STALKING AND CYBERSTALKING AS A FORM OF VIOLENCE

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Abstract. *Experiencing violence is one of the greatest threats to human freedom and security. Consequences of violence, both physical - such as bruises, cuts, fractures, and even death, as well as mental - aggression, mental health problems, low self-esteem, emotional and cognitive disorders, can be drastic and permanent for the victim. Widespread and easy access to the media increases the risk of experiencing violence and its consequences. It is therefore important to make the public aware of possible types of violence and to conduct research in this area to help specialists in the field of psychology, law, pedagogy and psychotherapy as well as law enforcement agencies and network service providers to create effective prevention strategies.*
***Keywords:** violence, stalking, cyberstalking*

Introduction

The aim of the presented article is to describe and characterize the phenomenon of stalking made on the basis on literature in the field of law, psychology and criminology as well as media pedagogy. It referred to the most important publications of Polish authors devoted to the problem of stalking. The problem of stalking and cyberstalking is often considered as embarrassing. It happens that victims of stalkers suffer by submitting to aggressive manipulations and behaviors used by stalkers. A review of literature research and analyzes is the starting point for the empirical research undertaken by the authors, which are currently carried out at Nicolaus Copernicus University in Toruń.

On 6 June 2011, the category of stalking crime (persistent harassment) was introduced into the Polish criminal code. According to the data of the Statistical Department of Management Information of the Department of Strategy and European Funds of the Ministry of Justice in 2015 based on Art. 190a. § 1. (*Who, by persistent harassment of another person or his or her closest person, arouses a sense of danger or is materially violating his or her privacy, is punishable by imprisonment of up to 3 years*) in Poland in total 1163 persons were tried, including 972 men and 191 women. These penalties included: an independent

fine, restriction of liberty, deprivation of liberty, conditional remission. Pursuant to § 2. (*The same penalty is imposed on whoever, impersonating another person, uses its image or other personal data to cause damage to property or personal*) in total, the court convicted 69 people, including 43 men and 26 women. Pursuant to § 3. (*If the consequence of the act specified in § 1 or 2 is the victim's attack on his or her own life, the perpetrator is subject to the penalty of deprivation of liberty from one year to ten years*) three men were tried. In the years 2012-2015, 255 people were sentenced to imprisonment for stalking (in individual years 5-9%) (Szopa, 2018)

Stalking - the meaning of the concept

The concept of stalking refers to the crime of persistent harassment, by which is meant the conscious, intentional and often malicious persecution of the other person caused by the desire to recreate or make the intimate contact with the victim by the stalker. Striving to achieve the goal set, the persecutor undertakes actions which aim at gaining complete control over the victim, trapping her or him. Diversified actions taken by the stalker really threaten the sense of security and cause a strong fear and a sense of danger in the victim (Tomaszek, 2012, 135-137). Therefore, the actions of the perpetrator can be classified as violent behaviour, which is characterized by repetition, intention of hurting the other person, unevenness of strength, sense of threat to the victim. According to *Merriam-Webster Dictionary*, the English etymology of the term refers to the noun 'stalk' meaning "obsessively harassing" (first recorded in 1991) or a verb with the same wording as "Moving around or stealth" and often used in hunting jargon in relation to secretly sneaking and cornering animals.
The nature of the stalking really takes on the characteristics of hunting, in which the hunter-perpetrator engages and traps the prey-victim with commitment.

Victims of stalking

Research by the team of researchers P.E. Mullen, M. Pathe, R. Purcell, G. W. Stuart (1999) implemented on a group of 145 stalkers showed that the victims of stalkers are usually former partners (30%) and people known to them from professional relationships (23%) or work (11%) (https://www.ncbi.nlm.nih.gov/pubmed/10450267).
Research conducted on a group of 50 stalkers showed that "in 22 cases, the perpetrator committed a brutal violence act against a victim in the form of: causing serious bodily injuries, serious wounds, attempted murder, and death" (Tomaszek, 2012 for: Farnham, James, & Cantrell, 2000, 151). Also disturbing are data that indicates that "27% of perpetrators convicted of brutal violence were abandoned lovers or acquaintances of the victims. In the group of stalkers who had a

intimate relationship with the victim, in 70% of cases the perpetrator physically abused the victim (...), and on 20 cases of violent aggression used by stalkers, up to 1/4 of crimes (5 cases) the perpetrator killed his victim, and in 3 cases he tried to do it" (Tomaszek, 2012, 151-152). These data show how seriously people who are victims of stalking are struggling. Stalker activities not only affect their self-esteem, sense of security and emotional sphere, but they can also end tragically. The use of social media, messengers and information technology tools by stalkers in order to harass, track and intimidate victims requires counteracting this phenomenon and cooperation of many institutions and organizations (e.g. police, prosecutor's office and assistance provided by Blue Line employees).

Media in the hands of the perpetrator – cyberstalking

The development of mobile telephony and the Internet has allowed stalkers to increase the speed and scale of their operations by providing them with convenient tools to harass their victims. Due to the growing importance and universality of media reception, the effects of the persecutor's actions are even more felt by victims as painful, painful and threatening their safety.

The transfer of persecutory activities to the virtual space has been described as cyberstalking. Analogously to the adopted definitions of stalking, cyberstalking "is understood as persistent and unprovoked by the victim's behaviour, includes multiple threats and behaviours that plague the victim, despite her or his suffering and requests to stop, using communication and information tools, which results in the victim being worried about his/ her safety (Groth, 2010, 87).

The media can be a blessing as well as a curse. The popular social networking site Facebook has over 2.2 billion users. It is a huge database of people containing photos, film materials, animated gifs, text messages. Users themselves decide what content is posted on the portal and what access they assign to it. It is noted that 5 - 15 percent of Facebook accounts (accounting for 100 to 300 million accounts) are false (I draw Facebooks, https://rysujefejsbuki.pl/rysunek/2-mld-uzytkownikow-facebooka/). They are often used by criminals creating fake identities or impersonating real people. To groups of friends, Internet users accept people with fake accounts as well as strangers (friends of their friends). Studies by Malcolm Parks and Kary Floyd from 1996 showed that 2/3 of Internet users were able to establish a relationship with a person on the Internet, nearly 8% of them described this relationship as affective) (Whitty & Carr, 2009). Sometimes tools such as Facebook, messengers or tools to determine whereabouts can allow you to control and observe the activity of others (login time, activity, reception of messages sent). These possibilities are often used by cyberstalkers. They can harass their victims by spreading on the Internet personal or intimate pictures of the victim, personal data (place of residence, function, workplace), false

information, recordings of conversations, intimate relationships (registered without consent and knowledge), impersonation of the victim (on chats, mailing lists) and using its accounts (e-mail, communicators), installing spyware, sending viruses, destroying computer hardware (Skarżyńska-Senaglia, 2009, 1-15). Cyberstalker activities in the space of social networking sites can be additionally strengthened by haters who post offensive comments. All features of cyberstalker behaviours are included in the definition proposed by Justyna Skarżyńska-Senaglia, which describes them as "repeated persistent harassment through various forms of violation of personal liberty and privacy of the other person, causing anxiety, self-restraint, physical and psychological discomfort, a number of health ailments, physical and psychological, difficulties in interpersonal relations and justified fears about their own safety. Stalking is: intrusive physical or virtual contact with a person who does not want this contact, communicating with her/ him against her/ his will through persistent harassment with phones, smothering with text messages or e-mail, watching, observing, tracking, overlapping at home or at work, burdensome or unwelcome presents or gifts or flowers, threats, aggressive behaviour, destruction of property and various forms of action to the detriment of a person who in this context becomes a victim" (Skarżyńska-Senaglia, 2009). Stalker aims to take control of the victim through intimidation, blackmail, persecution, often aims to isolate the person from his social environment through the feeling of shame, making the people closest to them upset). These situations are intended to arouse fear, helplessness and a sense of loneliness (Pielichowski, 2013, 30-31, for: Hołyst 2004, 211)

Features and psychological characteristics of the stalker

Katarzyna Tomaszek (2012) in the text *Stalker - a psychological characteristic of perpetrators of crimes of "persistent harassment"* reviewed researches (Forward & Buck, 1997; Hare, 1996; Douglas & Duttonn, 2001; Skarżyńska-Sernaglia, 2009) and a description of persons committing this type of crime emerged. The most common stalkers are men aged 35-40, those who are single, unmarried. Stalkers are mostly educated people with a higher intelligence quotient, often without employment, their own home, not self-reliant. Many of them have a criminal record, in the past they could have been perpetrators of domestic violence. The stalker's activity is most often caused by the victim's breaking of an intimate relationship which releases the perpetrator's behaviour with the characteristics of obsessive love. Initially, through his actions (presents, arranging meetings) the stalker tries to regain the lost relationship, but the direction of his actions changes when the victim still refuses to return to the previous situation. As the author writes, "the initially positive feelings of the perpetrator are transformed. The victim is still in the centre of his attention, but

he begins to blame her for his failures. The desire for revenge and harm to the victim becomes dominant" (Tomaszek, 2012, 147). The purpose of the stalker is to show the victim by destroying her/ his personal and professional life. Attention is drawn to the fact that at the heart of his actions lies the fear of loneliness and the desire to be loved, and the lost relationship "is idealized and often acquires mystical significance" (Tomaszek, 2012, 147). The victim and his relationship with her/ him is idealized and perceived as indispensable to life with simultaneous objectification.

The motive of the stalker's actions is the desire to return to the lost relationship and/ or jealousy about the potential partner of the victim. It is emphasized that stalkers are characterized by difficulties in relationships (Tomaszek, 2012) and problems in establishing interpersonal and intimate relationships, low level of empathy (Skarżyńska-Sernaglia, 2009). These people do not take into account the needs of other people and their right to decide on their own lives and happiness. Perpetrators often perceive themselves as victims, emphasize their own rights to decide about relationships. A large percentage of perpetrators (70-80%) are characterized by narcissistic, anti-social personality, social maladjustment, selfishness and self-centeredness. In 30% of the examined stalkers (N = 145) delusional disorders (which concerned the group seeking intimacy) were found, while the rejected groups were dominated by those with personality disorders (Mullen, Pathé, Purcell, & Stuart, 1999).

The image of the reality of stalkers is distorted, improperly perceive the messages of other people that they do not want to maintain their relationship. Attention is drawn to the high level of impulsiveness and inadequate reactivity to stimulus situations (sometimes these people may become perpetrators of violent acts of aggression under the influence of the situation). These people are characterized by low sense of value, they are also frustrated with their life situation (Pielichowski, 2013). Research shows that victims before the situation of stalking in relation to the perpetrator experienced from her/ him: humiliation, controlling, prohibiting or preventing meetings with family and friends, undervaluation of relationships, attempts to influence and control their lives, provoking arguments and quarrels, outbursts of anger, intimidation of a person inadvertently complying with their will (Pielichowski, 2013, for: Walby & Allen, 2004)

In the literature (Pielichowski, 2013, 30-31 after: Mullen, Pathé, Purcell, & Stuart, 1999, 1246), five types of stalkers are distinguished: those rejected, characterized by a desire for revenge for dismissal, disintegration of the relationship, seeking a return to an earlier relationship, offended people characterized by a sense of harm, these people use blackmail and intimidation, people seeking intimacy- guided by the conviction that the partner is intended for them, wrong suitors- people with difficulties in establishing relationships, prone

to obsession, stalkers, predatory persecutors - snooping victims, planning a sexual assault. The results of the research conducted by P. Mullen, M. Pathé, R. Purcell and G. Stuart (1999) show that "63% of persecutors (N = 84/145) fulfilled their threats, and 36% of their activities were in the nature of assault. Threats and damage to property were more frequent in offended persecutors, but in the group of rejected and predatory persecutors, more attacks on victims were reported." A greater risk of stalker actions was noted in the group that had already been convicted. Another distinction is evoked by Groth (2010, 92, for Zona, 1993):

–   persecutors-erotomaniacs, convinced that the victim has feelings for them (most of this group are women),
–   people obsessive about love (they realize that the victim does not reciprocate their feelings - most of this group are men),
–   obsessive perpetrators - former partners or people in other relationships with the victim (there are both women and men in this group).

Forms of victim harassment take the form of: frequent phone calls, sending innumerable messages (e-mail, sms), sending unwanted presents, parcels, intrusive meetings, trips, sexual proposals, victim tracking, overrides at the workplace, or place of residence, eavesdropping, recording victims (conversations and videos), attaching to public places, emotional blackmail (eg suicide attempts, threats of revealing intimate pictures, materials) and any acts of aggression and vandalism (destruction of objects, harming animals belonging to the victim). It happens that these people impersonate the victim by creating accounts on social networks or sex portals giving personal details by sending emails on her behalf. They also make purchases and order parcels at her expense. They disseminate false information, it happens that they threaten to establish court cases, showing themselves as the victim. They use on the victims threats of death, body injuries, and also use verbal violence: profanity, insults and false accusation. In the case of publishing content on the Internet, they usually post personal content, intimate pictures, recorded conversations or their fragments, often contain information about love, descriptions of sexual acts, give intimate facts about life (along with the person's data, her workplace, her position, address). In messages or posts you can find vulgar terms, insults. The content of text messages, which are supposed to make the victim contact them, is blackmail, e.g. sending information to colleagues, threatening a visit of the abuser at the workplace (often the executioner adds, for example, that it will not be a nice visit), setting conditions for cessation of activity if the victim contacts them and meets the conditions required by the stalker. Stalker can also formulate threats of death or mutilation of the victim. The danger is that these people have or may have sharp objects threatening the victim (e.g. razors, knives) (Skarżyńska-Sernaglia, 2009a; Tomaszek, 2012, 140-141). It is worth emphasizing that stalking is often

associated with cyberstalking. Perpetrators use different strategies and ways to harass their victims both in the real and virtual world (Groth, 2010, 93 for: Meloy, 1998, 11; Cupach & Spitzberg, 2004, 80).

Research shows that stalkers are a very diverse group, among them are people characterized by psychotic, schizoaffective disorder, mental illness, personality disorders (immature personality, borderline, paranoid, schizoidal, depressive, dependent) (Tomaszek, 2012, 135 -156; Nowicka, 2017).

In the era of digital media and widespread access to the Internet, the phenomenon of stalking is subject to extension, both due to the speed, scope and scale of persecutory actions, as well as the size of the damage caused to the victim. Information and communication technologies in the hands of the perpetrator become a dangerous and often easily available tool of harassment, persecution and torture, the consequences of which are often impossible to control and eliminate. It is worrying that often trusting information behaviours of media users provide stalkers with a dangerous weapon against selected victims. In a simple way, the perpetrator collects information about his victim, her personal and professional life, learning about her habits, preferences and weaknesses. He also gains visual materials in the form of photos, films that he will use against her in the future.

Due to the rapid development and popularity of social media, it is impossible to completely avoid the risk of stalking, but it is possible to reduce its scale and effects. An effective way to counteract this phenomenon is widely understood education, covering various social and age groups. The educational strategy in the prevention of cyberbullying threats is promoted by many scientists from Poland and abroad (e.gPyżalski, 2012; Cox & Speziale, 2009; Southworth et al., 2007; Cattaneo et al., 2011; Miller & Smolter, 2011; for: D. Lindberg et al., 2012).

Analysing the studies of M. Szulc (2018, 83) and T. Völlink (Völlink et al., 2013), it can be concluded that the victims of violence are characterized by a passive attitude of thinking and acting, and that they do not have sufficient competences to counteract and respond to violence. Therefore, there is a need to undertake educational activities aimed at building a sense of self-control over events, based on knowledge and awareness of threats, their prevention and possible behaviour in a situation of a particular threat. The acquired competences reduce the risk of victimization. The powerlessness and lack of action of the victim strengthens the perpetrator with a sense of impunity and aggressive behaviour.

Bearing in mind the fact that most of the members of society are not prepared for the experience of violence, it is necessary to ensure that the education dimensions mentioned earlier in favour of effectively recovering from violence crises take into account the implementation of educational activities in a comprehensive manner within three levels:

> − prophylactic level - covers broadly understood information, media and civic education aimed at raising awareness of threats, sources and mechanisms of their operation, potential effects of violence in a broad sense and possible ways of counteracting it, both with regard to victims, perpetrators and witnesses of violence;
>
> − psychological and social level - includes actions aimed at shaping the right attitudes towards manifestations of violence (both as a victim and a witness of violence) and the use of media, and targeted at training: interpersonal and mediated communication, assertiveness, empathy, constructive ways of implementation needs and problem solving, and coping with stress or the effects of aggressive behaviour.
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> − intervention level - focusing on activities aimed at recognizing the symptoms of violence and raising awareness of possible ways of opposing broadly understood violence and providing knowledge on the possibility of reporting problems, preventing, obtaining legal or psychological assistance, as well as treatment options (both victims and perpetrators of violence).

Stalking and cyberstalking – counteraction

As indicated in the introduction, the number of convictions for a crime of persistent harassment in Poland exceeded the number of 1000 in 2015 and is steadily increasing from year to year (from 2011 to 2014 it increased twenty-one times (Szopa, 2015)).

Therefore, every effort should be made to reduce the likelihood of experiencing persistent harassment. More and more electronic media are serving the stalker as a source of information about the victim and the tool of persecution. Therefore, it is necessary to ensure security in the media space.

When using online services, be careful and remember that not everyone is just as honest and kind as we are. You must protect your information so that it does not help the perpetrator to build a harassment strategy through access to contact details, description of habits and interests, and to prevent the acquisition of identity and the performance of certain activities and operation on our behalf.

Every social media user should review the content he makes available on the Internet to ensure his and his relatives' safety and to protect his identity.

Teachers and parents as well as children and teenagers can take advantage of online educational materials on safe Internet use on the Orange Foundation website (https://fundacja.orange.pl/stref-wiedzy/) or The We Give Strength to the Children Foundation (https://www.edukacja.fdds.pl/).

In the case of the experience of violence, despite fear and unhappy emotions, one should also remember about *collecting evidence* (e.g., e-mail, sms, chat entry or comment on social media); e*xpressing objection* (if you can document it); c*ontrolling emotions* (do not go into discussions and quarrels, do not assert the reasons for the stalker's action or ask for anything, etc.); c*hecking your devices and your environment* (check spyware on your digital devices, change login details using other, trusted devices); *taking care of your company* (isolating and hiding the problem will not help you); *notifying law enforcement* - for this you will need evidence and a notification of persistent harassment.

Victims of stalking need support and help in coping with stress and emotions. Loss of self-confidence, self-esteem, sense of security and control, fear of evaluation of others and a tendency to isolate may lead to reduced well-being and even suicidal thoughts and attempts.

In these situations, the importance of the family and the right relations prevailing in it, thanks to them you will be able to observe the victim's symptoms of harassment, make her talk, ensure closeness and full support, and persuade to counteract.

You can also see the significant role of witnesses of violence and their impact on the assessment of the situation both by the perpetrator and the victim of violence. The presence of witnesses and their reactions can play a role not only "therapeutic" - when they defend the victim, but also toxic when they strengthen the actions of the perpetrator. Especially in the case of cyberstalking, the boundary between being a perpetrator and a witness of violence is extremely fluid (Barlińska, 2013, 19). For this reason, the issues of shaping the right attitudes towards the observed violence should be taken into account in educational activities to counteract aggression.

Adults may seek help in various facilities, e.g. Crisis Intervention Centres and counselling centres specializing in therapeutic help. When the victim of stalking becomes a child, it is important to include, for example, a school and a psychological and pedagogical counselling centre. It is also necessary to contact a psychologist who will assess the degree of influence of what has happened on the child's emotions and functioning in life.

The contemporary world under the influence of globalization giving the reality characteristics of mosaic, pictorial and mass culture, despite its many advantages, unfortunately creates a feeling of loneliness and loss in the global and immediate space that changes the meaning of time, which reduces the interpersonal relationships and the level of communication skills compassion. These problems are often expressed in emotional problems, interpersonal communication misunderstandings, inability to establish and maintain deep and direct partner relationships, improper realization of own needs or far-reaching imaginativeness. The freedom, a sense of anonymity and lack of control

overwhelm many who misbehave to this new reality by displaying their "helplessness" in the form of aggression and violence. Is it already a pathology or a cry for help? We have to react: educate, raise, counteract and help to become a social being again.

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