain from doing something or to instigate fear in that person will be punished as guilty of belonging to a prison term with a maximum of three years or a fine of the fourth category. Prosecution can only occur at the request of the person against whom the crime was committed.” The sentence can be up to three years of imprisonment, and a fine of a maximum of 11 250 euros.<sup>32</sup>

42. In **Norway**, the General Civil Penal Code covers stalking (Chapter 39, s390a): “Any person who by frightening or annoying behaviour or other inconsiderate conduct violates another person’s right to be left in peace ... shall be liable to fines or imprisonment for a term not exceeding two years.”<sup>33</sup>

43. In **Poland**, the parliament incorporated stalking into the Penal Code in 2011, defining the behaviour as persistent harassment, and foreseeing 3 to 10 years’ imprisonment for persistent, obsessive attention and harassment.<sup>34</sup>

44. In December 2010, the **Scottish** Parliament introduced a new offence of stalking as part of the Criminal Justice and Licensing (Scotland) Act 2010. This Act also includes provisions for non-harassment orders.<sup>35</sup> In **England and Wales**, the Protection from Harassment Act 1997 introduced the offence of harassment: section 2 (punishable by up to six months’ imprisonment) created an offence when a person pursued a “course

25. [http://stalking.medlegmo.unimo.it/RAPPORTO\\_versione\\_finale\\_011007.pdf](http://stalking.medlegmo.unimo.it/RAPPORTO_versione_finale_011007.pdf).

26. [www.bailii.org/ie/legis/num\\_act/1997/0026.html#zza26y1997s10](http://www.bailii.org/ie/legis/num_act/1997/0026.html#zza26y1997s10).

27. [http://stalking.medlegmo.unimo.it/RAPPORTO\\_versione\\_finale\\_011007.pdf](http://stalking.medlegmo.unimo.it/RAPPORTO_versione_finale_011007.pdf).

28. De Fazio L. (2011), “Criminalisation of stalking in Italy: one of the last among the current European member States’ anti-stalking laws. Behavioural Sciences and the Law”, 29(2), pp. 317-323.

29. [www.oasisadvocates.org/italy2010.htm](http://www.oasisadvocates.org/italy2010.htm).

30. [www.legilux.public.lu/leg/a/archives/2009/0134/a134.pdf#page=3](http://www.legilux.public.lu/leg/a/archives/2009/0134/a134.pdf#page=3) (in French).

31. [www.legislationline.org/documents/section/criminal-codes](http://www.legislationline.org/documents/section/criminal-codes).

32. [www.wetboek-online.nl/wet/Wetboek%20van%20Strafrecht/285b.html](http://www.wetboek-online.nl/wet/Wetboek%20van%20Strafrecht/285b.html) (in Dutch).

33. [www.ub.uio.no/ujur/ulovdata/lov-19020522-010-eng.pdf](http://www.ub.uio.no/ujur/ulovdata/lov-19020522-010-eng.pdf).

34. [www.arslege.pl/kodeks-karny/k1/s201/](http://www.arslege.pl/kodeks-karny/k1/s201/).

35. [www.legislation.gov.uk/asp/2010/13/section/39](http://www.legislation.gov.uk/asp/2010/13/section/39).

of conduct which amounts to harassment of another, and which he knows or ought to know amounts to harassment of the other". Section 4 created a further offence, punishable by up to five years' imprisonment: "when a person whose conduct causes another to fear, on at least two occasions, that violence will be used against him, he is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of these occasions." As has occurred in other jurisdictions, widespread criticism of the ineffectiveness of the legislation led to its amendment in the Protection of Freedoms Act, passed in May 2012, with the introduction of two parallel offences of stalking. Section 2A lists a number of behaviours ("acts or omissions") which are associated with stalking. Section 4B includes fear of violence, but offers the alternative provision of causing "serious alarm or distress which has a substantial adverse effect" on the victim's "usual day-to-day activities".

45. **Sweden** introduced an anti-stalking law on 1 October 2011. The sentence can include imprisonment for up to 4 years.

## 7. The Istanbul Convention

46. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") marks an important step in combating stalking, since it requires the Parties to establish a criminal offence for stalking.<sup>36</sup> It was opened for signature on 11 May 2011 and, to date, four States (Albania, Montenegro, Portugal and Turkey) have ratified it and 25 have signed it.

47. However, the convention allows for the possibility to make reservations to this provision (Article 78.3), since some member States prefer to attach non-criminal sanctions to stalking.

48. The Istanbul Convention provides a definition of stalking as "repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for his or her safety". Its explanatory report complements this definition.

## 8. Police response

49. The consequences of stalking can be serious, with a high rate of psychological sequelae and violence, occasionally fatal. However, the level of police response and degree of investigation often appears to be disproportionately limited. This in turn leads to a problematic level of under-reporting of stalking to the police. Until recently, stalking was not taken seriously by the police and many public officials. The only European, cross-national comparison of attitudes of front-line police officers to stalking and their recognition of the behaviour was conducted by the Modena Group.<sup>37</sup> The study involved Belgium, the Netherlands, Italy and the United Kingdom. It found that awareness and understanding of the problem of stalking was relatively poor in the countries under study. In addition, understanding of what constituted stalking might vary from country to country. The conclusion was that there remains an important need for training police officers in recognising stalking and the dangers it can bring. However, such training is generally uncommon across Europe.

50. To a degree, the lack of appreciation of the dangers of stalking is not surprising. In the United Kingdom, for instance, stalking has been dealt with by domestic violence teams, although the majority of stalking cases have nothing to do with domestic violence and the risk factors are different. Dealing with stalking cases involves an important prevention role, whereas the police are more used to responding to cases where physical violence is used. They have a more limited margin of appreciation. The traumatic consequences of stalking on its victims are chronic and, where there is no physical violence, psychiatric injury is often undetectable to the untrained eye. A court cannot readily see the emotional scars left on victims' minds and neither can police officers. This has a tendency to make stalking an invisible crime.

51. The principles of the European Convention on Human Rights (ETS No. 5) would suggest that the level of intrusion and interference with citizens' rights by the police should be proportional to the matter being investigated and to its seriousness. However, this does not occur consistently in stalking cases. In the majority of such cases, stalking is regarded as a contributory factor or particular facet of another substantive crime, rather than being regarded as the substantive crime itself. The pattern of persistent, fixated and intrusive

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36. [www.coe.int/t/dghl/standardsetting/convention-violence/thematic\\_factsheets/Stalking\\_EN.pdf](http://www.coe.int/t/dghl/standardsetting/convention-violence/thematic_factsheets/Stalking_EN.pdf).

37. Modena Group on Stalking, *Female Victims of Stalking – Recognition and intervention models: a European Study*. Franco Angeli, Milan.

behaviour which characterises stalking and distinguishes it from other types of antisocial behaviour, is not recognised as an indication of high risk. By contrast, in cases where there is a robust police response with the risks, patterns and offence of stalking having been adequately identified, there is a greater opportunity to prevent a serious and possibly fatal outcome for the stalking victim, thereby fulfilling the State's duty in respect of the Convention.

52. Effective stalking investigations by the police consistently have the same qualities: a robust, multi-agency approach, early arrest of the suspect, psychiatric assessment of the offender, effective identification, assessment and management of risks, intensive police supervision and strong strategic leadership policy subject to independent scrutiny.

53. In the United Kingdom, some screening tools have been developed to help the police in identifying high risk cases, such as the Stalking Assessment Screen<sup>38</sup> and the Risk Checklist for Stalking Cases.<sup>39</sup> However, such instruments are inconsistently applied within the United Kingdom.

54. In the United Kingdom, there appear to be pockets of good police practice responding to reports of stalking. Yet, despite national and local best practice advice and specific policies and procedures, many victims report that the service they receive from their local police force is a matter of luck. Similar issues have been described in the Netherlands, with police response being affected by the attitudes of individual officers to stalking, and by limited resources, stalking not being considered a priority.<sup>40</sup>

## 9. Support services for victims

55. There are victim support services in most countries aimed at helping people who have been victims of crime. Victim Support Europe, a network of 26 non-governmental victim support organisations in 21 European countries, aims to help victims of crime in general. In addition, there are specialised anti-stalking charities and help organisations in a number of European countries, such as Italy and the United Kingdom.

56. In a 2009 study of 1 964 stalking victims in the United Kingdom, participants were asked what they would like to see provided for victims of stalking. The main findings were that victims wished to be believed, they wanted a Helpline to provide practical advice and they wanted members of the public to be more aware of stalking. The National Stalking Helpline was set up in the United Kingdom in April 2010 after a campaign by the charities Suzy Lamplugh Trust, Network for Surviving Stalking, and Protection Against Stalking. It is the only national helpline in the world specifically dedicated to providing expert guidance, information and support to stalking victims and those close to them. The Helpline is managed by the Suzy Lamplugh Trust, a charity with over 25 years' experience supporting, educating and campaigning to promote a safer society.

57. The Helpline offers expertise and guidance on topics including criminal and civil legislation, how to gather evidence, personal safety and what to do when reporting harassment to the police. The Helpline also has a single point of contact officer in all police forces in the United Kingdom to whom it can refer high-risk cases, if a victim is not receiving an adequate response. Early intervention in stalking cases is vital and gives victims the best chance of protection. Helpline staff talk to victims about possible strategies for dealing with stalking, thereby reducing their risk of serious psychological or physical harm.

58. The Helpline has been able to build a unique database which reflects the problems, needs and difficulties faced by victims of stalking in the United Kingdom. The National Stalking Helpline provides support to both men and women. Their current statistics show that 78% of the victims who turn to them are female and 20% are male. As has been found in other stalking studies, only a minority of stalkers are ex-partners (38%), emphasising that this is a separate issue from that of domestic violence. Between April 2010 (when the Helpline launched) and October 2012, guidance and assistance was provided to more than 4 700 victims of stalking.

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38. [www.stalkingriskprofile.com/stalking-risk-profile/stalking-assessment-screen](http://www.stalkingriskprofile.com/stalking-risk-profile/stalking-assessment-screen).

39. De Fazio L., Merzagora Betsos I., Sheridan L.P. and Sgarbi C. (2012), Stalking and Risk of Violence, Final Report: A Risk Checklist for Use in Stalking Cases. Presidenza del Consiglio dei Ministri Dipartimento per le Pari Opportunità. [http://wop.ing.unimo.it/Stalking\\_and\\_risk\\_of\\_violence-Final\\_Report.pdf](http://wop.ing.unimo.it/Stalking_and_risk_of_violence-Final_Report.pdf).

40. Van der Aa S. (2010), *Stalking in the Netherlands: nature and prevalence of the problem and the effectiveness of anti-stalking measures*, Maklu, Apeldoorn, pp. 168-9.

## 10. Rehabilitation programmes for stalkers

59. Measures for the protection of the victim, criminal sanctions and treatment for the stalker complement each other. Legal sanctions alone may be ineffective in preventing stalking because, in the absence of treatment, the fundamental problems driving the stalker remain unresolved. Incarceration of the stalker may provide only temporary relief for the victim as, in most jurisdictions, this form of offence typically results in relatively brief periods of imprisonment, often of less than a year. This leaves the victim dreading a resumption of the harassment when their tormentor is released back into the community. Such fear is often warranted, as few stalkers receive any treatment whilst in custody which could lead them to stop stalking.

60. A substantial minority of stalkers are suffering from psychotic illness, most commonly schizophrenia. Where the victim is a public figure, such cases may form the majority. When mental illness is present, treatment of stalkers involves pharmacotherapy by psychiatric services. However, the mainstay of treatment for non-psychotic stalkers are programmes of psychological intervention.<sup>41</sup> These depend on the accurate assessment of a range of different risks and on the identification of psychological deficits in the stalker.

61. Stalking behaviour is influenced by internal factors in terms of core beliefs or schemas about the way the world works, by skills deficits and by contextual factors. Distorted beliefs and biased cognitive operations typically include an exaggerated sense of entitlement, a belief that the stalker is owed something by the victim and a belief that their own rights are paramount. This is often accompanied by a conscious disregard for the victim, or a lack of concern as to the consequences of their behaviour. Skills deficits may make the identification of alternative strategies difficult or make accurate perceptions of, and reactions to, problems more difficult: such deficits include poor verbal or social skills, difficulties with conflict resolution or problem solving, and problems with emotional regulation or coping with stress. Contextual factors may contribute to, or maintain, the stalking behaviours: victim response, continued enforced contact (for example custody arrangements, legal disputes), shared interests or employer, police responses, peers and family supportive of the stalking behaviour, unemployment allowing time for stalking, or homelessness leading to a return to the victim's location. Identification of these factors is important in the management and treatment of stalkers.

62. A modular treatment programme is tailored to an individual stalker's needs. "Stages of change" form a useful framework for shaping the delivery of treatment, which is best undertaken within the problem behaviours model. In most cases, treatment needs to take place, at least initially, on a compulsory basis, for instance as a condition for a parole or bail. Treatment requires personnel with special training in stalking risk assessment and treatment. This is best accomplished in specialist settings, and the establishment of specialised stalking clinics involving psychiatrists and psychologists, with close links to the criminal justice system, is generally advocated, with examples of such clinics being the Melbourne Problem Behaviours Clinic<sup>42</sup> in Australia and the National Stalking Clinic in the United Kingdom.<sup>43</sup> However, there appear to be no specialist facilities for the treatment of stalkers in Europe, other than the National Stalking Clinic, although there is a walk-in advice centre in Berlin.<sup>44</sup>

## 11. Awareness-raising amongst the general public

63. The Council of Europe launched its "No hate speech movement" on 21 March 2013, a campaign with the objective to raise awareness of hate speech online and the risks it poses for democracy and young people. It also aims to reduce the levels of acceptance of online hate speech. The campaign, which will continue until April 2014, is against hate speech online in all its forms, including those that most affect young people, such as cyber-bullying and cyber-hate, and could therefore also complement awareness-raising efforts on stalking.<sup>45</sup>

64. A number of non-governmental organisations have been set up with a view to supporting victims, advocating the strengthening of the legal and policy framework and raising awareness on stalking amongst the general public. In Italy, the Foundation Double Defence (*Doppia Difesa*) conducts awareness-raising campaigns. In the United Kingdom, the Network for Surviving Stalking (NSS) was set up in 2000 by a high-

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41. MacKenzie R.D and James D.V (2011), "Management and treatment of stalkers: problems, options and solutions", *Behavioral Sciences and the Law*, 29(2), pp. 220-239.

42. Warren L., MacKenzie R., Mullen P.E. and Ogloff J.R.P. (2005), "The problem behaviour model: the development of the stalkers clinic and a threateners' clinic", *Behavioral Sciences and the Law*, 23, pp. 387-397.

43. [www.beh-mht.nhs.uk/mental-health-service/mh-services/national-stalking-clinic.htm](http://www.beh-mht.nhs.uk/mental-health-service/mh-services/national-stalking-clinic.htm).

44. [www.stop-stalking-berlin.de/](http://www.stop-stalking-berlin.de/).

45. [http://act4hre.coe.int/no\\_hate/No-hate-speech-movement/The-Campaign](http://act4hre.coe.int/no_hate/No-hate-speech-movement/The-Campaign).

profile victim of stalking. The NSS contends that the most common phrase heard from victims is “If only I had realised what was happening earlier”. From the NSS’s experience dealing with stalking victims over the past ten years, there is a significant time delay before someone seeks help. It usually takes a while before a victim identifies the behaviour they are experiencing as stalking. This delay puts lives at risk.

65. Everyone agrees that appropriate early intervention in any stalking case is likely to result in the best outcome for all involved. But there is a considerable amount of work to be undertaken before victims recognise and report stalking behaviour as soon as it arises. There is a need to educate, change attitudes and break down the myths about stalking. Educating the public will save lives.

66. Listening to a stalking victim or their relative tell their story goes a long way to educating anyone about this crime. People realise that stalking can happen to anyone, anywhere. It could be their daughter, son, sister, brother, wife or husband who is affected. Some victims are not ready to speak about it – almost everyone wants to be anonymous.<sup>46</sup> Warning the public about the dangers of stalking is complex. Often recipients of stalking behaviour will feel paranoid that they are “making a fuss over nothing”. Many initially feel embarrassed or ashamed about what is happening as opposed to frightened or terrified – those feelings come later. Unlike other crimes, where someone is physically assaulted for example, it takes time to realise one is the “victim” of stalking and what the person is doing could be against the law. Consequently, the most efficient awareness-raising campaigns aim at targeting people who do not think of themselves as “stalking victims”.

67. The NSS has targeted all its awareness-raising campaigns at the general public, in the belief that this is the best way to reach potential victims and the individuals who help them: police officers, probation officers, social workers, court staff, etc. The NSS also aims to get family, friends, neighbours and co-workers to recognise stalking and understand how serious it is. Raising awareness is an enormous task; it means changing society’s attitudes towards stalking.

68. The NSS has produced “Trust Your Instinct” – a web-based campaign that acknowledges people’s natural tendency to downplay the seriousness of a situation. Most people do have an “instinct” that something is not right. “Trust Your Instinct” is about getting people to listen to their “internal alarm bell” or survival instinct, as it could save their life. The campaign website<sup>47</sup> features a short film and details of the Stalking Risk Checklist produced by Drs Lorraine Sheridan and Karl Roberts. It encourages people to identify stalking behaviour, assess how serious the situation is (a victim’s own fear is often the best indicator) and then, if appropriate, report it to the police.

69. There is no denying the media has a crucial role to play in raising awareness about stalking and “human stories” are often the best way to convey the horrific reality of the crime. However, unhelpful reporting spreads myths about stalking that can add to the suffering of victims and even put lives at risk. Some journalists can fail to appreciate that anyone speaking out about their stalking case could be putting their safety at risk. Journalists should carry out a proper risk assessment – disguising a victim’s identity where possible. They also need to understand that, for many victims, stalking is never “over” – the fear never disappears.

70. Editors often only use stories where the case has been before the courts and there has been a conviction. Stalking however is a hugely under-reported crime and many cases investigated by the police do not proceed due to a lack of evidence. Most stalking cases are hugely complicated and lengthy – very few make easy feature pieces or sound-bites for the news. Frustrating for the media it may be, but the situation severely restricts the number of stalking cases the public hears about. Perhaps the lack of “straightforward” cases involving “ordinary people” explains the acres of coverage of celebrity stalking cases in the mainstream media – perpetuating the myth that stalking is primarily a problem for celebrities.

## 12. Conclusions

71. Stalking, which is the repeated unwanted intrusion of one person into the life of another, is about taking control over someone else’s life. It is a pattern composed of a repetition of behaviours which can be difficult to recognise if taken separately. Cyberstalking is a form of stalking which is increasing with the development of new technologies.

72. Stalking occurs everywhere, at home, at work or in the street, but it has not yet been widely qualified as a criminal offence. It remains a neglected phenomenon since it is minimised and appears invisible.

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46. [www.trustyourinstinct.org](http://www.trustyourinstinct.org).

47. Ibid.

73. However, stalking can have dramatic consequences and lead to further violence, including death. Victims of stalking suffer devastating psychological trauma and do not yet have access to specific support services in the majority of Council of Europe member States.

74. Often, victims do not consider themselves to be at risk or hesitate to report stalking, unaware of the danger and the gravity of the events.

75. Adopting specific anti-stalking legislation is a first step to combat stalking. The move to name stalking as a criminal offence marks a significant cultural and political shift in attitudes toward this crime. I therefore wish to urge member States who have not yet done so to qualify stalking as a criminal offence.

76. An anti-stalking law could include the following elements:

- Definition of stalking: A starting point would be the definition presented in the Istanbul Convention: “The intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety” (Article 34). It should stress the intent and the fear of violence for the person who is the object of stalking or his/her relatives and the impact on daily life. The definition could be complemented by the following elements drawn from the explanatory report on the Istanbul Convention:
  - repeatedly following another person;
  - engaging in unwanted communication with another person;
  - letting another person know that he or she is being observed
  - physically going after the victim;
  - appearing at her or his place of work, sports or education facilities;
  - following the victim in the virtual world (chat rooms, social networking sites).
- Stalking as a criminal offence: The law would foresee that the offence of stalking/ cyberstalking could be punishable with a term of imprisonment of up to five years, in addition to a fine.
- Protection of the victim: A restraining order on the stalker could be imposed by the law in order to protect the victim.
- Prevention of stalking: The law would also stress the importance of prevention efforts. Awareness-raising campaigns on stalking could accompany the entry into force of such law.

77. In addition, there is an urgency to educate and change attitudes about stalking. One of my main recommendations is therefore to raise awareness about this phenomenon amongst legislators, police and the general public, including at school.

78. The media can also play an important role in raising awareness on stalking. However, too often, victims of violence can face additional risks when exposed in the media. I would encourage the development of media guidelines on how to deal with cases of domestic violence and violence against women, including stalking, in order to ensure an optimum protection of the victims.

79. There is a gap in research on the prevalence of violence against women, including stalking, in Europe. Data collection on stalking remains a challenge, since it is not widely recognised as a danger. I would therefore also recommend the conduct of research on stalking in the Council of Europe member States. I am convinced that evidence of the extent of the problem would be a powerful motivator to governments and criminal justice agencies to respond to the problem of stalking.

80. Victims should be encouraged to report stalking to the police in its early stages in order to prevent further violence. In order to improve the understanding of stalking and the quality of support provided to the victims of stalking who go to the police, police officers should undergo specific training.

81. Support services for victims, such as helplines, are essential and sufficient funding should be allocated for their creation and functioning. Staff working in these structures should also receive appropriate training.

82. Rehabilitation programmes for stalkers complement efficiently legal sanctions, with a view to prevent re-offending. Member States should start reflecting on how this kind of programme could be implemented at the national level.



83. Stalking is not a fatality and can be prevented. As parliamentarians, we have the responsibility to condemn stalking and to increase our efforts to combat this plight. In doing so, we will be able contribute to save thousands of lives and make the lives of those who survive stalking more bearable.