WHAT TO DO IF YOU'RE BEING STALKED?

Information and help

bff:
FRAUEN GEGEN GEWALT E.V.

Legal options

There are various options for taking action against stalking!

Since 2007 stalking has been a criminal offence according to § 238 of the German Criminal Code. Stalking may be liable to a custodial sentence or a fine. The Article on stalking was revised in 2017. Stalking is now also punishable if the actions seriously infringe the lifestyle of those affected. Previously, proof of such infringement had to be supplied.

Many stalking actions also constitute other criminal offences, and may potentially be reported to the police separately, such as verbal abuse, threats, damage to property or bodily harm. In order for criminal proceedings to be taken, where many offences are concerned, a demand for prosecution must be filed within three months of the crime taking place.

Medical certificates stating the consequences of stalking, such as sleep disorders or increased anxiety, can be helpful for prosecution.

The German Act on Protection Against Violence (Gewaltschutzgesetz/ GewSchG) lays down clear legal rules for protection against physical violence, threats and stalking by current or former spouses and intimate partners, acquaintances and unknown persons, and provides for rapid assistance. According to § 1 of the GewSchG, the measures include:

- a **restraining order in the form of injunctions to stay away from the victim** issued against the stalker, meaning that he must stay a certain distance (ordered by court) away from your home, workplace or other places
- a **restraining order in the form of a no-contact provision**, meaning that the stalker is not allowed to make contact with you, either personally, or in writing, via the phone or via third parties.

Such protection orders must be requested from the jurisdiction Family Court. The breach of a court order of protection is punishable, because it is not unusual for stalkers to ignore restraining orders issued by the police or court orders of protection.

Further legal options include prohibitory injunctions against the stalker, which can be taken out under civil law.

In the event of cyberstalking, a request may be made to have data deleted.

Before instigating legal proceedings, you should seek legal advice and clarify whether sufficient evidence has been gathered, which approach is most appropriate, and whether you will have to incur costs. To this end, you can also contact a specialised counselling centre.

What to do if you are being stalked?

There are many helpful strategies against stalking:

- **It is advisable to talk about the situation with friends, relatives, neighbours etc. You can thus get support and, at the same time, prevent the perpetrator from getting information. Those close to the victim are also often affected by the stalker.**
- **Contact a counselling centre close to you. It will provide you with support and information on your rights. Counsellors will help you to assess your safety situation and plan the next steps of action.**
- **Directly spell out to the stalker, once only and in no uncertain terms, that you do not want any contact (personally, in writing or via telephone). This should preferably be done in writing, and by registered mail if possible.**

- **After the first rebuff, you should attempt to avoid reacting to the harassment or threats, and avoid making direct contact with the stalker.**
- **Where cyberstalking is concerned, it is often difficult to put this into practice, since different types of media and areas of life (mobile phone, computer, home, work, network of friends) may be involved.**
- **Document all stalking actions, indicating date and time. This may be important for legal proceedings. Take pictures and make a note of any potential witnesses.**
- **It is also important to preserve evidence: Keep all chat messages, e-mails, letters, text messages and messages on answering machines etc., noting date, time, place and course of events. Screenshots of messages on the mobile phone or computer may also come in handy. However, you should not accept any parcels which you haven't ordered.**
- **Malicious caller identification or an ex-directory telephone number can protect you against receiving nuisance or abusive calls. However, this incurs costs, is usually only possible if ordered by the police, and is difficult to implement.**
- **It is reasonable to seek legal counselling to obtain advice on further legal steps.**

If you feel threatened or are scared do not hesitate to call the police.

What is stalking?

“Stalking” is the wilful, frequently repeated and persistent following and harassing of another person over a long period of time. Contact is made against the will of that person. Victims are harassed and followed, threatened, coerced or also blackmailed. Stalking often involves the use of physical or sexualised violence, and can last from months to many years.

Did you know that...

... more than 80% of people affected by stalking are female?
... 24% of women in Germany have experienced at least one form of stalking since the age of 14?

How can you recognise stalking?

Stalkers typically try to attract the victim’s attention and dominate her everyday life. Ultimately this is about power and control, and it is why perpetrators try to maintain contact with the victims using all available means.

Stalking actions may occur in quickly repeated succession, but can also occur again and again at intervals with longer breaks between episodes.

Stalking actions may include:

- **repeated phone calls at any time of the day or night**
- **messages on the answering machine or mailbox**
- **frequently turning up in front of the victim's residence, at work or in social networks, following the person on her daily journey to work, during sport or while meeting friends etc.**
- **sending letters, e-mails and text messages on a massive scale;**
- **making contact through third parties**
- **making purchases or taking out subscriptions in the victim's name, e.g. with telephone companies or magazines**
- **unwanted presents (e.g. flowers) and even sending things such as dead animals**
- **threats, insults, damage to property**
- **harassment and coercion**

Cyberstalking

Cyberstalking is stalking through e-mails, posts and messages through Messenger, chats or other social networks and digital media.

Forms of cyberstalking may include:

- **persistent contact in the social networks, e.g. Facebook or Whatsapp;**
- **defamation on the Internet, in the workplace and in social environments;**
- **publishing private information on a person against his/her will (e.g. putting private photos online);**
- **identity theft**

Cyberstalking has greatly increased with the spread and ubiquitous use of digital media; this includes stalking via so-called spy apps, which has also risen rapidly.

Spy apps can forward chat logs, pictures, locations and many more things from a smartphone to a person, who has secretly installed the app. The culprits are mostly (ex-)partners. Many of these apps cannot be recognised as such on the smartphone. The surreptitious installation of such apps and spying on data constitute criminal offences.

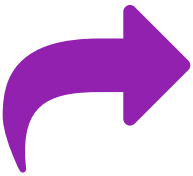
Cyberstalking can occur on its own or as part of several stalking incidents.

Who are the perpetrators?

86% of perpetrators are male. The perpetrators are usually known to the victims, and in many cases, they previously had an intimate relationship. It is also quite common for perpetrators to have been rejected, and not accept the rebuff. However, they may also be casual acquaintances or complete strangers. In this last case, victims try to work out who the stalker is, if he does not reveal his identity.

The offenders come from all walks of life and belong to all age groups.

Stalking has nothing to do with love or being infatuated with someone.



What are the consequences of stalking?

Those affected frequently suffer from psychological and physical symptoms as a direct consequence of stalking. They are often afraid for their own safety. This may result in social withdrawal. They often live with the expectation of another attack and the feeling that the threat won't abate. They sometimes use avoidance strategies, and change how they can be reached via phone or change their e-mail addresses or workplaces and/or move to different places.

Consequences of stalking for the victims:

- **feeling of helplessness, defencelessness, distress and powerlessness**
- **feeling of being observed and under surveillance at all times**
- **social isolation**
- **deep-seated mistrust of other people**
- **stress reactions, sleep disorders, states of anxiety, irritability, general discomfort and panic attacks**
- **avoidance and/or change of certain places, which are part of everyday life**
- **depressions and even suicidal thoughts**
- **concentration disorders**
- **psychosomatic problems**

You can find support here!

It is advisable for the person affected to seek professional help. You will find this help at the women's counselling centres and rape crisis centres close to you, across Germany.
Do not hesitate to get in touch with a specialised counselling centre if you have questions or need help.
You will find the addresses of these counselling centres and further information on the homepage of the bff.

www.frauen-gegen-gewalt.de

You will find further information on digital violence in the bff brochures "Digital worlds – digital media – digital violence" and "Mobile phone safety".

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FRAUEN GEGEN GEWALT E.V.

Federal Association of Rape Crisis Centres and Women's Counselling Centres Women against Violence e.V.
Petersburgerstr. 94
10247 Berlin
info@bv-bff.de
www.frauen-gegen-gewalt.de

supported by:

HILFE TELEFON
GEWALT GEGEN FRAUEN
08000 116 016

The Violence against Women Support Hotline
Contactable 365 days a year, 24 hours a day, for free

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