



DOMAIN DOMESTIC VIOLENCE

Measures to Combat Stalking: Overview of National and International Models Used in Practice

Summary

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Domestic Violence Service

Measures to Combat Stalking: Overview of National and International Models Used in Practice

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commissioned by the
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1 Background

On 11 December 2014, National Councillor Yvonne Feri submitted her postulate “Improving ways to combat stalking in Switzerland” (Po. 14.4204), which called for a report on successful national and international measures to combat stalking as well as for the development of a national strategy to curb stalking in Switzerland. In its response published on 11 February 2015, the Swiss Federal Council accepted the first point of the postulate (report) and rejected the second point (national strategy). The National Council followed the Federal Council.

Tasked with producing the report, the Federal Office for Gender Equality (FOGE) issued a call for tenders in November 2015 for a research report required to meet the twofold objective of providing an overview of successful measures adopted in the fight against stalking in Switzerland and abroad in addition to documenting the concrete impact of effective measures as examples of good practice. The FOGE commissioned the Office for Labour and Social Policy Studies (BASS) to prepare the research report. It was completed at the end of March 2017.¹ This report served as the basis for the Federal Council report.²

2 Focus of the investigation

The research report employs a broad definition of stalking:

“Stalking refers to all forms of variously motivated, repeated and continued persecution, harassment or threats in a wide range of relationship constellations, which acts are perceived by the victim as unwanted or a violation of boundaries, induce fear or anxiety in the victim and threaten or harm the latter at a mental, physical and/or social level.” (Research report, chapter 2.1)

Accordingly, the investigation takes into account all relevant forms of stalking. First, stalking in connection with domestic violence (in particular in separation situations and perpetrated by ex-partners) as well as in other contexts (e.g. stalking by neighbours, clients, work colleagues). Second, stalking incidents involving criminal behaviour, and so-called “soft” stalking. While this latter category can also impinge on the victim’s quality of life, it does not normally warrant criminal charges, since the individual acts lie below the threshold of what constitutes a punishable offence.

The report also addresses victim support measures and programmes to hold stalkers accountable for their actions. Furthermore, the investigation focuses on adult perpetrators and stalking victims; children and young people are referenced solely in terms of their role as affected parties or secondary stalking victims. National and international legal frameworks do not feature prominently in the research report as they are being addressed under concurrent Federal Department of Justice legislative procedures.³ Anti-stalking legislation measures at cantonal level are analysed.

3 Method

The researchers employed a **literature and document analysis** to examine the available prevalence studies on stalking and evaluate specialist and research literature

¹ Egger, Theres, et al. (2017). Measures to combat stalking: overview of national and international models used in practice. Research report commissioned by the Federal Office for Gender Equality (FOGE), Berne. (Full version in German or French only)

² Federal Council (2017). Combating stalking. Survey of measures adopted in Switzerland and abroad. Report of the Federal Council in fulfilment of the Feri postulate (14.4204) of 11 December 2014, 11th October 2017 Berne. (Ger/Fr)

³ Federal Council (2017). Dispatch on the Federal Act on the Improvement of Protection for Victims of Violence, 11th October 2017 Berne. (Ger/Fr)

with regard to definitions, manifestations and consequences of stalking as well as potential approaches to combating stalking.

For the purpose of analysing the **situation in the cantons**, written questions were sent to the cantonal offices responsible for anti-stalking measures and to the cantonal victim support centres set up under the Victim Support Act (VSA). 25 of the 26 cantonal offices and 28 of the 44 victim support centres from 24 cantons responded to the survey.

For the investigation of the **situation abroad**, countries with specific documented anti-stalking measures in place were selected (USA, Canada (Quebec), Australia, UK, Ireland, Germany, Austria, Belgium, Italy, Denmark and the Netherlands) and systematic literature and Internet research was carried out.

Drawing on this material, the researchers singled out **pioneering measures** from the cantons and gleaned further information on the basis of documents and discussions with suitable sources. Exemplary measures implemented abroad were likewise documented in greater detail.

In conclusion, the researchers interviewed various **experts** to explore and verify the findings.

4 Extent and consequences of stalking

Owing to the different definitions and survey methods used, the findings of studies on the scale of stalking also vary. Nonetheless, it can be said that some 15–18 percent of women and 4–6 percent of men have been stalked in some form in their lives. If stalking is more narrowly defined as behaviour which manifests in a specific frequency over a longer period and instils a fear of serious violence in the victim, the prevalence rate is at approximately 8 percent for women and 2 percent for men. There have been no representative studies of the scale of stalking among the general population in Switzerland. Since stalking does not constitute a criminal offence in its own right in Switzerland, official crime statistics and victim support records do not provide any figures to indicate how widespread it is.

The majority of stalking victims are women. Conversely, the proportion of male perpetrators is put at between 63 and 85 percent, depending on the study. Women are predominantly stalked by men, and men to an approximately equal degree by women and men.

Stalkers are usually known personally to their victims. A large proportion of stalking incidents (30–50%) are committed by ex-partners. Perpetrators can also be people from work, family members, neighbours or casual acquaintances. Stranger stalking is rare.

Stalkers may be motivated by a relationship dynamic (love, affection and/or reconciliation) or a desire for revenge (brought about by hurt feelings, jealousy, or a wish to exercise control and power over the victim). It is more seldom the case that stalkers have a psychiatric disorder. Many stalkers are repeat offenders (up to 50 percent of cases).

Generally speaking, women and men in all age brackets and social classes can be affected by stalking. However, women, young people, persons in the public eye, and professional groups in close contact with other people (doctors, psychologists, lawyers, teachers, journalists) are more at risk. Stalking frequently occurs in or after separation situations.

Depending on the duration and severity of the stalking campaign, victims may suffer physical and/or psychological effects (post-traumatic stress disorders, depression, generalised anxiety disorders and psychosomatic illnesses) and be impeded in their professional and social development (job loss, relocation, social withdrawal). The children of stalking victims run the risk of being instrumentalised to serve the stalkers'

interests. Even where this does not happen, the children will suffer under the emotional burden borne by the stalked parent and may show signs of anxiety and experience developmental impairments.

5 Anti-stalking measures

Based on the findings of the stalking research, the measures adopted in Switzerland and abroad are divided into eight areas. The situation abroad is outlined first, followed by a review of the status quo in Switzerland.

5.1 Legal framework

Since the 1990s, numerous Western countries have introduced provisions for the criminal prosecution of stalking, either in separate anti-stalking laws or in the form of one or more articles in the penal code. The majority of countries also have civil law instruments in place to protect against stalking.⁴ There is some heated debate in the literature on the significance and effectiveness of specific anti-stalking criminal provisions. However, research into existing measures at an international level suggests that establishment of a distinct and separate offence – regardless of its litigability and aside from any symbolic impact – often gives rise to the development and delivery of specific measures and facilities designed to support stalking victims as well as bring stalkers to accept responsibility for their actions.

In common with the majority of other states, Switzerland has civil law instruments in place to protect stalking victims, but does not consider stalking per se a criminal offence in its own right: Individual stalking acts are recognised as punishable offences – e.g. threatening behaviour (Art. 180 Swiss Criminal Code (SCC)), coercion (Art. 181 SCC), unlawful entry (Art. 186 SCC) – but the collective effect of various (including non-punishable) acts is not.⁵

A number of cantons have enacted legislative measures to afford better protection to stalking victims and also hold stalkers accountable for their actions, even in stalking cases not involving criminal acts. In some cantons, a police protection order can be issued expressly in cases of stalking. Other cantons have extended police powers to prevent and protect against violence (“predictive policing”). Preventive police measures (e.g. cantonal threat management programmes) designed to engage with persons posing a threat frequently prove effective against stalking.

5.2 Coordination and cooperation structures

The USA, Denmark and Italy are among the countries that have set up national public or non-governmental anti-stalking agencies or centres of excellence. Their remit takes in conducting research, documenting legislation and measures, developing anti-stalking strategies, sensitising and training specialist personnel, and raising public awareness. Various countries (e.g. Canada, UK and Germany) have set up specialist units within their criminal prosecution agencies and tasked them, for instance, with case management, sharing information, and coordinating procedures. Victim counselling centres, stalker programmes, forensic psychiatric services, etc. may also fall within their purview.

⁴ An overview of anti-stalking provisions and other measures in force abroad can be found in Annex III of the research report.

⁵ Under certain conditions, typical stalking behaviour constitutes the offence of coercion, as established by the Swiss Federal Supreme Court in its decision (BGE 141 IV 437) of 2 December 2015.

Switzerland's coordination and cooperation structures in the areas of domestic violence as well as violence and crime prevention also address the issue of stalking. Task forces, conferences and specialist units are responsible for promoting and coordinating measures at the strategic level. The cooperation structures set up at cantonal and city level to deal with individual cases of violence include intervention agencies, round tables, special police units and, in several cantons, threat management programmes. Switzerland does not as yet have central units assigned to bundle stalking data and promote stalking knowledge and expertise among the different actors (criminal prosecution agencies, child and adult protection authorities, counselling centres, etc.).

5.3 Victim support

Various countries offer specific stalking advisory services – usually embedded in the established victim support structures – such as psychosocial assistance, safety recommendations, threat assessments and legal advice, as well as information and support after the stalker has been issued with a restraining order, reported or arrested. These services are supplemented by specific therapeutic programmes, guidelines for working with victims and, in several countries, national helplines providing victims with an easily accessible window to initial advice and information.

In Switzerland, the victim support centres set up under the VSA in every canton are available to victims of stalking. Individual victim support centres use specific tools (structured discussions, leaflets, threat assessment instruments) when counselling victims. People affected by stalking in a partnership or after a separation can also turn to the counselling and support structures for victims of domestic violence (specialist units, women's refuges, etc.) in place in most cantons.

In 2010, the city of Berne opened a counselling centre to provide stalking victims with ready access to specialist advice.

5.4 Children affected by stalking: the specific issues

Children can be directly affected by stalking in that they are misused by stalkers to act as informants, relay messages or are threatened with kidnapping. They frequently suffer if the stalked parent reacts with stress symptoms, anxiety, social withdrawal, etc. Separation stalking is particularly problematic because not only is the escalation potential especially high, but the presence of joint children also makes it difficult or impossible to adhere to the key anti-stalking rules⁶ (no contact, ignore attempts to be contacted). In such cases, in order to curb or put an end to stalking, all involved parties (courts, child and adult protection authorities, lawyers, youth welfare offices and stalking counselling centres) need to cooperate closely. Achieving this cooperation and finding workable solutions for court hearings, custody and visiting rights, etc. are contingent on the specialists involved being sensitised and developing the necessary skills.

5.5 Measures and programmes directed at stalkers

As borne out by empirical evidence abroad, engaging with stalkers at an early stage – in addition to the usual police measures to avert an immediate threat – is crucial and in many cases sufficient to put a stop to the stalking. This may take the form of a preventive police measure, part of victim counselling, or a follow-up to police interventions. Specialised counselling centres help stalkers to confront their stalking behaviour and learn to stop it. In countries with anti-stalking criminal provisions, these counselling sessions and teaching programmes can be part of probation work. Persons with psychiatric disorders and stalkers showing particularly aggressive or dangerous

⁶ A list of the key anti-stalking rules can be found in Annex II of the research report and in the [stalking information leaflet](#) (Ger/Fr/It).

behaviour require special therapeutic programmes such as those developed in Australia, for instance, and used in certain European countries. Germany also has a special training programme designed to combat separation stalking.

Attempts at norm clarification are underway in Switzerland in the form of efforts to engage with persons who pose a threat. This approach is also being adopted by initial cantons in cases of stalking. Following a police intervention in incidences of domestic violence, individual cantons are proactively engaging with threatening offenders in an effort to motivate them to accept counselling or therapy aimed at bringing about a long-term change in their behaviour. There are, however, no structures and measures in place in Switzerland that are specifically aimed at counselling or treating stalkers. The structures available in individual cantons (counselling, teaching programmes to prevent violence in partnerships) can be employed in cases of stalking in separation situations or stalking by an ex-partner. Forensic psychiatric services are available for stalkers with psychiatric disorders.

5.6 Threat management

Threat management is interdisciplinary cooperation aimed at identifying, assessing and, where necessary, defusing threats. The MARAC (multi-agency risk assessment conferences) model has become well established in England and Wales in the context of domestic violence, separation violence, and stalking. It is also used in Germany and Austria. In supra-institutional case conferences for high-risk incidents, information is exchanged between the participating institutions and preventive measures are prepared.

The instruments employed in cases of domestic violence, for instance, have proved inadequate for assessing the risk posed by stalkers. This prompted the development of specific counter-stalking tools, including the Guidelines for Stalking Assessment and Management (SAM) from Canada. They help police, law, healthcare and other specialists to systematically collect the relevant data and use it to make informed risk assessments and decisions for the purposes of case management. The Australian-developed Stalking Risk Profile (SRP) helps medical therapeutic specialists with clinical experience to assess the risk of violence and the likelihood of persistent stalking behaviour as well as develop strategies and treatment goals.

In Switzerland, several cantons have a cantonal threat management⁷ system in place that explicitly includes stalking, or are in the process of creating the necessary structures and procedures. A number of cantons are planning gradual implementation (domestic violence, administrative security and other forms of violence).

The stalking-specific risk assessment and intervention planning instruments developed abroad (SAM and SRP) are being used in isolated instances in Switzerland.

5.7 Information and training for specialists

In several countries, the introduction of civil or criminal provisions was flanked by increased efforts to inform, sensitise and train specialists. This task is assumed by the centres of excellence referred to above (cf. 5.2), as well as by counselling services providers, NGOs or university institutions. They publish guidelines, strategies and recommendations, organise congresses and conferences, and provide tailored training and course packages on stalking and threat management.

There is a need in Switzerland for information and continuing professional development for all specialists directly or indirectly concerned with stalking, i.e. police and public prosecutors, child and adult protection services, legal practitioners, victim support

⁷ Cf. Federal Council (2017). Report of the Federal Council in fulfilment of the Feri postulate (13.3441) of 13 June 2013, "Threat management, in particular in the context of domestic violence", 11th October 2017 Berne. (Ger/Fr)

centres, psychologists and therapists. Sensitisation and training is currently directed mainly at police and victim support specialists and entails integrating the topic of stalking into basic police training, victim counselling curriculums and in-house development programmes, backed up by information sessions and professional tools. However, only some of these training measures are mandatory.

5.8 Information and public relations

Since victim behaviour is a key factor in the fight against stalking, it is crucial to raise broad public awareness of the phenomenon, rules of conduct and support programmes available for those affected.

For some time now, the USA and UK have been running regular information campaigns about stalking. National agencies play a central role here. The principal objective of these public awareness drives is to dispel false perceptions of stalking (“only targets celebrities”, “is harmless”) and to show those affected the best way to behave and where to find support. This promotes early intervention and increases the chances of putting a stop to stalking.

To date Switzerland has not run a nationwide anti-stalking campaign. At the local level, individual media campaigns to sensitise the public have been launched at the initiative of victim support centres. Online material (leaflets, brochures, flyers) aimed at informing the public and specialists alike about stalking has been produced by the Domestic Violence Service of the FOGE, Swiss Crime Prevention (SCP), various victim support centres and individual police services.⁸

5.9 Measures to combat cyberstalking

Cyberstalking, i.e. stalking by means of new communication (and surveillance) technologies, usually accompanies other forms of stalking and is not fundamentally different from offline stalking. However, it is more difficult to combat because, in addition to constituting an act of stalking, it is also a cybercrime and as such represents a violation of data privacy and the protection of personal rights on the Internet. As it is a relatively new and complex phenomenon that is constantly changing, there are very few countermeasures in place internationally. These relate in particular to legislation (provisions on online stalking to supplement existing stalking articles), measures to develop the skills of criminal prosecution agencies and counselling centres, as well as victim counselling and support via information platforms on the Internet.

Although counselling centres in Switzerland are also frequently confronted with cases of cyberstalking, hardly any specialist information or further training opportunities are provided. The Cybercrime Coordination Unit Switzerland (CYCO) and measures in force to protect minors in the media environment and promote media skills among children and young people play a prominent role in preventing and combating the misuse of information and communication technology in general. Various police forces also have cybercrime specialists.

6 Recommendations

Based on the investigation findings on the measures in place and the related experiences, recommendations have been drawn up as to which measures should be implemented more widely in Switzerland to combat stalking more effectively. The following areas were identified:

⁸ Annex IV of the research report contains a list of the material and publications available in Switzerland.

- **Establish a framework of operation** (extend existing police protection measures and preventive policing powers to include stalking; examine criminal law)
- **Develop skills and network actors** (create, consolidate and exchange knowledge; coordinate training)
- **Provide information and training resources for specialists** (promote awareness of stalking and give more powers; sensitise specialists to stalking-specific tools, train and equip them; build up anti-cyberstalking expertise; ensure investigative standards)
- **Protect and support victims** (provide and promote readily accessible information and counselling for all stalking victims; apply specialist knowledge in practice; expand the scope of police prevention work to include non-criminal acts of stalking; provide longer-term protection for victims of stalking by ex-partners; sensitise specialists to the difficulties faced by affected children)
- **Guarantee long-term victim protection and stalker accountability** (broaden the reach of police prevention work to include early intervention and norm clarification; proactively engage with persons posing a threat; build stalking expertise into perpetrator counselling; ensure a coordinated, interdisciplinary approach with input from victim counsellors)
- **Sensitise the broader public** (raise awareness of stalking, its consequences and anti-stalking rules through campaigns and media work).

