

Stalking in Sweden Prevalence and prevention

**The Swedish National Council for Crime Prevention (Brottsförebyggande rådet - Brå)
- a centre for information about crime and its prevention**

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet - Brå) exists to reduce crime and increase the feeling of security in the community. We do this by finding out facts and spreading knowledge about crime itself, the work done on crime prevention and the reactions of the legal system to crime.

Note: The Swedish National Council for Crime Prevention, Brottsförebyggande rådet – Brå, will be called 'the National Council' in this translation.

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Preface

There are people who are repeatedly harassed or persecuted by another person, who threatens them, makes unwelcome visits, phones repeatedly and sends letters or e-mails with offensive contents. This is stalking, and something which has received increasing attention in recent years, both internationally and in Sweden. In order to obtain a better picture of how common stalking is in Sweden and what can be done to prevent it and combat it, the National Council was commissioned by the Swedish government in summer 2005 to produce an information base for stalking. The report was to include a description of the situation both in Sweden and abroad. The report was presented in February 2006. In order that people outside Sweden could read the study, the National Council is having parts of the report translated into English. The translation includes a comprehensive study of stalking prevalence, descriptions of legislation and measures taken by the Swedish legal system.

The report was written by Anna Mia Dovelius and Jonas Öberg, both investigators at the National Council, and Stina Holmberg, Head of Section. Valuable ideas were provided by a consultation group consisting of Gudrun Nordborg, Information Manager at the Crime Victim Compensation and Support Authority, Martin Grann, Head of The Centre for Violence Prevention at Karolinska institutet, Monica Nebelius, Investigations Secretary for the Investigative Committee on Violence and Threats to Elected Officials, Bo Hägglund, Detective Superintendent, National Police Board, and Helena Silfverhielm, Head of Division, the National Board of Health and Welfare.

Stockholm, Sweden, May 2006

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Introduction

The National Council commission

In June 2005, the National Council was commissioned by the Swedish government to produce an information base for stalking. Parliamentary discussions about the need for more stringent legislation for this offence had led to an awareness that more knowledge was required regarding the prevalence and nature of stalking before any decisions on changing the legislation could be taken.

The commission to the National Council called for a description of the phenomenon and its prevalence, and proposals for measures to prevent and combat persecution of this kind. The commission also asked for a description of international experiences in this area. This English translation covers mainly the section of the report which describes the prevalence of stalking in Sweden. A short description is also provided of the relevant Swedish legislation and the ongoing debate about the need for a change in the law. The entire report is available in Swedish on the National Council website. The commission report was submitted to the government on 28 February 2006.

Materials and methods

In order to form a picture of how common stalking is in Sweden, a prevalence survey was carried out among the population. For the survey, 4 000 randomly selected were telephoned and answered questions regarding any experience they may have had of repeated harassment. For the survey, repeated harassment was defined as when somebody has been followed or watched by the same person several times, or has had unwanted visits, telephone calls, letters, e mail, text messages, presents and the like from the same person on several occasions. Those who answered 'yes' were asked follow-up questions regarding the nature and scope of the harassment, its consequences and what measures were taken¹.

As it is reasonable to assume that certain vocational groups are more subject to stalking due to their professions, an Internet-based questionnaire was also used which had essentially the same questions as the telephone interviews. Information about the questionnaire was then sent to every member of parliament, all of the almost 800 prosecutors in the country and all of the over 1 700 members of the Swedish Psychiatric Association. People with experience of repeated harassment in their working lives were asked in the questionnaire to describe what they were subjected to. Members of parliament and prosecutors were contacted by e-mail, psychiatrists by letter².

1 See appendix 2.

2 See appendix 1.

Interviews were also carried out with security personnel at two TV companies and an agency for performing artists, and with three representatives of various sections of the legal system. Three people who were subjected to stalking were also interviewed in depth.

In addition, a comprehensive review was carried out of legislation in Sweden and in countries with special anti-stalking laws. Finally, international studies into this area were also reviewed.

The prevalence of stalking in Sweden

Of the over 4 000 randomly chosen people who took part in the National Council telephone survey, nine percent (362 people) stated that at some time in their lives they have been subjected to repeated harassment by the same person. Three quarters of these were women.

In the countries where special anti-stalking laws are in force, there is usually a requirement that the victim was frightened by the repeated harassment in order for the perpetrator to be convicted of the offence. If the criterion that the victim is to have experienced the harassment as very frightening is added to the National Council survey material, the percentage of victims falls to 5.9 percent of those taking part. The percentage subjected to repeated harassment who experienced it as very frightening was three percent.

THREE PERCENT HAD BEEN REPEATEDLY HARASSED IN THE LAST YEAR

In order to form a better picture of how common this phenomenon is, it is also useful to calculate how many people who have been subjected to repeated harassment during one year. Approximately a third of those who have been harassed, both women and men, stated that this occurred during the last twelve months. A total 2.9 of percent of those surveyed had been harassed during the last year (4.0 percent of the women and 1.6 percent of the men).

If the criterion that the victim is to have experienced the harassment as quite or very frightening is added to the National Council survey material, one percent were harassed during the last year.

Table xx: Percentages of people repeatedly harassed at some time in their lives or during the last year respectively, and who experienced the harassment as frightening.

	At some time in their lives	Last year
Repeatedly harassed	9.0	2.9
Experienced harassment as quite or very frightening	5.9	2.0
Experienced harassment as very frightening	3.0	1.0

THE SWEDISH RESULTS SIMILAR TO THOSE OF EARLIER STUDIES

How do these results compare to those obtained in studies from other countries? There have been two major studies into stalking prevalence, one in the USA and one in England and Wales. The American study was carried out during in 1995–1996 and the definition of stalking used in the study stipulated that the victim must have been harassed by the same per-

son on at least two occasions and been very frightened of being subjected to physical violence.

The British study is from 1998. It used a wider definition and showed how many people had been subjected to “repeated and unwanted attention” at some time in their lives.

The results of these studies indicate that stalking is more or less equally common in all three countries. It is not possible, however, to make a more precise comparison of the results of the three studies since they are not set out in exactly the same way. The population sample differs somewhat and questions regarding what people experienced are not formulated identically in the three studies. Even where the Swedish study has intentionally used the same expressions as in the previous studies, it is still not possible to say with certainty whether the linguistic values of the Swedish versions are the same. This can affect the answers received. Some cautious comparisons can be made, however.

The survey group in the American study covers the same age group as the Swedish one³. Eight percent of these said that they had been stalked in a way which frightened them to some extent (“somewhat or a little frightened”). Five percent had at some time been stalked in a way which made them very frightened, or frightened that they would suffer physical injury, compared to three percent in Sweden. The percentage who had been stalked without being frightened is not indicated.

The British study samples a narrower age range. Those telephoned are 16–59, compared to 18–79 in the Swedish study. The percentage in this survey who answer that they have been repeatedly harassed at some time is twelve percent. If people over 59 are excluded from the Swedish material, the percentage who have been repeatedly harassed increases from 9.0 to 9.9 percent. Without this age group, the percentage who have been subjected in the last year also increases, to 3.6 percent, which is a slightly higher percentage than in England and Wales. If those subjected to harassment are to have experienced it as frightening to some extent, the percentage is slightly higher in the Swedish study than in the British one⁴.

A comparative summary of the results of the three studies is presented in table 3 in appendix 3.

REPORTS OF SERIOUS HARASSMENT ARE FREQUENT

The median number of incidents suffered by women victims was 30 incidents and the median period over which these incidents occurred was six months. The corresponding rate for men was 20 incidents and 5,5 months. With the broader definition of stalking used in this study, one might be led

3) The American study, however, did not have an upper age limit. About two percent of those interviewed in this study were 80 or older.

4) In the Swedish study: inte särskilt skrämmande, ganska skrämmande and mycket skrämmande. In the British study: “a little distressed”, “fairly distressed” and “very distressed”.

to believe that many of the respondents would include more trivial incidents. The respondents, however, seem to have had their own understanding of which situations were relevant, and have reported more serious experiences than just one or two incidents of mildly frightening harassment. There were in fact only ten people of all the respondents who said that at some time in their lives they have been subjected to non-frightening harassment by a person on two–four occasions. This was despite the fact that such experiences ought to be more frequent than those which occurred on a higher number of occasions. Almost everybody who said that they have been harassed has thus said that it was on at least five occasions.

MOST COMMON TO BE HARASSED BY SOMEONE KNOWN

In most cases in the Swedish survey, the victim knew the perpetrator⁵ in some way. In a quarter of cases this was a partner or ex-partner, and in almost a quarter of cases some other private relationship was involved. A tenth of the respondents had been subjected to repeated harassment by a work colleague or fellow student, and six percent had been harassed by somebody who they came into contact with through their work. Approximately one third of the respondents stated that they had been harassed by someone unknown or that they had no idea who it was.

In the following section, the survey material has been divided into three categories based on the victim's relationship to the perpetrator:

- “*Close relationship*” – refers to those people at which violation of integrity legislation is aimed, i.e. current or ex-spouse or live-in partner, girlfriend/boyfriend or partner one has not cohabited with, parents/step-parents, siblings, children and other close family members.
- “*Other relationship*” – refers to friends, acquaintances, casual sexual partners, neighbours, relatives other than family members, and current or previous work colleagues, fellow students or the like.
- “*Unknown/stranger*” – includes both those who are aware that the stalker is unknown to them and those who do not know what relationship they have to the person.

In the continued presentation of results, the small group harassed due to their work has been excluded. This category of stalking is described instead in the section showing the results of the special questionnaires sent to members of parliament, prosecutors and psychiatrists.

5) The National Council has chosen to illustrate the stalking phenomenon based upon one individual harassing another individual. The main reason for this is that international stalking research normally focuses upon this definition. It should be pointed out, however, that a single victim may be stalked by more than one perpetrator, and that one stalker may have more than one victim.

Table xx: The harassed person's relationship to the perpetrator; percent (n=325⁶)

	Percentage
"Close relationship"	28
"Other relationship"	33
Contact through work	6
"Unknown/stranger"	34
Total	100

The results indicating the perpetrator's relationship to the victim are largely the same as in the British study. In that study as well, the stalker is a stranger to the victim in a third of the cases. The percentage of the respondents who have been stalked by a stranger is lower in the American study – under a quarter – while the percentage who have been stalked by a partner or ex-partner is higher. This is most likely due to the narrower stalking definition used in the American study which excludes less serious cases and in these cases it is more usual that the stalker is an unknown (see below).

RESPONSES INCLUDE EVERYTHING FROM INCONSIDERATE SMOKING TO RAPE AND KIDNAPPING

Apart from a number of specific questions about different forms of harassment, those surveyed were also asked if they had been harassed in any other way. The answers show how varied the nature of stalking is when the only common factor is repeated harassment. One respondent said that the person who harassed her stood on his balcony smoking although this was not allowed and that she was allergic. Another said that she had been threatened with weapons and raped, and that her son had been kidnapped.

THE CLOSER THE RELATIONSHIP, THE MORE THE VICTIM IS HARASSED

Table 4 below shows that persecution in all groups almost always includes harassment in the form of telephone calls, e-mails or letters. Over 90 percent of victims have been subjected to this.

On the other hand, the degree to which stalking included the physical presence of the perpetrator varied between the groups. Victims who had a previous "close relationship" to the perpetrator were most subjected to stalking which included physical persecution, threats and violence. In nine cases out of ten, they had been subjected to harassment of the kind where the stalker had been with the victim or close by. Examples of such kinds of harassment are visits to the home, workplace or other places the victim

6) Of the 37 people who did not answer the question, 27 stopped the interview after the first question. In the other ten cases, the interview was ended before the question regarding relationship to the perpetrator since the person was subjected to fewer than five incidents which were not considered especially frightening.

usually goes, damage to the victim’s property, persecution of the victim outdoors or the stalker marking his/her presence by leaving things for the victim to find.

Following people when they are outdoors or marking their presence by leaving things for the victim to find is behaviour often associated with the concept of stalking. In “close relationships”, six out of ten had experience of such harassment.

Table 4: Different forms of harassment according to type of relationship between victim and perpetrator; in percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/stranger” n = 108	All n = 304
Harassment by telephone, e-mail or letters	100	87	87	91
Harasser physically present	89	77	41	68
Telephone contact only	3	5	29	13
Harasser follows or marks presence	60	34	24	38

Two thirds of those with a “close relationship” to the perpetrator had been threatened and over half had been subjected to violence.

A majority of victims in all groups have been quite or very frightened by the harassment. The percentage who have been very frightened was greater, however, among the victims who had a “close relationship” to the perpetrator. There was also a greater percentage of the group who said that harassment had generally affected their lives to a large extent.

Table 5: Exposure to violence and threats of violence, and experience of harassment, according to type of relationship between victim and perpetrator; percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/stranger” n = 108	All n = 304
Subjected to threat of violence (self or close relative)	67	44	30	46
Subjected to violence (self or close relative)	56	16	8	25
Experienced harassment as quite or very frightening	78	69	70	72
Experienced harassment as very frightening	46	37	32	38
Harassment has generally affected life to a very great extent	45	26	14	27

Generally it can be said that the closer the relationship is to the person doing the harassing, the more frightening the harassment is experienced by the victim. This pattern is also repeated within the group “close relationship”. People who had been harassed by a then current or previous partner they had lived with, experienced harassment as very frightening to a greater extent than when the partner was one with whom they had not lived.

These people in turn experienced harassment more often as very frightening than those who had been harassed by a parent/step-parent, sibling, child or other close family member. Those who had been married to or lived with the perpetrator also had property damaged, had been followed outdoors and had their lives observed to a greater extent⁷.

Those interviewed were also asked if they had been subjected to forms of harassment other than those they had answered specific questions about⁸. The interviewers then briefly noted down the more concrete descriptions of harassment provided by some of the people interviewed. Here are examples from those with a “close relationship” to the perpetrator:

“followed me in his car”, “he has locked me in”, “threatened/largued”, “assaulted both me and the children”, “mental terror”, “assault and arson”, “shouted swear-words at me in town”, “frightened the children”, “blows and threats”, “constantly watching”, “forced contact”, “provoked into a meeting”.

STALKING IN OTHER RELATIONSHIPS

The pattern of stalking when the victim had some “other relationship” to the perpetrator⁹ had similarities to that which occurred when the victim and perpetrator had a “close relationship”. But there were also differences.

For both groups, the pattern of harassment normally meant that the perpetrator was physically present in the situation; persecution solely by telephone contact was unusual. However, it was less common that the perpetrator literally persecuted or threatened the victim in cases where they had not had a “close relationship”. Neither had most of them been subjected to violence. The percentage who said the harassment generally affected their lives to a great extent was also smaller¹⁰.

The descriptions noted down were of a very varied nature, ranging from incidents which appeared to be very nasty and unpleasant to incidents which left a less serious impression (at least when described in this short form). That the incidents were so varied was probably partly due to the relationships between victims and perpetrators being of very different kinds, from a casual sexual partner to a neighbour, work colleague or distant acquaintance. Some examples:

“tried to sabotage my work”, “just stood on the balcony and screamed”, “breathed heavily down the phone”, “ruined my car and garden”, “complained for no reason”, “drove over my dog”, “called the police for no reason”, “negative comments and remarks”, “shouting in the town”, “dirty suggestions”, “silent on the phone”, “frozen out”, “threatened with a weapon twice”.

7) See table 12 in appendix 3.

8) See appendix 2.

9) Friend, acquaintance, casual sexual partner, neighbour, relative other than family member, current or previous work colleague, fellow student or the like.

10) See table 14, appendix 3.

STALKING BY AN UNKNOWN IS OFTEN OF A LESS SERIOUS NATURE

Many people connect stalking with being persecuted by a stranger in a frightening manner¹¹. From the National Council survey, one can draw the conclusion that that 2.7 percent of the population at some time in their lives on repeated occasions have been harassed by an unknown person. One percent of the respondents had been subjected to such persecution during the last year.

On the other hand, the fact that the person is a stranger does not mean that victims have been especially frightened or affected compared to those victimised by somebody they know. The percentage who have been very frightened was lower than among those in “close relationships”, and the percentage who thought that the harassment affected their lives to a great extent was significantly lower than among both those in “close relationships” and in “other relationships”. This could be due to the fact that when the stalker is unknown or a stranger, it is much less common that he/she has physically persecuted the victim. It is also less common that they have been subjected to threats and violence. The percentage in this group who have been harassed solely by telephone is also very much larger than in the both the other groups.¹²

But even if they had been less subjected to “serious” harassment, threats and violence, it is still possible to discern from the notes situations of a clearly unpleasant nature, especially if they have persisted for any length of time:

“Cancelled my doctor’s appointment, phoned and panted”, “followed me outdoors”, “picked a fight”, “phoned while drunk to the women’s helpline and said there was a crime going on in the house”, “phoned and asked what I was wearing, knew who I was”, “made indecent sexual remarks on the phone”, “crept around, broke in”, “watched through my window”, “got into the garden”, “got a job close by”.

WOMEN MORE OFTEN SUBJECTED TO VIOLENCE AND MORE FRIGHTENED THAN MEN

A comparison between the sexes shows that women experienced harassment as very frightening more than twice as often as men. This can be partly explained by a greater percentage of women who had been subjected to violence in connection with the harassment. For almost thirty percent of the women, harassment included elements of violence, while the corresponding percentage among the men was just over ten.

THE MOST COMMON MOTIVE WAS TO START OR RESTART A RELATIONSHIP

Those surveyed were also asked what they believed the aim of the harassment was. It is, of course, difficult for a victim to give a reliable answer to

11) The article referred to earlier by Martin Grann of DN-debatt also largely paints such a picture of the stalking phenomenon.

12) See table 4, p. 12

this, as the only person who really knows the purpose is the person doing the harassing. Regardless of this uncertainty, those interviewed were still asked what they believed the persecutor mainly hoped to achieve.

Four out of ten people in the group “close relationship” said the persecutor’s aim was to continue or re-establish a relationship. The most common answer in the other groups was that the person wanted start a love affair with them or that they did not know why they were being harassed.

Apart from the standard answer choices provided for the question, subjects were also given the opportunity to state any other aims for the harassment. The variety of these open-ended replies shows what a diverse phenomenon repeated harassment is. Some people were after money, others wanted to gain or retain custody of their children. Some were seen as clearly mentally ill and others lonely and generally persistent. Table 6 shows that the standard answer choices most often given were “do not know” and “other”.

Table 6: The perpetrator’s primary aim with the harassment, according to type of relationship between victim and perpetrator; in percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/stranger” n = 108	All n = 304
To continue or restart a relationship	40	8	3	15
To start a love affair with me	5	24	11	14
To get revenge	9	11	5	8
To humiliate or insult me	10	9	6	8
To affect me in carrying out my profession	1	4	–	2
Do not know	11	17	44	25
Other	21	28	32	27

ALMOST A THIRD REPORTED THE INCIDENTS TO THE POLICE

In total, almost a third of victims reported the harassment to the police. This is approximately the same percentage as in the British study, while in the American study, approximately half reported it. This could be because the American study includes the stricter criteria that victims must have been frightened by the harassment.

In the Swedish survey, the percentage who reported matters to the police differed somewhat according to the kind of relationship to the perpetrator. People who had been harassed by somebody they had a “close relationship” to reported the incidents more often; this trend was even clearer when it involved people who had filed reports more than once. The explanation is partly because people in the group “close relationship” were harassed for a longer time and on more occasions than people in both the other groups. They quite simply had more incidents over a longer period

to report. But it might also be explained by the fact that they had been subjected to threats and violence to a greater extent than other groups.

FOUR OUT OF FIVE POLICE REPORTS DID NOT LEAD TO PROSECUTIONS

Four fifths of the incidents reported to the police did not lead to any form of sanction. In almost all cases, this was because the report did not result in a prosecution.

The percentage of harassment which led to a conviction was higher among people in the group “close relationship” than in both the other the groups. This is probably explained by the fact that this group is generally subject to more serious forms of harassment. These offences, such as for example when harassment includes violence, have higher priority in the legal system and can in many cases be easier to prove than less serious cases of harassment. In cases where somebody is actually convicted, the offences are often classified as threatening behaviour or assault. Common sentences are probation and prison.

HALF THOUGHT THE SITUATION IMPROVED AFTER REPORTING IT TO THE POLICE

The interviewees who said that they had reported the harassment were also asked if their situation had improved after reporting it. Almost half thought that the situation had improved or had improved to some extent by reporting it. More people in the group “close relationship” thought that their situation had improved than in the other groups. The number of people in each group in the survey material who reported the situation, however, was small enough to advise caution when drawing conclusions based on these figures.

Table 7: Harassment reported to the police, reported cases which led to a conviction and reported cases which led to an improvement in the victim’s situation, according to type of relationship between victim and perpetrator; in percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/stranger” n = 108	All n = 304
At some time reported harassment to the police	42	25	30	31
Reported at least twice	26	11	9	15
Percentage of reported harassment which led to a conviction or summary punishment	35	12	13	21
The situation was improved by reporting it	41	19	28	31
The situation was improved to some extent by reporting it	16	19	9	15

SOME THOUGHT THE HARASSMENT WAS NOT SERIOUS ENOUGH TO REPORT TO THE POLICE

Those who did not report to the police were given standard answer choices to say why they did not report the incidents. The most common answer

was that they did not think the harassment was serious enough. This was the response from a quarter of those who did not report it. Among those who had a “close relationship” to the perpetrator, it was, however, just as frequent that they left the matter unreported out of fear for reprisals.

Approximately the same percentage of the three the groups skipped the standard answer choices and said that they did not report matters as they had sorted out the situation themselves; a common method was to threaten calling in the police.

Table 8: Reason to not report harassment to the police among people who did not do so, according to type of relationship between victim and perpetrator; in percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/stranger” n = 108	All n = 304
Did not dare report due to fear of reprisals	17	8	3	8
Did not think the harassment was serious enough	17	21	30	24
Did not consider harassment a criminal offence	4	5	3	4
Did not believe the police, prosecutor or court would do anything	4	13	17	12
“Managed the whole situation myself”	6	7	6	7

The alternative under the broken line is an open alternative given to those who stated “other” in the standard answer choices.

UNUSUAL TO SEEK HELP OUTSIDE CIRCLE OF FAMILY OR FRIENDS

Those surveyed were asked if they had sought help from people other than family, friends and acquaintances to put a stop to the harassment. Nine out of ten who were being harassed by an unknown or stranger had not sought any such help. Even in the group who sought most help outside family or friends, the majority had not done so.

The people in the group “close relationship” who sought help from support organisations were almost exclusively women who had been harassed by a previous partner.

If the harassment had a connection to work, it was more usual that people asked their employer for help.

Asking telephone companies to trace calls and contacts with psychologists are other examples of help that have been sought.

In cases where those interviewed sought help, they were asked if they thought that in general they had received the help they requested. Taken together, there were somewhat more people who had received little or less help than those who received a lot or more help¹³.

13) A total of 61 people answered the question. Of interest would be whether the person was more satisfied with certain types of helper than others. Unfortunately, the sample is too small to make it possible to answer that question.

HARASSMENT AFFECTS THE LIVES OF MANY

An important question was how much harm was suffered by people subjected to repeated harassment. Those interviewed were therefore asked to estimate how much the harassment had affected them. They were also asked if they had taken sick leave at any time due to the harassment.

The distribution of the answers shows clearly that the closer the relationship the victim had to the perpetrator, the greater effect the harassment had on the life of the victim. Over three quarters of the group “close relationship” said that their lives were affected somewhat or very much. The corresponding fractions in the groups “other relationship” and “unknown” were over half and over one third respectively.

When the question was asked with four standard answer choices, the situation was the opposite for those who answered that their lives were affected somewhat or very little. Less than a quarter of the people in the group “close relationship”, under half in “other relationship” and two thirds in “unknown” chose any of the standard answers¹⁴.

With regard to sick leave, 38 percent of the people in the group “close relationship” had at some time taken sick leave because of the harassment. Ten percent of those in the group “other relationship” and six percent in the group “unknown” had taken sick leave.

EX-DIRECTORY TELEPHONE NUMBERS AND CHANGES IN EVERYDAY ROUTINES

Those interviewed were also asked if they had taken any of a number of different measures to stop the harassment. Some of the measures, such as switching to an ex-directory telephone number or changing everyday routines were relatively simple. Other measures involved considerable and demanding changes in their lives. The most drastic of these measures, moving to another part of the country, had been taken by 17 percent of those with a “close relationship” to the perpetrator.

Table 9: Measures taken to stop the harassment, according to type of relationship between victim and perpetrator; in percent

	“Close relationship” n = 90	“Other relationship” n = 106	“Unknown/ stranger” n = 108	All n = 304
Ex-directory telephone number		36	24 24	27
Moved home		40	12 6	18
Moved to another part of the country		17	7 1	8
Restricted access to personal information		7	2 0	3
Applied for a restraining order		18	5 1	7
Of the above, order granted		88	80 100	86
Changed daily routines		44	36 28	36

14) See table 14, appendix 3.

Calculation of the prevalence of stalking in the entire population

Two percent of the people in survey were subjected during the previous twelve months to repeated harassment which they experienced as quite or very frightening. Scaled up to the population of the country, this equates to over 134 000 people.^{15, 16}

Of these people, 40 percent (52 000 people¹⁷) reported harassment to the police on at least one occasion. 19 percent (almost 10 000¹⁸) of these reports led to a conviction or summary punishment¹⁹, 56 percent (almost 30 000²⁰) were shelved and 13 percent (approximately 6 500²¹) are yet to be concluded. In the cases leading to convictions, the offences were often classified as assault and threatening behaviour.

The 52 000 people who reported harassment to the police can be compared to the almost 45 000 incidents of threatening behaviour and over 30 000 of molestation reported to the police in 2004. It can be assumed that a large proportion of the incidents which led to these reports involved stalking.

The fact that in actual numbers there were not more than 82 people of the over 4 000 interviewed for the survey who experienced quite or very frightening harassment means that the scaling up calculations above should be used with caution.

For example, the 10 000 people in the population whose police reports led to a conviction are represented by six people in the survey material. If one more person's report had resulted in a conviction, the change would equate to over 1 600 people in the population.

15) Between 105 650 and 163 258 people with a 95-percent confidence interval.

16) The number of people in the population 18–79 years of age was 6 589 902 in 2004, according to Statistics Sweden (Statistiska centralbyrån, www.scb.se)

17) Between 34 362 and 70 576 people with a 95-percent confidence interval.

18) Between 1 972 and 17 705 people with a 95-percent confidence interval.

19) Legal proceedings which can lead to a fine or suspended sentence.

20) Between 15 911 and 43 121 people with a 95-percent confidence interval.

21) Between 134 and 12 983 people with a 95-percent confidence interval.

Stalking of certain groups

In order to gain a clearer picture of work-related stalking, the National Council contacted members of certain professions considered to be in the high-risk zone. The groups contacted were members of parliament, prosecutors and psychiatrists. Apart from the high risk factor, these groups were chosen because it was relatively easy for the National Council to obtain contact details for them.²² Those who at some time in their lives had been subjected to harassment on at least two occasions by the same person were asked to fill in an Internet questionnaire. The questionnaire was filled in anonymously.

Information about the Internet questionnaire was sent to every member of each profession. Responses were received from a total of 188 people: 58 prosecutors, 31 members of parliament and 99 psychiatrists.

It is important to stress here that this was not a prevalence survey and it is therefore not possible to draw any conclusions from it regarding how common stalking is in the different professions. The National Council only requested those with personal experience of stalking to complete the questionnaire. To obtain a picture of the prevalence of stalking in these groups would have meant the National Council requesting responses from the whole of each survey group, whether they had been stalked or not. With the method chosen, there was no way of knowing whether those not answering have no experience of stalking or whether they did not respond for other reasons. A prevalence survey would take more time than allowed for when the survey was commissioned.

It is also worth pointing out that the only thing the National Council survey can describe is to what extent representatives of these three professions have been subjected to repeated harassment at some time. The study does not provide any information regarding to what extent they have been harassed on repeated occasions by different people during their working lives.

CONTACT BY TELEPHONE, MAIL AND LETTERS THE MOST COMMON

The most common form of stalker contact was telephone, e-mail or letters; 90 percent of the respondents were contacted in these ways. A third had been subjected to physical persecution or surveillance. Almost 60 percent had been threatened, but physical violence was unusual; only 14 percent of the respondents had been subjected to it. This meant that most of the threats of violence were never acted upon (81 percent of those threatened had not been subjected to violence).

THREE QUARTERS OF THOSE FRIGHTENED HAD BEEN THREATENED

Nearly two thirds of the respondents had been quite or very frightened by the harassment.

²²) Prosecutors and members of parliament were contacted by e-mail, psychiatrists by letter.

The factors which led to increased fear included the perpetrator threatening the respondent or his/her family (almost three quarters of those frightened had been threatened, as opposed to a quarter of the non-frightened) and that the perpetrator had watched or physically contacted the respondent.

The percentage who were frightened differs somewhat between the professions. Those who were most subjected to harassment which frightened them were the prosecutors and psychiatrists. Harassment of these groups also included threats to a greater extent than for the members of parliament.

EXAMPLES OF WHAT HARASSMENT CAN MEAN

Some of the respondents used the 'in your own words' section of the questionnaire to describe more concretely what had happened. This provided a clearer picture of what they had experienced. The descriptions show that even the incidents experienced as not especially frightening are in many cases very distressing and unpleasant:

"It was mostly night-time telephone calls, sometimes a constant stream of them." (psychiatrist)

"Contacted the court when I was to appear. Asked via my department head to be told of all the cases I had handled. Reported me to the Prosecutor General for professional misconduct. Visited the prosecutors' office and demanded to meet me." (prosecutor)

"Succeeded in finding out my unlisted telephone number. Phoned and shouted that she would get me for all the wrong treatment. Some calls were answered by the children which made them anxious. The language was full of swear words and insults." (psychiatrist)

"Sent confused letters to my wife's workplace. Keeps track of my wedding anniversary etc." (psychiatrist)

"Learned to imitate my voice and use it in health-care contexts on the telephone. Sexual groaning on the telephone to my wife's workplace. Found out my children's names and made suggestive sexual remarks to my teenage daughters on my home telephone." (psychiatrists)

As mentioned above, for those who were frightened it was common that harassment included physical persecution or express threats. One prosecutor, for example, wrote the following:

"Has reported me several times for crimes I've committed while on duty. He has called up on my entry phone and has been outside my door at home and written my name on the door there and has done the same thing on my door at work."

Here are some examples of the most serious cases of frightening persecution, described in more detail by psychiatrists as follows:

“Repeated constantly ‘I pray to God that you will be murdered’. Slandered me on front of other employees, rushed in without an appointment and demanded a sick note on the spot. Was generally abusive. He had some connections to criminal circles which worried me.”

“Threatening letters, recordings with sexual contents, threatens to rape me and kill me and my children. The man in question wrecked furniture in the ward he was in on more than one occasion when I did not give him attention.”

The psychiatrists’ descriptions of what they experienced in cases where they were frightened, illustrates clearly that they encounter seriously disturbed people in their work.

EVEN SITUATIONS WITHOUT THREATS CAN BE FRIGHTENING

Most of those who were frightened by work-related harassment were actually threatened. But there were some who were frightened even though the perpetrator expressed no direct threats. This group consisted mostly of prosecutors. It is reasonable to assume that in many cases prosecutors know enough about the perpetrator’s criminal background to see the situation as threatening even if no direct threats were expressed. The prosecutors are also the group among those surveyed whose task most often involves making decisions which have negative consequences for individuals. Here a prosecutor describes this kind of situation:

“Just by the way he stared at me throughout the trial for several days and by the more or less veiled descriptions of what to do to people in authority written in letters to prison inmates – letters which he knew that I would have access to.”

REVENGE SEEN AS A COMMON MOTIVE FOR PERSECUTION BY THOSE FRIGHTENED

Those who were frightened often thought that the perpetrator was out for revenge (just over a third of the people, compared with a sixth among those who had not been frightened). If one relates this to their professions, the prosecutors were the group who most often believed that the perpetrator wanted revenge. The psychiatrists also believed that revenge was the primary motive. The members of parliament believed that the perpetrator mostly wanted to influence what they did as elected officials.

Almost ten percent thought that they were persecuted because the perpetrator wanted to start a love affair. It was primarily members of parliament who said this was a motive, and in most cases they had not been frightened.

HALF OF THOSE FRIGHTENED HAD REPORTED THE INCIDENTS TO THE POLICE

Those who were frightened reported the incidents to the police more often than those who had not been frightened (circa 50 and 30 percent respectively). The three most common reasons that those frightened did not report the incidents were that they did not believe that it would lead to any action by the police, that they did not want attention and that they did not adjudge the harassment to be a criminal offence.

REPORTING INCIDENTS TO THE POLICE IMPROVED THE SITUATION MORE OFTEN FOR PROSECUTORS THAN FOR THE OTHER GROUPS

Of those who reported incidents to the police, almost half felt that the situation had improved, at least to some extent. The percentage who felt that the situation improved was almost double for the prosecutors compared to other groups.

MANY HELPED CONSIDERABLY BY THEIR EMPLOYER

A fair number of those who were frightened had sought help from their employer (41 percent compared to 12 percent for them who had not been frightened). Over half of these also considered that they had received help. Here, however, there were significant differences between the three professions. The members of parliament were most content with the help they received, followed by the prosecutors.

UNLISTED TELEPHONE NUMBERS AND CHANGES IN DAILY ROUTINES

Those who had not been frightened did not consider that harassment had affected their lives especially much. It was also unusual that they had made changes in their lives as a reaction to the harassment.

Those who were frightened were affected more and made more changes in their lives. 42 percent of these thought that the incidents affected their lives, and almost all of these had taken counter-measures. The most common were to obtain an ex-directory telephone number (46 percent) and/or change daily routines (38 percent).

ANOTHER NATIONAL COUNCIL SURVEY SHOWS PREVALENCE WITHIN SOME PROFESSIONS

Another study carried out by the National Council²³ looked at serious harassment, threats and violence directed at people in the enforcement and legal sectors²⁴. That study had a somewhat different focus and did not include the requirement for repeated harassment by the same perpetrator.

23) The Swedish National Council for Crime Prevention Report (Brottsförebyggande rådet – Brå) 2005:18.

24) Coast guard, customs and excise, tax service officials, police including security police, prosecutors, judges, lay judges and officials of the Swedish Enforcement Administration (Kronofogdemyndigheten) charged with debt collection were included in the study.

On the other hand, there was a requirement that its aim was to affect the work of these officials and that the perpetrator was to have had a motive and the ability to act upon the threats made.

The study showed that twelve percent of all officials had been subjected to serious harassment, threats or violent situations at some time during the one and a half years studied.

Officials of the Tax Board were the least victimised of the professions studied (three percent), and officials of the Swedish Enforcement Administration (Kronofogdemyndigheten) the most victimised (20 percent).

The conclusion the National Council drew from the report was that this level must be considered high, and that the phenomenon must be taken more seriously than up to now.

THREE IN-DEPTH INTERVIEWS

Surveys can give an overall picture of how often different professions are persecuted and harassed, the nature of the persecution, how the incidents affect victims and how many are reported to the police. They cannot, however, provide detailed descriptions of individual stalking situations and how the victims experience the whole sequence of events.

The National Council therefore carried out in-depth interviews with three people who were subjected to long-term persecution. We chose to interview only people who had been subjected to serious, work-related stalking. The reason for this was primarily that not much light has been shed upon this form of stalking so far. The cases were not selected to give a representative picture of stalking as suffered by different professional groups. The aim was instead to provide a more vivid description of how long-term stalking is experienced when it is really distressing, and how much help the victims consider they received.

Those interviewed were a politician, a case-worker and a radio employee. The radio man was persecuted by an anonymous person, the case-worker by an ex-client and politician by a town resident who thought that she should “pay for the persecution which he considered society was subjecting him to”.

What the three had in common was that their lives were affected to a major extent by the persecution. All three reported matters to the police several times and to different degrees they felt that the legal system had failed them in some way. On the other hand, they all received strong support from their employers. Their accounts are in appendix 4.

Stalking celebrities

It has not been possible for the National Council to study more systematically the kind of stalking often reported in the mass media, namely the persecution of show business personalities and other public people. In most of these cases, the perpetrator does not have any malevolent intention. The persecution is instead a way to try to achieve contact and some kind of

relationship with the victim. The responses from the members of parliament showed that some of them had been stalked by people in this category. In most cases, the victims did not think the incidents were especially frightening.

In order to obtain some information about the nature and prevalence of this kind of stalking, the National Council interviewed two security managers who work with celebrities and other public people.

WHERE IS THE LINE BETWEEN DEDICATED FANS AND STALKERS?

According to one security manager at a major performing artists' agency and concert arranger, repeated harassment does occur in show business. However, drawing the line between a dedicated fan and a stalker is not always easy.

Those interviewed believe that stalkers are often lonely people who give their lives meaning by totally focusing upon an artist. This could be expressed by them following the artists' tours around the country or the world, seeking contact with the artists to wish them luck, give them flowers etcetera.

It was noted, however, that their behaviour could change for the worse if they felt that they were not acknowledged by the artist, or were being pushed aside or treated badly. One tactic used by security staff is to let these people believe that it is not the artist but the security staff who are denying them any contact. They describe their work as a balancing act, where each case is judged on its own set of circumstances.

Attention starts to become a problem when people seek out artists in their homes. Exposure in the mass media seems to exacerbate this problem; the more the mass media focus upon artists' private lives, the more attention they get from dedicated admirers. According to the security managers, most artistes know this and some also choose to not give interviews of the 'at-home-with' kind in order to avoid harassment.

The security managers also believe that newspaper reporting of stalkers and the problems they cause is sometimes exaggerated and speculative – in order to sell more newspapers. In cases where artistes are being harassed by people they previously had a "close relationship" with, the mass media have sometimes chosen to describe the people stalking the celebrities as unknowns.

Direct threats are always reported to the police. More subtle forms of harassment from dedicated fans are experienced by artists in different ways. Security staff discuss with the artist where the line is to be drawn.

REPORTING TO THE POLICE CAUSES BIG HEADLINES IN THE MEDIA

The National Council interviewed the security managers at two Swedish TV companies. At both, repeated harassment of employees is seen as a problem. One TV company said that at least once a week a TV presenter, newsreader or other person seen on TV is harassed.

This is mostly in the form of e-mails and letters but sometimes people do come to the studios to seek contact. Some harassment is carried out by people who are angry over the content of a programme or who want to express racist or political opinions. Just as common, however, is when people believe they have a relationship with somebody they often see on TV.

Both companies resort to established courses of action when somebody is harassed. These include different strategies for different kinds of harassment. If, for example, somebody starts sending repeated e-mails or letters to the same person, just keeping an eye on the situation can be sufficient. If it then changes character, then there may be reason to be more vigilant. At one TV company they use security consultants who carry out risk analyses and supply bodyguards, alarms and the like.

Company policy on reporting matters to the police differs between the organisations. At one, the policy is to report all cases of harassment to the police if they include an expressed threat. At the other, they report only some cases. They know from experience that tabloid newspapers headline such reports on their display bills, which means that the person may be subjected to even more harassment by even more people.

Both companies' representatives consider that all cases of harassment come to their attention. As harassment is so clearly linked to their business, it is natural that victims receive help from their employers. Staff have also been informed that this is the course of action they should take if they need help.

Legislation and its application in Sweden

Legislation

HOW OFFENCES ARE CLASSIFIED VARIES - SOME ACTIONS NOT CRIMINAL OFFENCES

Stalking can include both criminal and non-criminal acts. There is no sharp borderline between them but more of a border zone susceptible to differing interpretations by individual police officers and prosecutors.

In Sweden there is no specific stalking offence as in other countries. But there are a series other offences which can be invoked here, for example, molestation, criminal damage, insulting behaviour, threatening behaviour, assault, breach of peace in the home, interference in judicial proceedings and non-compliance with a restraining order.

If the stalker is a close relative or previous close relative of the victim, the offences of gross violation of integrity and gross violation of a woman's integrity may be invoked. One condition is that the individual acts are crimes against the person in accordance with Sections 3, 4 or 6 of the Penal Code, which means, for example, that criminal damage and insulting behaviour fall outside the section of law. Another requirement is that the offences are part of repeated violation of the victim's integrity and are intended to seriously damage the victim's self-esteem.

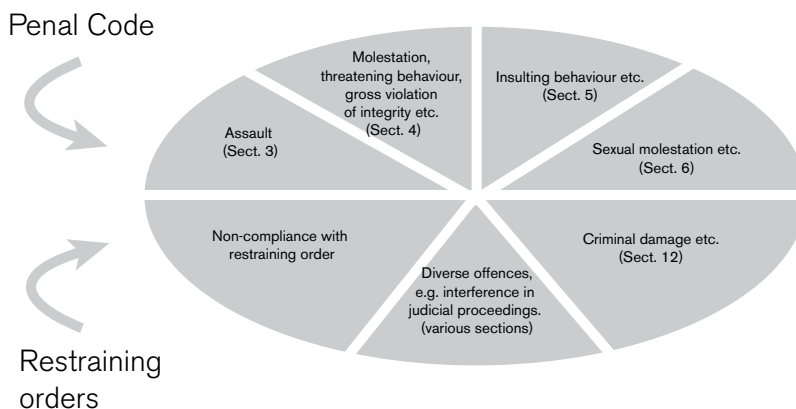


Figure 1: Criminal stalking behaviour in Sweden

Acts which often occur when a person is subjected to repeated harassment but which in Sweden can be adjudged as non-criminal are for example loitering by the victim's home, driving a car to and fro outside the home, looking in through the windows, appearing in places where the victim usu-

ally goes, following the victim to work and sending letters with unpleasant contents. These acts often do not add up to molestation²⁵.

For an act to be classified as molestation, there has to be “reckless conduct”.²⁶ The act has to be objectively adjudged to be reckless, a judgement which is to reflect prevailing public opinion. The perpetrator does not have to agree with this judgement.

A person who is subjected to stalking can apply for a restraining order against the perpetrator. If the restraining order is granted, it means that the perpetrator is banned from visiting or in other ways contacting the victim, or from following the victim.²⁷ A person who does not comply with a restraining order may be convicted of violation of a restraining order and sentenced to a fine or to a maximum of one year in prison. If the violation is considered minor, the perpetrator is not adjudged to be criminally liable.²⁸

A restraining order may be issued if there is a reasonable risk that the person to whom the order applies will commit offences against, victimise or in other ways seriously harass the person whom the order is intended to protect. There are no provisions regarding the relationship between the parties or previous conduct. Neither is there a requirement that a criminal offence must have been committed, even if this is a circumstance which is taken into special consideration when assessing the risk. Restraining order legislation should thus be able to cover stalking.

IMPOSING PENALTIES

While staying within the scale of penalties for the offence, the court is to impose a penalty based upon “the accumulated criminal culpability”.²⁹ When assessing criminal culpability, special consideration is to be given to any injury, violation or danger caused by the acts, what the accused knew about or ought to have known about this and the intentions or motives behind the acts.

In its assessment, the court is to also consider in each case whether there are aggravating circumstances. Special consideration is to be given to *whether* the perpetrator intended that the crime should have significantly more serious consequences than it actually had, *whether* the perpetrator displayed exceptional recklessness, *whether* the perpetrator exploited another person’s vulnerable position or their inability to protect themselves, *whether* the perpetrator grossly exploited his/her position or abused a special trust, *whether* the perpetrator incited others to participate in the offence in any way, *whether* the offence arose from criminal activities which have been especially planned or carried out on a large scale, *whether* the

25) The examples are from referral submissions by the Swedish Security Police, the Public Prosecutor’s Development Centre, Göteborg and from interviews with Detective Chief Inspector Bo Wickström and District Court Judge Mats Jender.

26) Section 4, subsection 7, The Penal Code.

27) Subsection 1, Restraining Orders Act (1988:688).

28) Subsection 24, Restraining Orders Act (1988:688).

29) Section 29, subsection 1, The Penal Code.

motive for the offence was to harass a person due to his/her ethnic background, sexual preference or the like and whether the offence was committed to disrupt the security and trust of a child in its relationship to a closely related person.³⁰

In a case of conduct which can be described as stalking, there may be reason to consider one or more of the aggravating circumstances presented. There is, however, no aggravating circumstance which especially emphasises the repetitive or systematic element of the crime.

The report of the Administration of Justice Committee

In 2004, the Liberal Party in Sweden proposed in a parliamentary motion on stalking (motion 2004/05:JU412 p.15):

- that the government produce a proposal for a new class of offence which covers the offences currently included in gross violation of integrity and gross violation of a woman's integrity but which would not demand a close relationship between the victim and the perpetrator.
- that there is a need for better, quicker and more effective measures against this type of conduct. At an early stage, the police must act to prevent continued persecution.
- that protection for those subjected to stalking must be strengthened, including better opportunities for the police to collaborate with psychiatric services in pinpointing and monitoring people who on repeated occasions have followed, watched or harassed another person.

The Administration of Justice Committee considered in their report on the motion³¹ that more information is needed on how common systematic persecution is before the need for new legislation and other action can be assessed. They referred to the planned commission from the Ministry of Justice to the National Council to survey the prevalence and nature of the problem. While waiting for this, the committee proposed that the motion (the part dealing with stalking) be rejected. In April 2005, Parliament rejected this part of the motion.

THE VIEWS OF REFERRAL BODIES ON THE NEED FOR LEGISLATION

When drafting the motion, the Administration of Justice Committee referred the matter to around 20 organisations and asked for their views. These were primarily from different sectors of the legal system, representatives of psychiatric services and crime victims. There were approximately the same number of bodies which considered that there is a need for new or revised legislation as those that did not believe this or were non-committal. The non-committal bodies thought that data on the problem's prevalence was insufficient to be

30) Section 29, subsection 2, The Penal Code.

31) Report 2004/05:JuU20 Stalking.

able to express an opinion. The Public Prosecutor also questioned the need for a change in the law and referred to the changes in the scale of punishment for molestation and threatening behaviour, introduced in 1993. These provided increased opportunities for repeated, systematic harassment and threats to be considered when imposing punishment.

There were primarily two inadequacies in current legislation which the referral bodies pointed out. One is that the criminal culpability requirements for threatening behaviour or molestation did not pay enough attention to the repeated pattern of stalking incidents. The other is that individual actions which on their own cannot be considered criminal can still be very frightening if part of a repeated pattern, and therefore ought to be punishable.

PROPOSED CRIMINALISATION ALTERNATIVES

The proposals for changes in the law made by the referral bodies can be divided into two groups. One group of proposals want the law to clearly state that criminal culpability for less serious offences, such as molestation, is to be increased if it is part of a repeated pattern. The other group want to make it possible to penalise certain kinds of conduct, currently not punishable, if they are part of a repeated pattern.

HIGHER CRIMINAL CULPABILITY FOR REPEATED LESS SERIOUS OFFENCES

In order to make it possible to give greater consideration to repeated behaviour patterns when imposing sentences, some of the referral bodies suggested criminalisation on the pattern of the offences gross violation of integrity and gross violation of a woman's integrity. Some of them considered that the application of gross violation of integrity offences should be extended by removing the requirement for a close relationship. Others proposed new punishment regulations using these offences as models.

CRIMINALISE BEHAVIOUR NOT CURRENTLY PUNISHABLE

Some referral bodies made the point that there may also be a need to penalise patterns of repeated incidents which are not punishable individually, if together they constitute persecution of another person. One suggested way to proceed would be to extend the definition of molestation. Some bodies, however, point out that there could be problems in formulating and applying such a rule when it comes to establishing borderlines and evidence requirements.

The Commission on Violence Against Women, who were behind the proposal to introduce the offence gross violation of a woman's integrity, made a similar proposal in their 1995 report which was rejected by parliament³². This Commission proposed that the new violation of integrity offence should also include incidents of psychological assault not currently

32) SOU 1995:60 'Women's Integrity' and Parliamentary report 1997/98:115

punishable, if together they constituted systematic violation. The proposal was rejected for the following reasons:

“There is no clear argument in the proposal for which actions, apart from violence or threats, are to be included in the stipulation. The so-called legality principle states that the punishable area is to have clearly defined borders. Punishment provisions are to be so clearly formulated that it should be possible to decide in advance which actions are punishable and which are not. The government considers there is a clear risk that a punishment provision aimed at mild psychological assault would be too imprecise and encompass a much too vague collection of actions to be acceptable. The legality principle is thus against such regulation---.”^{33, 34}

Some practitioners' views on legislation and its application

In order to supplement the views and law proposals in the Administration of Justice Committee report,³⁵ the National Council spoke to three representatives of the legal system, who all have long experience of working with stalking issues in different ways: a police officer, a prosecutor and a judge. The picture they provide in many ways resembles the picture which is seen in other countries.³⁶

A common view of the application of the law in stalking cases is that the police and prosecutors often do not see an overall picture of the persecution. One reason for this is the way laws focus upon individual, concrete incidents, which affects the work of the police and prosecutors. (An exception is in gross violation of integrity cases where there is a clearly defined duty to take in the complete picture.) A lack of knowledge of stalking within the police is also cited as an explanation. If the police are not aware that persecution and harassment often have a repeated pattern, it can mean that the police reports and questioning are focused upon the latest incident to be reported. This means that questions about previous incidents do not become automatic and that no documentation of the prevalence of harassment takes place, not even when it is the injured party telling the story. The result is that even if the preliminary investigation reports mention previous incidents, they are seldom investigated in a way that allows the prosecutor to prove a crime.

33) Proposition 1997/98:55, s. 78

34) Problems and principles for criminalisation are also discussed in Lernestedt, C. 2003

35) Report 2004/05:JuU20 'Stalking'.

36) Detective Chief Inspector Bo Wickström, Chief District Prosecutor James von Reis, the Public Prosecutor's Development Centre, Göteborg and District Court Judge Mats Jender, Södra Roslag District Court.

EVIDENCE

All three of the people mentioned consider that stalking cases have evidence problems. In the cases prosecuted, there is often no other evidence than the injured party's account of events. This leads to a 'my word against yours' situation where the prosecutor can have difficulty in proving a criminal offence.

Stalking behaviour typically includes actions where it is not possible for the police to prove who the perpetrator is, for example who scratched the paintwork on the victim's car? But a lack of supporting evidence can also be due to a lack of inclination to get evidence. The low criminal culpability of these offences can also mean that cases receive low priority when allocating investigation resources. In practice this can mean that the police do not secure evidence of molestation by finding out who has the e-mail address from which the e-mails are being sent or who has the mobile telephone number from which the calls are coming.

Discussion

The National Council study shows that many people in Sweden have been subjected to repeated harassment at some time in their lives and that such harassment can be very frightening and unpleasant for the victims. The study also shows that the help victims receive from the legal system and other public bodies in order to prevent continued harassment and alleviate the damage it causes needs to be improved.

The National Council will refrain, however, from making precise proposals for changes in legislation and other measures. With regard to any changes in the law, this is primarily because there has not been enough time to both describe the current legal situation and possible changes in the law. In addition, the question of whether the need for changes in the law in this area has also been taken up by the Committee on Threats and Violence to Elected Officials. The National Council assessment in consultation with this Committee is that the legal issues taken up in the two reports will gain from being evaluated in a context. The Committee is to issue its report in April 2006.

Even when it comes to other possible measures, the short time allowed for the report has meant that the National Council has had to limit itself to pointing out “areas for attention” which may need strengthening. What exactly is to be done and how it is to be implemented needs further investigation.

WIDESPREAD MENTAL SUFFERING REVEALED

That a large number of women are subject to repeated, systematic violation by their partner or ex-partner in the form of violence, threats and harassment has been observed more and more during the 1990s. The National Council survey adds further data to the previous studies in this area.³⁷ The number of women who in the last year on repeated occasions have been subjected to violence, threats or harassment by their partner or ex-partner can be estimated from the National Council survey to almost 30 000. It is a powerful picture of psychological terror which appears from both the quantitative analysis of women victims’ responses to the telephone survey and from the further comments these women gave in telephone interviews.

The National Council survey also shows, however, that it is not uncommon that some people are subjected to repeated and sometimes long-term harassment by people who they do not have or have never had a close relationship with. This may be a neighbour, an acquaintance, a person they had a casual sexual relationship with, a work colleague or somebody they met in a work-related situation. In these cases, harassment rarely involves violence, unlike that suffered by women in close relationships. But

37) For example, Lundgren, E., Heimer, G., Westerstrand, J. and Kalliokoski, A-M. (2001) and National Council (Brå) report 2003:2.

the National Council study clearly shows that even these forms of harassment can be experienced as psychologically very distressful if they continue for a long time.

A special group of victims within this category are those who are subjected in their working lives. These make up a small percentage of all the victims in the National Council total survey who had been subjected to this type of harassment. But there are some professions which run a greater risk of being subjected to repeated harassment. The National Council study of experiences among prosecutors, members of parliament and psychiatrists shows that their professions can sometimes lead to persecution of a very frightening nature.

The last category of repeated harassment and persecution highlighted by the National Council survey is where the perpetrator is unknown or a stranger. The survey shows that repeated harassment in this category is often of a less serious kind and does not affect the victims' lives to any great extent. Often the victims feel that they can manage the situation themselves while it is in progress. However, one of the National Council in-depth interviews shows that being subjected to threatening persecution by an anonymous person over a long period can be experienced as very unpleasant and frightening – and give a feeling of powerlessness.

This category also includes the type of persecution often reported in the mass media, i.e. cases where the victims are show business personalities or other public figures, harassed by somebody who admires them and wants to have a closer relationship with them. These cases are special in that the perpetrator does not usually have any harmful intentions, but they can still be very distressing and unpleasant for the victims.

LARGE RANGE OF BEHAVIOUR

The problem area covered by the National Council study – which in recent years in Sweden has started to be called stalking – thus includes behaviour of a complex and very varied nature. It ranges from receiving some unpleasant and unwanted telephone calls from one person to being persecuted, harassed, threatened and subjected to violence by an ex-partner for many years. It can also be a question of repeated, more or less subtle yet frightening threats from somebody one had contact with while carrying out one's work.

It might be mentioned here, however, that those who took part in the National Council telephone survey still seemed to have had an understanding of which situations were relevant, and that they then described matters more serious than a few incidents of mild harassment. Only ten people of all the respondents said that at some time in their lives they had been subjected to non-frightening harassment by a person on two to four occasions; this was despite the fact that such experiences should be more common than those which occurred on more occasions. Most who said that they were victims said that harassment had occurred on at least five occasions.

What victims thus have in common is that on repeated occasions they have been subjected to something unpleasant by another person.³⁸ That which differentiates stalking victims from many other crime victims is that the offence is not an incident which has taken place and is over, but something in progress which stretches into the future. The authors of the report “Stalking Laws and Implementation Practices” describe stalking as “... *a prospective or future-looking crime, while most crime investigations deal with past crimes*”.³⁹

Taking into consideration the large differences in the nature and duration of harassment, it is also natural that victims were affected to different degrees. Almost a third said that they had not been especially frightened of the harassment. Two thirds of the victims did not report the matter to the police; some because they did not think that it was too serious and that they could manage the situation themselves. Against this there were victims who had been very frightened and whose lives were greatly affected for a long time. They reported the incidents to the police on repeated occasions without it doing any good and they tried to protect themselves from continued persecution in a number of different ways.

In the opinion of the National Council and with the above in mind, it is possible to query whether what the victims have been through has enough in common for their experiences to all be called ‘stalking’. If one believes that a term for repeated persecution and repeated harassment would help to give increased attention to this phenomenon, perhaps one should consider narrowing down the definition somewhat. Perhaps the term ‘stalker’ should be limited to some types of persecutor, for example, people who are unknown to the victim, or to the kinds of harassment which manifestly frightened the victim.

It is thus a question of different forms of behaviour, different relationships between victims and perpetrators, different motives for the perpetrators, different reactions from victims and different amounts of suffering caused to victims. This wide range makes more difficult an analysis of which measures are needed in order to deal with this unwanted behaviour.

LEGISLATIVE MEASURES

When proposals have been put forward for new or changed punishment provisions, there are two aspects which have received much attention. One is that the punishment provisions applicable to stalking do not sufficiently take into consideration that it is a pattern of repeated actions. The other is that some of the harassment which victims are subject to is not punishable – it falls below the requirements for molestation – while at the same time

38) It ought to be mentioned here, however, that the study only provides one side's description of what has happened. It might be more correct to say that victims feel that they have been the target of repeated harassment. In theory, it is not impossible that in some of the 'milder' cases, for example, repeated harassment by a neighbour, there is another party who feels that it is he/she who has been persecuted and harassed by a neighbour.

39) Miller, N. and Nugent, H. (2002).

it can be very unpleasant and frightening for the victim, especially if part of a pattern which is repeated over a long period.

RAISED CRIMINAL CULPABILITY FOR REPEATED CRIME

The focus of penal regulations is upon single acts. Each one is judged separately as an offence in itself and it is only to a limited extent that the imposition of punishments reflects that the offences are part of a repeated pattern. Proposals have therefore been made for new or changed punishment provisions which like those for gross violation of integrity and gross violation of a woman's integrity take into consideration the repeated, systematic nature of the acts in the assessment of criminal culpability. In this way, even victims who are not "a close relative" of the perpetrator would be given greater legal protection when subjected to repeated, systematic harassment.

Such a new provision would mean that the punishment for the acts would be in better proportion to their damaging effects upon the victim than is the situation today. It would also send a signal to police and prosecutors that they should give crimes of this kind increased priority. They could then operate in such a way that if there is any pattern to the actions it will be revealed and could be proven. For more serious cases, raised criminal culpability could increase the chances that the perpetrator be committed to psychiatric care.⁴⁰ It would also provide increased opportunities to apply coercive measures and to secure evidence.

There are several alternatives to how criminal culpability can be raised:

1. Extend the applicability of gross violation of integrity by removing the close relative requirement.
2. Introduce a new punishment provision with violation of integrity offences as a model.
3. Introduce a new punishment provision for gross molestation.
4. Introduce repeated violation as a general aggravating circumstance into Section 29, subsection 2 of the Penal Code.

The prosecutors who the National Council interviewed recommend the alternative of introducing a new punishment provision for gross molestation. The advantages are a) in this way the current gross violation of integrity offences can be maintained intact, which is desirable when one considers the special kinds of problems they are aimed at, and b) there is no need to introduce special regulations for the severity of the punishment.

If the government adjudges that there is reason to take this matter further, it would be appropriate that they do so while bearing in mind issues taken up by the Committee on Threats and Violence to Elected Officials.

CRIMINALISATION OF ACTS CURRENTLY NOT CRIMINAL OFFENCES

Proposals have also been put forward, however, stating that there is a need

⁴⁰) In order for a defendant to be committed to psychiatric care, the penalty for the offence must be more than just a fine (Section 31, subsection 3, The Penal Code).

to criminalise acts which are currently not punishable offences – if they are part of a pattern of repeated harassment and persecution. Extended criminalisation would mean a) that actions which are currently not punishable offences would become so if they are part of a pattern of repeated harassment or persecution which includes punishable acts, and b) that non-punishable acts become punishable when they combine into a pattern of persecution or harassment, regardless of whether other punishable acts occur or not.

The police and prosecutors who the National Council interviewed consider that what is most urgent is some form of change in the law to catch behaviour which is currently not punishable. Their experience is that prosecutors learn where the borderline goes for what is punishable and keep outside it. But for the victim, who knows the perpetrator's intentions from his/her earlier conduct, the effect is just as frightening.

The National Council does not doubt that stalkers can achieve their aim to harass and frighten others through actions which are not punishable criminal offences. The appended in-depth interview with the persecuted politician clearly illustrates this⁴¹.

POLICE AND PROSECUTORS ARE CENTRAL TO INCREASING THE NUMBER OF LEGAL PROCEEDINGS

Regardless of whether decisions are taken which change the law or not, there is a good deal the legal system can do in order to improve prevention and give victims better support. This is shown by experiences reported from other countries. It is also clear from both the Administration of Justice Committee report and from the discussions the National Council held with representatives of various authorities.

The general picture presented, both in Sweden and in countries where there are stalking laws, is that incidents of stalking reported to the police have low priority, especially if they do not include clear threats or actual violence. The police rarely ask for information which can give a picture of whether the harassment is part of a repeated pattern. In addition, harassment is difficult to prove and often leads to 'my word against yours' situations. In England, where there has been a law against stalking since 1997, only a few percent of all cases reported to police seem to lead to legal proceedings for offences against the new stalking law.

A more active, knowledge-based attitude from police and prosecutors – both in order to provide an overall picture of stalking offences and to obtain and secure adequate evidence – would probably considerably increase the percentage leading to legal proceedings, even under current legislation.

Work on securing evidence is an especially important task in stalking situations since there is often nobody other than the victim who can confirm that harassment has taken place. In such cases, it is also important that the police and the victim can devise strategies in order to obtain evi-

41) See appendix 4

dence during future incidents. An American study also points out that securing evidence is a core issue, especially taking into consideration that false alarms to the police from people saying they are being harassed and persecuted are becoming more common in the USA.⁴²

Measures which would help improve matters are for example:

- training in the problem area for police, prosecutors and judges,
- report forms which include questions about previous harassment by the perpetrator, such as the report forms being used in the stalking project in progress in Kalmar and Södertörn described on page 55, and
- special resource staff within the police to whom other police staff can turn with questions about this area.

OTHER MEASURES FROM THE LEGAL SYSTEM

Apart from measures which directly aim to increase the number of legal proceedings, there are also others which police and prosecutors can take in order to prevent harassment from continuing and to relieve the victim's suffering. The Restraining Order Act, for example, should be exploited to a greater extent than today. In cases where the perpetrator is banned from contact with the victim with the support of the Restraining Order Act, police and prosecutors must also make greater efforts to enforce the ban than often is the case today. Police shortcomings regarding the laws on restraining orders is shown by the two evaluations of the law carried out by the National Council in recent years.⁴³

The stalking project being carried out by the police in Kalmar also shows that the police can give the victims who report stalking much better support than they do today. Using systematic assessments of threats and risks, the police accumulate data used to decide if the victim needs a restraining order, alarm telephone, contact with a voluntary organisation for crime victims etc.

It has been said that there may be cases where mentally disturbed stalkers have previously received psychiatric care, and that health-care services hold information about their illnesses which could be of great importance to police risk assessments⁴⁴. Access to this information by police and prosecutors is limited, however, by the Secrecy Act, which requires that the crime the perpetrator is suspected of is punishable by at least two years' imprisonment⁴⁵. The need for information in this type of case, however, must be weighed against individuals' rights to protection of their integrity.

Other ways the police can improve the victim's situation which came to light during the work on this report are as follows:

- It is important that the police continuously provide the victim with as much information as possible as the investigation progresses.

42) Miller, N. and Nugent, H. 2002.

43) The Swedish National Council for Crime Prevention (Brå): Report 2003:2 and Brå: interim report 2005.

44) Comments upon motion 2004/05:Ju412 from referral bodies: The Legal Unit of the Stockholm County Police Authority and the Centre for the Prevention of Violence, Karolinska institutet.

45) Section 7, subsection 1, Section 14, subsection 2, The Secrecy Act

- Stalking victims should have access to special support staff who can advise them on what to do in order to reduce the risk of continued harassment.

MEASURES FROM ORGANISATIONS OTHER THAN THE LEGAL SYSTEM

The need for support and help is mostly the same for stalking victims as for other crime victims. There is a need for information about where to get practical, psychological and possibly financial support. Another need may also be to talk to others about their situation, for example, to somebody who has had similar experiences or to a social worker, psychologist or the like. What differentiates stalking victims from many other crime victims, as previously mentioned, is that the offence is not an incident which has taken place but is in progress and will carry on into the future. This makes special demands upon support efforts.

Social services are responsible for crime victims and their families receiving support and help of various kinds. Social services can also help provide a person to be by the crime victim's side, for example, during questioning linked to the investigation and during the trial. Health-care services are to contribute psychological support in cases where crime victims need this.

Several voluntary organisations also work to support and help victims of crime, for example through counselling, counsellors and contacts with authorities and insurance companies. The Swedish Association for Victim Support, Men's Helplines, The National Organization for Women's Shelters and Young Women's Shelters in Sweden, The Swedish Federation for Gay and Lesbian Rights, the Swedish Association of Women's Shelters and Terrafem are examples of such voluntary organisations.

THE RESPONSIBILITIES OF EMPLOYERS

According to the Work Environment Act, employers have considerable responsibility for the physical and psychological work environment of employees. How this responsibility is carried out in practice is controlled by the regulations and general advice of the Swedish Work Environment Authority (Arbetsmiljöverket, previously Arbetarskyddsstyrelsen, the Board of Occupational Safety and Health).⁴⁶

In professions where employees risk violence and threats of violence, the employer is duty-bound to work on both risk-prevention and follow-up measures. An example of a situation where such risks exist is when the employee is in a position of power or authority. Sometimes all that is needed for an employee to be subjected to threats, telephone terror, persecution, sabotage or violence is that he/she represents an official body or organisation the perpetrator is in dispute with. A victimised employee should receive help and support quickly in order to prevent or relieve both physical and psycho-

46) AFS, Board of Occupational Safety and Health (Arbetarskyddsstyrelsen) Statute Book.

logical injury. The employer should also set up special routines for this.⁴⁷

The employer also has a responsibility to prevent employees being subjected to offensive prejudicial treatment by their colleagues or by the employer. Examples of such treatment are persecution in various forms, threats, instilling fear, sexual harassment, deliberate insults and intentionally making it difficult for the employee to do his/her work.⁴⁸

Responses to the National Council's Internet-based questionnaire and interviews with security managers and victims show that there are examples of workplaces within the media and in parliament which are well prepared and provide plenty of support when employees are subjected to stalking. The survey also shows, however, that many of the psychiatrists who have been persecuted by mentally ill persons with whom they have had contact in professional contexts did not feel that they received especially much help and support from their employer when they asked for it.

The National Council considers that there is an urgent need for employers in professions which are specially at risk of being subjected to stalking to have the skills and preparedness needed to give the victim the best possible support and protection. But also other workplaces should have proficiency and routines for dealing with such matters, for example in cases where a person is being (or believes he/she is being) persecuted and repeatedly harassed by a colleague.

MENTALLY DISTURBED PERPETRATORS

Taking into consideration the large variation in the nature, prevalence and duration of stalking behaviour and the reasons for it, it is not possible to describe a typical stalker. The degree to which stalkers suffer from psychological disturbances varies. There are no major studies which can say how common it is.

In the American prevalence study, only a very small percentage of the victims believed that the stalking was due to the perpetrator being psychologically disturbed. Even in the British study of 167 stalking cases reported to the police and passed on to prosecutors for prosecution, there were few cases where there was reason to believe the suspect was mentally disturbed.

Where longer-term stalking cases are concerned, the percentage of perpetrators with psychological disturbances ought to be considerably higher. American studies with samples from forensic psychiatric clinics describe the different types of disturbances which are involved. Sometimes it is people with schizophrenia or 'bipolar syndrome' (previously called 'manic-depressive illness') where the stalking is part of the disorder. There are also people who suffer from so-called 'erotomania', which means that they are in love with and totally obsessed with another person, often somebody they do not know. They have only one delusion, that their love is or will be reciprocated. In other ways they are normal people.

47) AFS 1993:2, Våld and hot i arbetsmiljön ('Violence and Threats in the Work Environment')

48) AFS 1993:17, Kränkande särbehandling i arbetslivet ('Offensive Discrimination at Work')

The picture provided by the research is that stalkers with psychological disturbances are difficult to treat. They usually lack any insight into their illness and do not want any help to stop the stalking. It is, however, a matter of urgency that international knowledge of diagnoses and appropriate attitudes and treatment methods are followed up and become known also in Sweden. One way to ensure this would be to set up a special centre responsible for dealing with these matters. An alternative would be to augment an existing research facility with resources to deal with such issues.

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Appendix 1

Selection procedure for the interview survey

The starting point for selecting people for the prevalence study was a nationwide representative sample of 1 000 telephone numbers of private persons in the age range 18–79 years. Systematic number series of six telephone numbers were then produced from each number in the original sample. This procedure meant that the final sample of telephone numbers contained a representatively large percentage of ex-directory telephone numbers. Since it can be assumed that people with experience of repeated harassment often have unlisted telephone numbers, it was important for the quality of the survey that such numbers were also contacted.

After the 6 000 new numbers were obtained, the original sample 1 000 numbers were discarded. This left 6 000 numbers. An unknown proportion of these numbers were to companies and households with no people in the age range 18–79 years. An unknown number were also not in use or had no subscriber. The sample was therefore supplemented by a new number series of 1 000 numbers each time 90 percent of the sample numbers had been used up. The survey was concluded when interviews with 4 000 people had been obtained.

In order to ensure the representativeness of the survey, quotas were specified for the number of interviews from each Swedish county (based upon population statistics from SCB: Statistics Sweden). When a quota was filled, data collection from that county was stopped.

Within each household, the surveyors asked for the person between 18 and 79 whose birthday was next. This was done in order to make the interview group even more random.

Interviews were carried out on Monday–Thursday from 16.00–21.00, Friday 16.00–20.00, Saturday 11.30–17.00 and Sunday 12.00–20.00. Twelve attempts to phone people were made on six separate days before a person was adjudged uncontactable.

Table 10: Outcome of contact attempts made in the interview survey.

People interviewed	4 019
People not wishing to be interviewed	1 438
Unusable numbers (companies, households without people in the target group age range, numbers with no subscriber, etc.)	4 648
People who were away, sick, or where language problems made interviews impossible	90
Households where the person to be interviewed was not contacted during any of twelve attempts	578
Total	10 773

Possible sources of error in the interview survey

There is a problem with the sampling procedure described above where the starting point is not members of the population but telephone numbers in the country. The percentage of households in Sweden which consist of one adult person, with or without children, is over 50 percent. As the percentage of adults in the population who live in such households is approximately 35 percent, they will be over-represented in the survey. It is not inconceivable that some kinds of harassment are more common or less common among people in single adult households than among people who live in households with other adults. This would then affect the survey results. In which ways and to what extent it is not possible to say.

The advantage of the sampling procedure, i.e. making it possible to contact people in the country with unlisted telephone numbers, was adjudged to outweigh the disadvantage of the over-representation of single adult households.

A further possible source of error in the survey is the people who did not wish to take part. These were 26 percent of the total number of people which interviewers made contact with. What experience of repeated harassment they had, it is, of course, impossible to say.

For this type of survey, directed at the general public and with questions about a subject which can be distressing, a response frequency of 74 percent should be considered sufficiently stable to enable conclusions to be drawn from the data.

Appendix 2

Questionnaire used in the interview survey

In this survey, repeated harassment is defined as when a person on several occasions is persecuted or watched by the same person, or several times receives unwanted visits, telephone calls, letters, e-mails, text messages, presents and the like from the same person.

Have you at any time been subjected to such repeated harassment in any form?

How old are you?

This survey is thus concerned with repeated harassment by the same person. If you have been subjected to this by different people, please tell me about the harassment by the last person. I will start by asking a number of questions about the extent of the harassment.

Approximately how long ago is it since it started?

Has it stopped?

Approximately for how long did it go on for?

If you try to count up the total number of incidents you have been subjected to during the time for the harassment and count each visit, telephone call, text message, and each occasion you have been watched or persecuted as an incident, is the total number of incidents more than 50?

(If it has not stopped, count the incidents up to today)

Approximately how many incidents are involved?

How did you feel /do you feel about the harassment? Was/is it

- Very frightening
- Quite frightening
- Not especially frightening
- Not at all frightening

At its worst, approximately how often did harassment occur?

- Several times a day
- Every day
- Several times a week
- Every week
- Several times a month
- Every month
- Less often

I am now going to ask you questions about the person who harassed you and the kind of harassment.

What is/was your relationship to the person?

- Current or ex-husband, wife or live-in partner
- Current or ex-girlfriend/boyfriend or partner you have not lived with
- Parent/step-parent, sibling, child or other close family member
- Other personal relationship, for example friend, acquaintance, casual sexual partner, neighbour, relative other than a close family member
- Current or ex-work colleague, fellow student or the like
- The person came into contact with you due to your work (for example, customer, visitor, client, patient)
- The person was unknown to you

Did the person abuse alcohol or drugs?

Now there are a number of questions about how the person harassed you.

Has the person visited you at home, at work, at school or at other places you usually go to?

- contacted you by telephone?
- left telephone messages?
- sent text messages?
- sent e-mails?
- sent postcards, letters or other items?
- given you presents?
- destroyed or damaged things which belong to you?
- stolen things which belong to you?
- followed you outdoors?
- accosted your family, friends, neighbours or workmates?
- ordered goods or services in your name?
- observed your life or your routines?
- spread rumours or false accusations about you?
- contacted you through other people?
- marked their presence by leaving various things for you to find?
- loitered near your home, place of work, school or other places you usually go to?

Apart from the things I have mentioned, in what other ways has the person harassed you?

Have you or any close relative been subjected to express threats of violence, either spoken or written, by the person who harassed you?

Have you or any close relative been subjected to violence by the person who harassed you?

Have you reported the harassment to the police?

- Yes, once
- Yes, two to four times
- Yes, five to ten times
- Yes, more than ten times
- No
- Don't know /don't remember

Did reporting the matter to the police lead to any action which improved your situation?

- Yes
- To some extent
- No
- Don't know

Was the person convicted of harassment? Including any summary punishment imposed?

Do you know which offence(s) he or she was convicted of?

Do you know what sentence or punishment the person received?

Did the harassment continue during the punishment period?

Why did you choose not to report the harassment to the police?

(Question to those who did not report the matter)

- Did not dare out of fear for reprisals
- Did not think the harassment was serious enough
- Did not think the harassment was criminal
- Did not believe that it would lead to any action from the police, prosecutors or courts
- Did not want the attention a report would lead to
- Did not want to the person to get into trouble
- Thought that the person would not stop harassing me anyway
- Other reason
- Don't know

Have you sought any help to stop the harassment, apart from family, friends and acquaintances?

- Sought help from health-care services
- Sought help from social services
- Sought help from my employer
- Sought help from voluntary support organisations (crime victim helplines, women's helplines, etc.)
- Not sought any other help
- Other help
- No

In general terms, how much help do you think you got from those you stated in the last question?

- A lot of help
- Quite a lot of help
- Not much help
- Very little or no help

What do you believe was the main reason for the person to harass you?

- To get revenge
- To maintain or restart a relationship
- To humiliate or insult you
- To redress an injustice
- To start a love affair with you
- To influence you in your profession
- Other reason:
- Don't know

I am now going to ask if you have done anything to make the harassment stop. *Have you, because of the harassment, obtained an unlisted telephone number?*

- changed home?
- changed your place of work?
- moved to another part of the country?
- requested confidential personal details at the tax office?
- applied for a restraining order?... was a restraining order granted?
- changed your everyday routines? (for example, not taking public transport or staying home in the evenings)

Have you done anything else apart from what I have mentioned?

Have you at any time had to take sick leave due to harassment?

There are many different forms of repeated harassment. Some can affect whole lives, while others do not have such serious consequences.

To end with, I wonder therefore how much you consider that the harassment has affected your life?

- Very much
- To quite a great extent
- To quite a small extent
- Very little

Appendix 3

Tables of stalking in Sweden

Table 11: People who have been repeatedly harassed at some time in their lives and during the last year respectively in three major studies; in percent.

	Sweden	England & Wales	USA
Harassed at some time	9.9 (age 18–59)	11.8 (age 16-59)	
At some time, quite or very frightened	5.9 (age 18–79)		8 (>=18 years)
At some time, very frightened	3 (age 18–79)		5 (>=18 years)
Last year	3.6 (age 18–59)	2.9 (age 16-59)	
Last year, frightening to some degree	3.3 (age 18–59)	2.6 (age 16-59)	

Table 12: Different kinds of harassment and how harassment is generally experienced, according to type of relationship within the group "close relationship"; in percent.

	Husband, wife or live-in partner n=390	Girlfriend/ boyfriend, partner one has not lived with n=43	Parent/ step-parent, sibling, child, other close family member n=8
Subjected to damaged property	62 (24)	37 (16)	38 (3)
Followed outdoors	62 (24)	49 (21)	38 (3)
Had their lives observed	72 (28)	58 (25)	25 (2)
Experienced harassment as very frightening	59 (23)	37 (16)	25 (2)

Table 13: People who sought help from various sources, according to type of relationship between victim and perpetrator; in percent.

	Close relation- ship n=90	Other relation- ship n=106	Unknown /stranger n=108	All n=304
Sought help from health-care services	8	9	2	6
Sought help from social services	8	0	1	3
Sought help from employer	2	10	1	4
Sought help from a voluntary organisation	14	2	2	6
Sought other help	11	7	3	7
Did not seek any help at all	61	73	92	75

Table 14: The general effect of harassment upon victims' lives, according to type of relationship between victim and perpetrator; in percent.

	Close relation- ship n=87	Other relation- ship n=106	Unknown /stranger n=106	All n=301
Harassment has generally affected life to a <u>very great</u> extent	45	26	14	27
Harassment has generally affected life to <u>quite a great</u> extent	31	28	21	26
Harassment has generally affected life to <u>quite a small</u> extent	13	24	34	24
Harassment has generally affected life to a <u>very small or extent or not at all</u>	11	22	31	22
Total	100	100	100	100

Appendix 4

The National Council held three in-depth interviews with people in order to gain an overall picture of individual stalking situations and how they are experienced by victims.

The National Council chose only to interview people subjected to work-related stalking. The reason for this is primarily that this form of stalking has not been described to any great extent previously. The three people were not chosen in order to give a representative picture of stalking within this group, but in order to give a more vivid picture of how long-term and serious stalking can be experienced.

Those interviewed were a politician, a case-worker and a journalist. They have all read the in-depth interviews, and given their consent to publication.

In-depth interview 1: Inger, politician, persecuted for several years

In her years as a politician, Inger (made-up name) had become used to managing people's sometimes unbridled anger over political issues, politics in general and politicians – both as a group and as individuals. It was also something which politicians had had to accept, something which came with the job, so to speak. So when a politically interested local resident started making contact more and more often and became increasingly aggressive, it took a while before Inger understood that something was fundamentally wrong.

It started with the man frequently contacting Inger to discuss politics. Sometimes he would get angry, call her a “bloody politician” and be generally rancorous and accusatory. This was a little unpleasant, but no more than that.

However, the man became increasingly more obtrusive and more often aggressive. He wrote angry letters, turned up in different places where Inger would be, often waited for her at her home, and phoned to her home in order to ask her husband, children or babysitter where she was and when she was expected home. One evening he walked into their unlocked home when drunk, shouted and was generally unpleasant. This ended with Inger and her family moving house. The man continued to make contact, very intensively and aggressively during some periods; at other times, things were quiet.

After a couple of years, the harassment escalated. The man often wrote several e-mails a day, phoned home to Inger at night and accused her of many different things. He also started to threaten her in different ways. In

various ways he made it clear that Inger would ‘pay’ for the persecution he felt that society had subjected him to.

TRIED HERSELF TO GET THE MAN TO STOP

Inger tried everything she could think of to get the man to stop. She switched between being assertive and telling him to stop phoning and treating him as respectfully as possible in order to calm him and divert him. “I tried to handle the situation, but I failed. I wanted to be strong and manage everything myself, even when it was clear that I was very afraid”, says Inger. “I also had a very fixed perception of the politician as the person who cannot be threatened, who cannot be frightened and who cannot be coerced.”

It was not until Inger’s husband was also threatened that she reported the man to the police. The man was prosecuted and, despite pleading not guilty, was convicted of threatening behaviour and molestation, He received a non-custodial sentence.

The man was also issued with a restraining order to stay away from Inger. Despite this, the attempts at contact continued, but they changed character and were no longer made directly to her. “He got smart”, says Inger. “Instead of sending letters to my home, he sent anonymous letters and cards to my workplace. These were individual letters and cards which were not serious in themselves since they did not contain any threats, but for me they were very serious. The whole time there were small incidents, and the whole time there discussions about whether these constituted non-compliance with the restraining order or not.”

Inger felt worst during this period. For over six months she could hardly sleep and she lost a lot of weight. The feeling of always being watched and not having any control over the situation was very debilitating: “It was as if he constantly wanted to remind me that he existed, that he had not given up. He knew how frightened I was, for I had said so during the trial. These were only new ways keep his position of power. Ultimately there was the fear that he would turn the threats into action. I thought about my family and the children.”

In the end, the man turned up at a political meeting where Inger was speaking. He was arrested by the police and later prosecuted for ignoring the restraining order. For the first time, Inger went on sick leave.

Now for the second time, the man was to appear in court. Some days earlier, he sent letters directly to Inger and pointed out that he now might just as well take the opportunity. It was established that the man was seriously psychologically disturbed and once again he received a non-custodial sentence. Inger reacted strongly: “How can he be allowed to ruin my life so much and then just walk away a free man?”.

HARASSMENT IS NOT A CRIMINAL OFFENCE

Some time has now passed since the last trial. The restraining order has been continually extended. The man has continued to contact Inger in var-

ious, indirect ways and Inger continues to tell the prosecutor when the man has done something which might be criminal. So far the prosecutor has said that the acts are only grounds to extend the restraining order.

Inger feels that she has ended up in a legal grey zone. The man's individual actions are not considered criminal, but for her – seen in their context – they are very frightening. The man reminds her the whole time of his existence and to Inger it is the totally obvious that his aim is to harass her and remind her that he is still around and will not give up.

Inger sometimes thinks that there is no point in telling the prosecutor or police since it is still not enough for a prosecution. But she needs the restraining order. At least the man does not contact her at home any longer, and not directly at work either.

Inger has hired a security consultant to help her with security precautions. And she has had a person to talk to about the fear and disappointment that the persecution does not stop. "Security routines from the police and security consultant are extremely important in order to create a feeling of safety and in order for me to stay aware of my own role in these routines etc.", says Inger.

"It is very important that those who know about and can assess the situation professionally, also take full responsibility for what one is to do – and thus lighten the responsibility on myself. The responsibility I already have is more than sufficient."

WISHES THAT SHE HAD RECEIVED INFORMATION EARLIER

Inger's contact with the legal system has been mostly good, even if she has experienced shortcomings. Her point of view can be summarised in the following points:

- *Lack of information about the phenomenon.*

Inger wishes that she had known earlier what she was being subjected to, that it was a question of behaviour where the most distinguishing characteristic is the sequence of incidents, not the individual incidents themselves.

- *Lack of information about what to do oneself.*

Inger wishes that she had known earlier how to deal with the man – that "the worst thing you can do is to respond. Instead, you should ignore the person and not reply at all".

- *Too many people involved.*

Inger wishes that she had only one contact who in turn would take care of contacting the others involved. She has sometimes felt that the main responsibility for getting things done has lain with her.

- *Intervention against the perpetrator.*

Inger considers that the sanctions against the man were nowhere near in proportion to the major consequences his actions had had for her life and the lives of her entire family.

- *No psychological counselling.*

Inger needed somebody to talk to, especially in the difficult time between reporting the matter to the police and the trial.

“It may seem strange, but you learn to live with it. This doesn’t mean you accept it or tolerate it, but you learn to live with it”, says Inger. “Support from those around you is very important. But people don’t know what this is and how much it can affect a person’s life. I was lucky to find someone to talk to who could provide support.”

(Told to the National Council in November 2005)

In-depth interview 2: Sophie, case-worker, harassed via the Internet for years

About a year ago, Sophie (made-up name) decided to see what was written about her on the Internet. She wrote her name into search engine and expected a few hits, mostly connected to her work. The search results were a shock. On website after website, in so-called guest books, she was entered as a person who offered various sexual services. One of her relatives was named as a pimp, and a number of places Sophie goes to were named as the places at which the services would be performed. Sophie herself was described in detail with her name, home address, workplace, telephone number and e-mail addresses.

Sophie soon suspected a client with whom she and several of her colleagues had had contact a year or so earlier. The man had considered himself wrongly treated and had behaved aggressively towards those involved. The way the man wrote was almost identical with the Internet texts. Her suspicions were reinforced when also colleagues who had had contact with the man were written about. Sophie reported the matter to the police and told them of her suspicions.

Since then, the Internet harassment has constantly increased. A search for Sophie’s name now gives over 1 000 hits, consisting almost entirely of sexual and racist harassment. There are coarse descriptions of what her body looks like and which sexual services she performs. She is also described as a seller of hardcore pornographic materials and as running prostitution services.

FAMILY, RELATIVES AND COLLEAGUES ALSO HARASSED

The perpetrator has for years observed Sophie’s life and found out where she lives, where she works, when she has changed jobs, her telephone numbers and e-mail addresses at home and at work, who her close family, relatives, friends, colleagues are etc. By accessing her web mail account, the perpetrator also found out the e-mail addresses of her friends. All this in-

formation was put out on the Internet.

The website guest books also include offensive descriptions of Sophie's family members, relatives, friends and colleagues as well as her husband's family members, relatives and colleagues. Sophie's colleagues who were previously in contact with the man are also victims.

Sophie seems to be the biggest sufferer of them all. Apart from constantly appearing in a series of offensive contexts on the Internet, Sophie and her husband have received a number of telephone calls and e-mails from people interested in Sophie's alleged sexual services. The number would almost certainly have been significantly higher if Sophie had not taken several counter-measures to make it harder to contact her. For example, she has moved, obtained a new, unlisted telephone number, coded their e-mail addresses and applied for protection of personal details.

The perpetrator has never threatened Sophie – neither has he phoned her, written to her or in any other way tried to contact her. Nonetheless, in recent years she has lived with fear which varies between quite strong and very strong. The fear is for both her own and her family's safety: "There is always fear when someone is victimising me and my family in this way. It is mostly a virtual threat – so far at least. But all the time I think about what his next move will be, and what he would do if the police intervene".

Fear that the perpetrator will find out where the family now lives and the places they go leaves a considerable imprint on the everyday lives for the entire family. Their lives are characterised by constant caution and continuous security measures.

The feeling of violation is also difficult for Sophie to bear. She feels violated knowing that fictitious sexual stories are circulating round the Internet, knowing that other people read them and perhaps believe them, and by being called in by her boss because an outsider has read what they say. But the greatest violation Sophie feels is not being taken seriously, not even by the police.

It was when Sophie had known about the harassment for about one year and her third report to the police had been added to the pile that her employer decided that enough was enough. The head of security gave the police a comprehensive report containing supplementary information which clearly pointed to the suspected perpetrator. It was not until then that the police investigation got going. But when the police were about to intervene against the suspected perpetrator, the investigation stopped. It started up again later, but the man has still not been arrested.

THE HEAD OF SECURITY HAS BEEN A GREAT HELP

Sophie is very happy with the help she has received through her job. The head of security, apart from carrying out an investigation, has also, for example, taken security measures regarding Sophie's e-mail address and telephone number, informed her how to handle her personal details in

various work-related documents, helped her with contacts with the police and phoned round to various organisations which provide guest books and asked them to remove the offensive material.

Sophie's criticism of how the police have acted in this matter, on the other hand, is considerable – both with regard to the results and the case-work itself. The repeated reports to the police made by Sophie (some together with her employer) have not led to any action which has improved her situation. If she were to grade her satisfaction with the way the police handled the case using a scale of ten, where ten is very satisfied and one is very dissatisfied, the grade would be two.

Sophie's criticisms of the police, for example, concern the following areas:

- *Uncertainty in classifying the offence.*

According to Sophie, the police do not seem to know which offence(s) she is being subjected to: "They have been classified differently depending on who I have spoken to, for example, sexual molestation, threatening behaviour and insulting behaviour. I have had to decide myself what to call it and classify it as."

- *Lack of knowledge about Internet harassment.*

Sophie considers that the police suffer from a lack of knowledge of how the Internet works. She also considers that they did not appreciate the fact that the harassment she is being subjected to is constantly in progress, that the offensive material is constantly accessible and can be read by any person at any time.

- *Lack of knowledge of persecution offences.*

The questions which Sophie has been asked by the police, according to her, indicate a lack of knowledge of the distinguishing features of persecution offences and how long-term exposure to them affects the victims. The picture Sophie paints is of questioning carried out as if it was a matter of individual incidents which could be separated and accounted for in detail: "You have to know and understand that it is a series of incidents and then ask questions in a way that is appropriate to such a series, even if individual reports have to be investigated. Interview methods need to be adapted."

- *Bad treatment.*

Sophie thinks that the police did not seem to take her situation seriously. In the past few years she has "phoned them and nagged them" to get them to act upon her case, take her reports by telephone and send her a copy of the interview records etc. Some individual police officers have also lacked both understanding and respect.

Sophie hopes that the police arrest the perpetrator in the not too distant future – mostly because she wants an end to the harassment, but also to avoid having to report anything more to the police: "It is insulting to have to talk every time to somebody who does not understand, to be forced to repeat everything over again and to link it to the other reports myself. I should have reported every time there has been something new about me or

when anybody contacts me due to the Internet material, but it became too much for me. Especially when one knows that not much will happen anyway.”

(Told to the National Council in November 2005)

In-depth interview 3: Peter, journalist, has received anonymous threatening letters for years

About a year ago, journalist Peter (made-up name) received an anonymous, hand-written letter at work. The letter was short, well written and tidy. In a ‘matter of fact way’, the letter-writer wrote that he – or she – would kill Peter and Peter’s child. Peter was in a state of shock the rest of the day.

For the following month, an anonymous threatening letter arrived every week. Then things were quiet for several months before a further couple of letters arrived at his workplace. In one of the letters, the letter-writer told Peter that he would soon see a child die. In a couple of other letters, which arrived in the aftermath of the incidents in the USA where anthrax bacteria were sent through the post, there was a white powder. During this period, Peter was in a more or less constant state of great fear for his own and his family’s safety. It was not until the threats against his family stopped that the fear started to subside a little.

THE THREATS HAVE CHANGED IN CHARACTER

The letter-writer, who has something against the way Peter way does his work, has continued to write to his workplace. Months can pass between letters, on one occasion even a year or so, but the letters continue to come – often when Peter or Peter’s workplace is featured in other media. The character of the letters has changed over time and has become “more calculating”, as Peter expresses it. The contents have been somewhat shorter and the express threats have been replaced by more concealed threats.

The letter-writer has also written to and criticised other people at Peter’s workplace, but these letters have never contained any threats. Peter does not know why he has been singled out for, as he perceives it, the letter-writer’s desire to humiliate him and influence his work. He has thought a lot about why, and about who the letter-writer can be. Based on the letters, he has created a picture of the person – a picture which is perhaps not at all correct, but which still feels good to have when the rest of the situation is full of uncertainty.

Peter has had many anonymous letters. Every letter has been reported to the police. The police, who have classified the case as threatening behaviour, have tried to identify the perpetrator with the aid of fingerprints, sa-

liva samples, profiling etc., but without success.

Peter has continued to work the whole time. To sick-list himself or change jobs has been unthinkable – that would feel like giving up, throwing away everything he struggled for so many years and letting the letter-writer win. Had it not been for his helpful employer, he would have “split apart and broken down”, as he expresses it. His employer has, for example, helped with police contacts, arranged contacts with a stalking expert, established security routines at his workplace in order to protect Peter from the letters as much as possible, paid for therapy and hired bodyguards on a couple of occasions.

FEELING OF UNCERTAINTY AND POWERLESSNESS

Several years have passed since the first letter. The length of this period has caused great psychological stress. “The fear of being killed has gone. The thing is that it carries on. There is no end. It is in the back of my mind all the time”, says Peter. One of the most difficult feelings is the uncertainty – not knowing who the letter-writer is and why the person is doing what he or she is doing, not knowing when and if the next letter will arrive, and if it will ever end. The feeling of powerlessness is also strong – not being able to do anything to end the situation which is plaguing his life. Peter lives constantly with a raised stress level which means that he is also more sensitive to other kinds of disturbance. He is more easily irritated than before, and even small setbacks and problems can be experienced as major ones. “The glass is always only half full”, as he expresses it.

Although the police have told Peter that the threats against him are currently assessed as at a low level, Peter finds it difficult to feel any great confidence in this assessment. Anxiety about the anonymous letter-writer makes him constantly vigilant and prepared to defend himself when he is outdoors.

Over the years, he has instigated several security measures at home – not only to increase the feeling of safety, but also to at least do something concrete in his otherwise powerless situation. He has obtained, for example, an unlisted telephone number and a caller ID. He always phones back to telephone numbers he does not recognise. He rarely lets his child open the front door or lift the lid of the letterbox. He has put up a high fence round his house and garden and has put in an extra door in the garage to use as a possible escape route.

THE POLICE LACK KNOWLEDGE OF PERSECUTION

Peter has mixed feelings about his contacts with the police. At first he felt he was not being taken seriously, and the initial advice on how he should react to the threats did not seem to fit him or his situation at all. He has since clearly felt that the police care about him, but also that they lack the time, knowledge and other resources to manage this kind of case. He was asked a good number of, to his mind, strange questions which indicated

that there was no insight into what it means to be subjected to this form of persecution. It is as if the police do not understand that the “psychological distress and pain is very considerable when it continues over a long time”. Peter wishes that he had received more concrete help to manage his situation, for example, emergency counselling the first time it was reported to the police, the opportunity to join in support groups with other persecuted people, and tools to show what he and his employer could do in the workplace.

Sometimes Peter almost wishes that the letter-writer would knock him down instead of sending anonymous letters. Then he would at least have something concrete to show to the police – and the chance for the police to arrest the person would increase. Peter’s hope is that the letter-writer makes a mistake soon and reveals himself/herself: “Until then, a warning bell will always ring whenever there is a white hand-written letter in my mailbox”.

(Told to the National Council in October 2005)