

# Cyber-crimes in Europe:

# Trans-European nature of stalking

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# Trans-European nature of stalking

## Talking points:

1. Victim Support Europe & victims' needs
2. Stalking / cyberstalking
3. European legislation
  - a. Issues
4. The role of victim support services
5. Future solutions

# Trans-European stalking:

**The practice of stalking a victim, or multiple victims, across European borders, from one country to another.**





**over  
2 million  
victims  
supported  
every year**

**60** organisations:  
*NGOs, State, Individuals,  
Universities*

**31** countries

**5000+**  
*staff and volunteers*

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**Est. 1990**

*To promote rights and services for **all** victims of crime in Europe.*

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**The voice of victims in Europe**

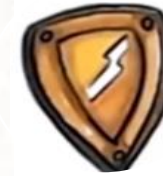
*Advocacy to improve EU and international laws, research and knowledge development, capacity building at the national and local level.*

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**ACCESS TO  
JUSTICE**



**SUPPORT AND  
INFORMATION**



**PROTECTION**

**RESPECT AND  
RECOGNITION**



**COMPENSATION  
AND  
RESTORATION**

# Victims' Needs

**Individual  
needs**

**Specific  
groups**

**General needs**

# Victims' needs as a starting point



**5 general needs**



**Needs of specific groups**

*Trafficked, LGBTI+, disabled, terrorism, minors.*



**Individual needs**

*Personal situation and character.*

# Stalking

- **Persistent harassment in which one person repeatedly imposes on another unwanted communications and/or contacts.**
- **The behaviour can be perceived by the victim as annoying, threatening, fear-inducing or disturbing.**
- **The behaviour is unwanted.**

# Cyberstalking

- **The use of the internet (and other technological means) to stalk an individual.**
- **Behaviour results in victim being threatened and fearful, humiliated and isolated.**
- **The behaviour is unwanted.**
- **An invasion of a person's privacy.**
- **Cyberstalking is often accompanied by real-time or offline stalking.**

# Mutual recognition of protection orders

## Directive 2011/99/EU on the European Protection Order

establishes a mechanism for the mutual recognition of **protection** measures for victims of crime.

*'European Protection Order'*

**Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013**  
on mutual recognition of protection measures in civil matters.





# Protection Orders:

## The cost of divergence across the EU

- Eligibility criteria; *who* can apply for civil/criminal protection orders
- Application requirements
- The immediate effect of protection orders
- The possibility to appeal an emergency barring order
- Inclusion of children
- Support to victims
- Admissibility of mutual protection orders
- Length of protection order proceedings
- Administrative and court fees
- Legal representation for the victim
  - Availability of free legal representation
- Registration of protection orders
- Supply of information to the victim
- Prioritisation of calls relating to protection orders
- Evidentiary requirements
- Enforcement procedures
- The authority responsible for monitoring compliance
- The discretionary power of monitoring authorities to report violations
- The criminalisation of civil protection orders and emergency barring orders violations
- The reaction to victim-initiated contact
- Availability of specialised training for the monitoring authorities
- The maximum and average duration of protection orders

**‘The main challenge related to the fact that the 27 Member States have different legal traditions is that there can be a loss in the level of protection enjoyed by the victim. If, for instance, a victim travels to a Member State where the GPS-assisted monitoring granted in the home state can no longer be supported, this may result in a lower level of protection. The situation is even worse, when executing Member States have no national measures available whatsoever or when breaches or protection orders do not carry a sanction.’**

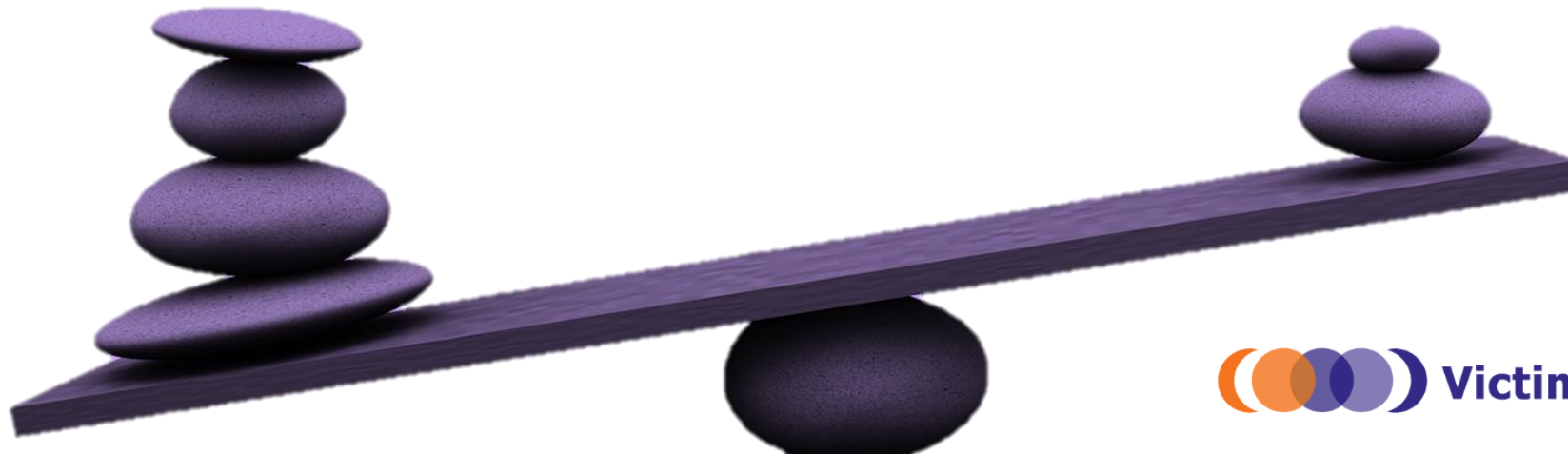
*Mapping the legislation and assessing the impact of protection orders in the European Member States,  
van der Aa, et al. 2015*

# The problem with **fear**

## Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to **fear** for her or his safety, is criminalised.

- Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011





# Shortcomings in protecting trans-European victims of stalking



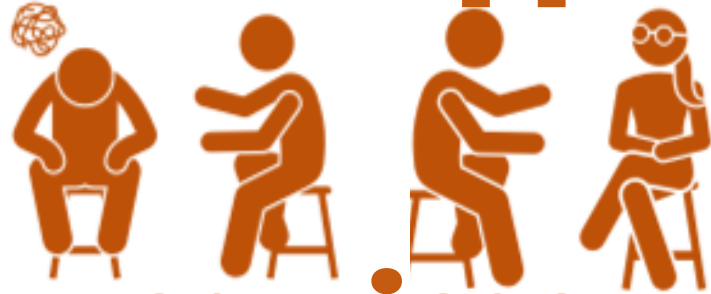
# Victims' Needs



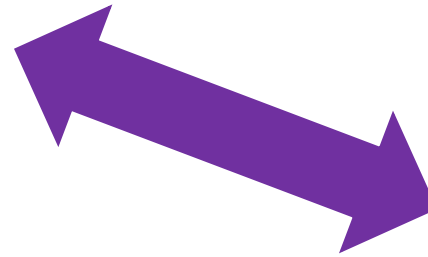
## Shortcomings in protecting trans-European victims of stalking



# Victim Support



**services**



**SUPPORT AND INFORMATION**



**RESPECT AND RECOGNITION**



**ACCESS TO JUSTICE**



**PROTECTION**

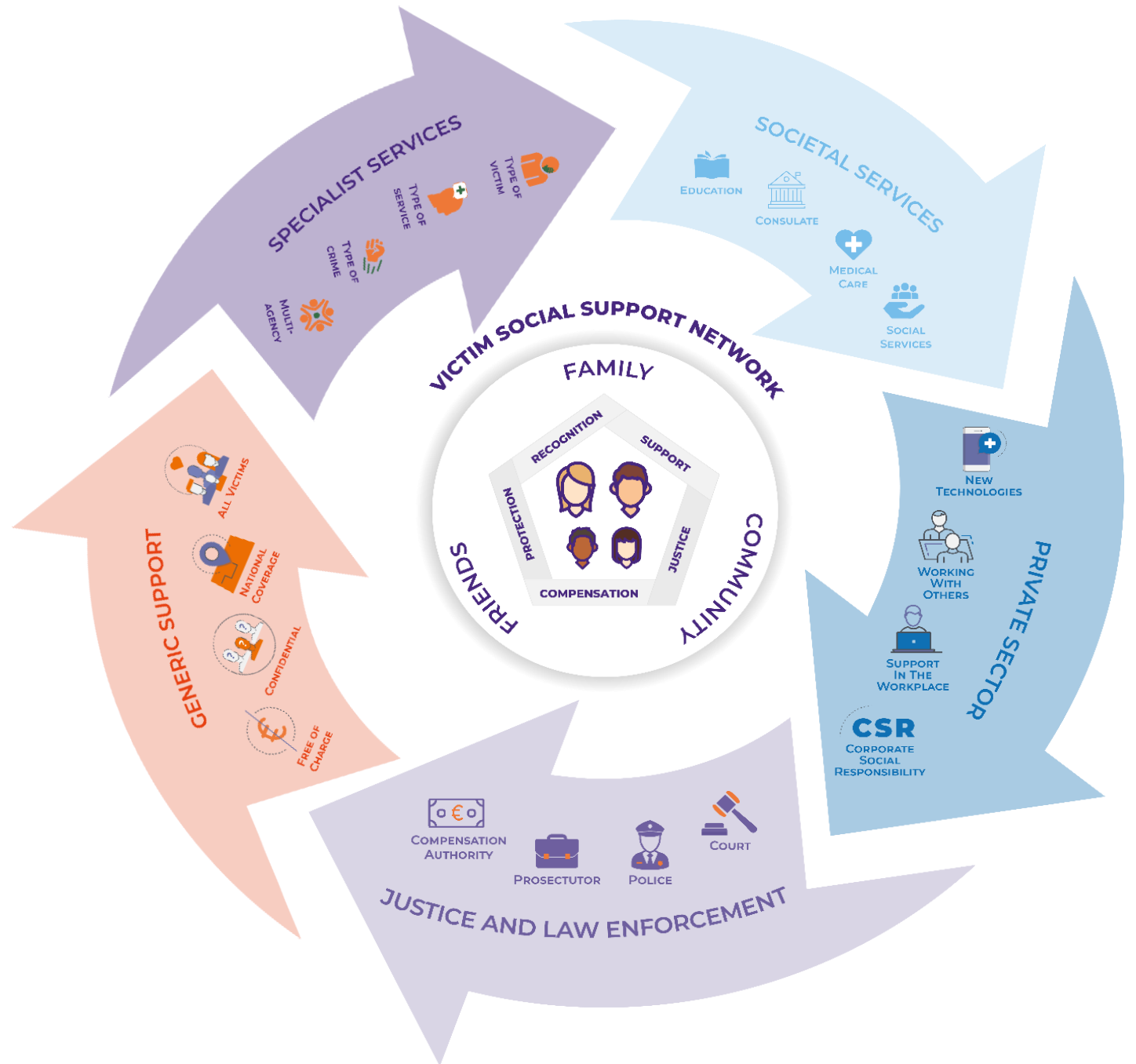


**COMPENSATION AND RESTORATION**



**The role of victim support services**

# National framework for comprehensive victim support



An illustration on the left side of the slide shows several hands in white and light blue tones, reaching in from the left and bottom to assemble several light blue puzzle pieces. The background is a gradient of blue and purple. The puzzle pieces are arranged in a roughly circular pattern, with some already connected and others being placed.

# Piecing together solutions

- ❑ Victim-oriented and victim-sensitive justice
- ❑ Mutual recognition of EPOs in practice
- ❑ Network of national victim support
  - ❑ Effective referral mechanisms between victim services
- ❑ LEA collaboration across borders
- ❑ Awareness raising
- ❑ Helplines
- ❑ Training
- ❑ Education
- ❑ Statistics



# Thank You

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