

What is stalking and/or criminal harassment? Is it against the law?

Criminal harassment is the legal term for stalking, which is a form of behaviour. It was introduced into Canada's Criminal Code in April 1993. The purpose of the legislation is to better protect victims of criminal harassment by responding to harassing behaviour with stiffer penalties before more serious harm results. It is defined in section 264 of the Criminal Code as follows:

(1) Criminal Harassment: No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) Prohibited Conduct: The conduct mentioned in subsection (1) consists of:

(a) repeatedly following from place to place the other person or anyone known to them;

(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

(c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family.

What does stalking/criminal harassment look like?

Stalking/criminal harassment can include a number of different behaviours intended to control and frighten the person being stalked. Most commonly, this can involve:

- repeated telephone calls, letters or emails
- sending unwanted gifts (flowers, candy, etc)
- showing up uninvited at work or home
- stealing mail
- following, watching, tracking
- threatening harm to the person being stalked, her family, friends, pets
- harassing her employer, colleagues or family
- vandalizing her car or home
- harming pets
- assault (physical, sexual, emotional)
- kidnapping, holding hostage

Who is most at risk?

We do not yet have information on the extent of criminal harassment in the general population in Canada. We do know, however, that approximately 80% of the 4450 stalking victims in Canada in 1996 were women. Eighty-eight percent of the persons accused of stalking in these cases were male (Bunge and Levett 1998, 8).

There is a strong link between stalking/criminal harassment and domestic violence. Fifty seven percent of stalkers are intimate partners or ex-intimate partners of the victims, and most women know their stalkers (METRAC 1998, 2).

Seventy-four percent of stalking victims are between the ages of 18 and 39 (Tjaden and Thoennes 1998).

What can the police do? Do restraining orders or peace bonds help?

Woman abuse counsellors have made it clear that stalking laws are only as effective as the police and courts make them. That being said, the police have the best resources in assessing risk and assisting you in stopping your stalker. Both the Toronto Police Service and the Ontario Provincial Police have Threat Assessment Units that can help evaluate the level of threat that a stalker may pose to his victim. Unfortunately, many women from diverse backgrounds, including many aboriginal women, women of colour, poor and working class women, and lesbians feel uncomfortable approaching and dealing with the police for many reasons.

When you feel threatened by someone you can apply to the court for either a peace bond (criminal court) or a restraining order (family court) so that he will not be able to make contact with you. These protections are issued by the court and, therefore, are legally binding. You can go to the police if the person disobeys the peace bond or restraining order. These orders may be effective in some cases, but they do not always work.

What can I do if I'm being stalked?

First, remember that you are not at fault. Stalkers harass women out of a need for power and control; you did not cause this. Second, know that you are not alone. Many women have been and are being stalked, many by ex-intimate partners.

Here are some suggestions that may help you end the situation and gain some control:

- contact the police as soon as possible, if you are comfortable doing so
- ask for a Risk Assessment to be done
- avoid all contact with the stalker (this may be difficult if he is a neighbour, co-worker or former partner, but responding to a stalker almost always encourages him to continue harassing you)
- keep track of all stalking events, and any tapes, letters, emails, gifts, etc.
- make a personal safety plan (see METRAC's Stalking Action Booklet)
- get information and support from services for abused women, or from victim witness services
- find a support group, or start your own

- tell your friends and family about what is happening; your stalker depends on your silence to continue his harassment, and breaking the silence is essential for your safety and well-being
- learn about the law and how it can help
- there are many web sites that offer good information and support for those who are being stalked, such as www.stalkingvictims.com