

Aleksandra Stachelska

Men as victims of post-relationship stalking in Poland

Mężczyźni po ustaniu związku jako ofiary stalkingu w Polsce

Abstract

The problem of the crime of stalking around the world is still relevant. The rapid development of new communication tools and the Internet has made it easier than ever before to commit a crime of persistent harassment. Although most of the literature focuses on women as victims due to constantly changing social roles, it is essential to look at the male perspective in that area.

The article presents the outline picture of stalking in Poland, emphasizing men as victims of this phenomenon. The paper presents an analysis of the four court cases in which men were victims of post-relationship stalking. It focuses on the female stalker and male victim characteristics, motives of the perpetrator, and modus operandi. The value of the case study shows that the course of persistent harassment of men by women can be just as severe as in female stalking. The paper is enriched with references to international researches and recommendations for adjusting the criminalization of stalking to the male perception of persistent harassment.

Keywords: *stalking, men, victims, ex-partner, harassment*

Streszczenie

Problem przestępstwa stalkingu na świecie nie traci na aktualności. Szybki rozwój nowych narzędzi komunikacji oraz internetu sprawił, że popełnianie przestępstwa uporczywego nękania staje się coraz łatwiejsze. Choć przeważająca część literatury koncentruje się na kobietach jako ofiarach stalkingu, to jednak – ze względu na ciągle zmieniające się role społeczne – spojrzenie na problem mężczyzn w tym zakresie jest niezbędne.

Artykuł przedstawi zarys stalkingu w Polsce, kładąc akcent na mężczyzn jako ofiary tego zjawiska. Zostanie dokonana analiza czterech spraw sądowych, w których mężczyźni byli ofiarami stalkingu po związku. Autorka scharakteryzuje kobietę-sprawcę i mężczyznę-ofiarę, nakreśli motywację działania sprawcy oraz modus operandi. Przedstawione studium przypadków wykazuje, że przebieg uporczywego nękania mężczyzn przez kobiety może być równie dotkliwy jak w przypadku stalkingu kobiet. Praca zostanie wzbogacona o odniesienia do badań międzynarodowych oraz rekomendacje dotyczące postrzegania kryminalizacji stalkingu.

Słowa kluczowe: *stalking, mężczyźni, ofiary, były partner, nękanie*

Aleksandra Stachelska, Department of Criminal Law and Criminology, Faculty of Law University of Białystok, Poland, ORCID: 0000-0001-6319-6221, e-mail: stachelska.a@gmail.com
The manuscript was submitted by the author on: 3 March 2022; the manuscript was accepted for publication by the editorial board on: 23 August 2022.

1. Introduction

The problem of stalking dates back to the late 1980s. At that time, along with the development of technology and media, information began to spread about the recurring phenomenon of harassment of celebrities in the show business world. Stalking at home, at work, following, nagging, repeated attempts to get close to celebrities, whether real or virtual, interfered with their private lives, aroused intense anxiety, and even threatened their life and health.

The first signs of stalking in Poland appeared in the 1990s. A famous event was the attack of a stalker on a Polish model, Miss Poland 1991 and Miss International 1991 - Agnieszka Kotlarska. At first, the man followed her on public transportation and tried to convince her to meet him. The harassment stopped when the model left for a contract in the United States. Still, when she returned to Poland, five years after winning the beauty crown, the mentally unbalanced admirer resumed the harassment and finally stabbed her to death. During the attack, her husband was also injured¹. In those days, no one even heard about cases of male stalking in Poland.

According to research, the most common relationship between victims and perpetrators is a romantic one, within this group most often the one is already of the past². Despite the fact that most victims are women (72%–83%)³ that does not mean that harassment of men in or post relationships does not happen. The dark number of stalking on men is significant. Male victims are approximately 20% of all the reported cases. Still, it should be considered that men are less likely to report crimes in general, exceedingly rarely those in which women are the perpetrators. The above is evidenced by the differences between victimization surveys and police or judicial data. In the surveys, the difference between men and women as victims is usually not so prominent. In the research conducted on college students by W.J. Fremouw and colleagues⁴, 17% of males and 30% of females claimed to be victims of stalking. In 2016 in the USA, 2% of women and 0,9% of men were stalked⁵. In the UK in 2020/21, the proportion of male victims reporting to the police was 20.5%, but the Crime Survey for England and Wales estimates that in 2019/20, males were 35% of victims⁶. These are only a few examples

¹ A. Stachelska, *Obraz przestępstwa stalkingu w latach 2011–2016 w Polsce – wybrane aspekty kryminologiczne* [in:] *Przestępczość XXI wieku: szanse i wyzwania dla kryminologii*, E. Plywaczewski, E. Jurgielewicz-Delegacz, D. Dajnowicz-Piesiecka, Warszawa 2020, p. 391.

² J.D. Duntley, D.M. Buss, *The Evolution of Stalking*, "Sex Roles" 2012, No. 66 (5–6), DOI: 10.1007/s11199-010-9832-0, p. 319; B.H. Spitzberg, W.R. Cupach, *The state of the art of stalking: Taking stock of the emerging literature*, "Aggression and Violent Behavior" 2007, No. 12 (1), DOI: 10.1016/j.avb.2006.05.001, p. 64.

³ E. Blaauw, F.W. Winkel, E. Arensman, L. Sheridan, A. Freeve, *The Toll of Stalking: The Relationship Between Features of Stalking and Psychopathology of Victims*, "Journal of Interpersonal Violence" 2002, No. 17 (1), DOI: 10.1177/0886260502017001004, p. 51; P.E. Mullen, M. Pathé, R. Purcell, *Stalkers and their Victims*, Cambridge 2008, DOI: 10.1017/CBO9780511544088, pp. 36, 136; B.H. Spitzberg, W.R. Cupach, *The state...*, p. 64; A. Stachelska, *Przestępstwo stalkingu w świetle badań białostockiej szkoły kryminologii*, "Zeszyty Prawnicze" 2018, No. 18 (2), DOI: 10.21697/zp.2018.18.2.07, p. 163.

⁴ W.J. Fremouw, D. Westrup, J. Pennypacker, *Stalking on Campus: The Prevalence and Strategies for Coping with Stalking*, "Journal of Forensic Sciences" 1997, No. 42 (4), DOI: 10.1520/JFS14178J.

⁵ Jennifer L. Truman, R.E. Morgan, *Stalking Victimization, 2016*, Bureau of Justice Statistics, 2021.

⁶ *Male victims of stalking need to report*, available at: https://www.kent-pcc.gov.uk/news-menu/press-releases/2021/male-victims-of-stalking-need-to-report/?__cf_chl_captcha_tk__=5v2SVipzycBYhlpL-cXC_ItTJahdwpB0coqjtjcvfLxs-1638204882-0-gaNycGzNCKU [accessed on: 29 November 2021].

of differences in surveys and police/court statistics, proving the dark number of crimes of stalking among men.

2. The picture of stalking criminalization in Poland in the context of male victims

In Poland, preparations for criminalization and penalization of stalking were undertaken in 2009. At that point the Ministry of Justice commissioned analytical research to determine the scale of behaviour fulfilling the characteristics of broadly understood stalking. The study was carried out on a random sample of 10,200 respondents. The results of this project showed that 10% of the respondents were victims of persistent harassment⁷. It was concluded from the above that more than 3 million Poles might have been victims of stalking, and 80% of them in 2004–2009.

On 6 June 2011, the Act of 25 February 2011 amending the Act - Criminal Code, introducing the crime of stalking to the Polish Criminal Code, came into force.

Currently, the provision has been amended by the “Act on amending the Act on special solutions with the prevention, counteraction and combating COVID-19, other infectious diseases and crisis situations caused by them and some other acts” of 31 March 2020⁸, which came into force on the day of its announcement. From that moment on, this provision reads as follows:

Art. 190a. Persistent harassment:

§ 1. Anyone who, through the persistent harassment of another person or another person’s next of kin, creates a justified sense of danger, anguish, humiliation or significantly violates the person’s privacy, is subject to imprisonment from 6 months to 8 years.

§ 2. Anyone who pretends to be another person and uses his or her image or other personal data or other data by which he or she is publicly identified in order to cause property or personal damage is liable to the same penalty.

§ 3. If the act specified in § 1 or 2 results in a suicide attempt of the person, the offender is liable to imprisonment from 2 to 12 years.

§ 4. The prosecution of the offence specified in § 1 or 2 takes place at the motion of the aggrieved party.

There were different views on how the amendment came into force and how to add further alternative consequences of persistent harassment. Some argue that adding two other elements to the description of the crime, namely the effect of humiliation or annoyance justified by the circumstances (in the past was only justified sense of danger or significant violation of victim’s privacy), should be viewed critically⁹. One cannot disagree with this in many respects, but it seems that it is an appropriate procedure in the context of post-relationship harassment of men. Rarely does harassment of men

⁷ A. Siemaszko, D. Woźniakowska-Fajst, B. Gruszczyńska, M. Marczewski, P. Ostaszewski, *Stalking w Polsce. Rozmiary – formy – skutki. Raport z badania nt. uporczywego nękania*, “Archiwum Kryminologii” 2010, No. XXXII, p. 72.

⁸ Act of March 31 2020 amending the Act on special solutions related to the prevention, prevention and combating of COVID-19, other infectious diseases and the crisis situations caused by them, and certain other acts, „Journal of Laws” 2020, No. 568 i.e. with amendments.

⁹ M. Budyn-Kulik, *Nowe znamiona nękania z art. 190a § 1 Kodeksu karnego*, “Palestra” 2020, No. 9, p. 22.

by women, due to their weaker physical strength, cause them a legitimate sense of threat that could be assessed objectively. According to a study conducted in Portugal¹⁰, more than half of male victims felt no fear towards the stalking behaviors they had experienced from women. In another study by T. Logan¹¹, both male and female victims had higher fear levels when targeted by a male stalker rather than a female stalker. However, it does not mean that their feelings were not disturbed in other ways. Sense of humiliation or anguish is significantly easier to prove in such cases, especially considering the diversity of topics coming to law enforcement, resulting in less desire to bend over for cases and prove the perpetrator's guilt. To sum up, in the context of male victims, the amendment of the stalking provision in the Polish Criminal Code was reasonable.

In nearly ten years from the provision enter into force, it has become apparent that criminalization of stalking was sorely needed, and the number of cases and convictions is increasing every year. From 2012, when Article 190a of the Criminal Code had been in operation for six months, to 2015, its percentage share more than doubled, becoming the second most frequently committed crime among crimes against freedom¹². There is no indication that this trend is about to change. On the one hand, victims of the crime of stalking are increasingly aware of the possibility of asserting their rights; on the other hand, perpetrators have more and more new tools of harassment due to the the development of technology.

3. Men as victims of stalking in Poland

Police and court statistics indicate a steady increase in stalking in Poland. Unfortunately, they do not provide information on the gender of the victims of this crime and whether it was the aftermath of a previous unsuccessful relationship. An attempt to estimate the group of men who have fallen victim to the crime of stalking can be made based on file research and surveys. The only nationwide victimization study conducted in Poland in 2010¹³ found that 8.2% of men and 11.4% of women in Poland were victims of stalking. This difference does not look very significant, however it grows when compared to the results of court/prosecution file studies. The study of prosecution files from 2012¹⁴ indicated that men were only 27% among the victims, while the nationwide study on court files¹⁵ showed an even lower percentage of them, as only 18% of the victims were male. In 2016¹⁶, file research in the

¹⁰ M. Gonçalves, C. Ferreira, A. Machado, M. Matos, *Men Victims of Stalking in Portugal: Predictors of Help-Seeking Behaviours*, "European Journal on Criminal Policy and Research" 2022, No. 28, DOI: 10.1007/s10610-021-09481-8, p. 129.

¹¹ T. Logan, *Examining Stalking Experiences and Outcomes for Men and Women Stalked by (Ex)partners and Non-partners*, "Journal of Family Violence" 2020, No. 35 (7), p. 736.

¹² *Informator Statystyczny Wymiaru Sprawiedliwości*, available at: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/> [accessed on: 3 December 2021].

¹³ A. Siemaszko, D. Woźniakowska-Fajst, B. Gruszczyńska, M. Marczewski, P. Ostaszewski, *Stalking...*, p. 57.

¹⁴ M. Budyn-Kulik, M. Mozgawa, *Prawnokarne i kryminologiczne aspekty zjawiska nękania*, Warszawa 2012, p. 39.

¹⁵ D. Woźniakowska-Fajst, *Stalking i inne formy przemocy emocjonalnej: studium kryminologiczne*, Warszawa 2019, p. 234.

¹⁶ A. Stachelska, *Przestępstwo...*, p. 172.

Bialystok District Court showed that men represented a similarly low percentage of victims – only 21%.

This gap between results of surveys and court files studies may be due to various reasons, one of which can be the shame of the reaction of the loved ones or law enforcement¹⁷. Sometimes, a man's initial feeling of threat is lower when the perpetrator is a woman¹⁸. The research of L. Sheridan and A.E. Lyndon¹⁹ emphasizes that male victims are twice less likely to be very frightened of their stalker than females (30.1% compared with 60.1%). Men are also less likely to feel significant fear of an ex-intimate stalker than an acquaintance or stranger stalker (40% of men compared with 66.5% of women). If left unresponsive, harassment can escalate, and only when stalking becomes more serious it is reported by men.

When it comes to the relationship between the victim and the perpetrator of stalking, in Poland, as in other countries, the most significant category are romantic relationships that have ended. A nationwide study of court files²⁰ found that in 42% of cases, victims were harassed by former partners – but only 1 in 10 men was a victim in such cases. Considering the research, it is doubtful whether this is a real trend or whether this is due to various other factors contributing to the reluctance of men to report such concerns to law enforcement authorities. Unfortunately, there is still a sociocultural belief that male-to-female violence is more unacceptable and harmful than female-to-male violence²¹. Men can fear not being taken seriously by society or law enforcement due to the social stereotypical picture of men as strong and stoic people who should handle problems by themselves²².

Most studies on stalking focus on women as victims, men as perpetrators, or women as perpetrators, but no research in Poland has yet been conducted to look more closely at men's profile as victims of stalking, particularly in the aftermath of a failed romantic relationship. This is a rather complicated task, as it would be necessary to conduct surveys, to select a group of men who were stalked and among them, those who were stalked by their ex-partners. It is also not the easiest task to carry out such an analysis when it comes to conducting file studies, which only indicate the crime committed. It would be necessary to identify among them, those in which men are the victims and look again at the relationship to their abusers. Despite that, such

¹⁷ F.T. Ngo, *Stalking Victimization: Examining the Impact of Police Action and Inaction on Victim-Reported Outcome*, "Journal of Police and Criminal Psychology" 2020, No. 35 (2), DOI: 10.1007/s11896-019-09320-x, p. 147.

¹⁸ T. Logan, *Examining...*, p. 736.

¹⁹ L. Sheridan, A.E. Lyndon, *The Influence of Prior Relationship, Gender, and Fear on the Consequences of Stalking Victimization*, "Sex Roles" 2012, No. 66 (5-6), DOI: 10.1007/s11199-010-9889-9, p. 344

²⁰ D. Woźniakowska-Fajst, *Stalking...*, p. 237.

²¹ C.M. Thompson, S.M. Dennison, A. Stewart, *Are Female Stalkers More Violent Than Male Stalkers? Understanding Gender Differences in Stalking Violence Using Contemporary Sociocultural Beliefs*, "Sex Roles" 2012, No. 66 (5-6), DOI: 10.1007/s11199-010-9911-2.

²² W.H. Courtenay, *Constructions of masculinity and their influence on men's well-being: a theory of gender and health*, "Social Science & Medicine" 2000, No. 50 (10), DOI: 10.1016/S0277-9536(99)00390-1; M. Gonçalves, C. Ferreira, A. Machado, M. Matos, *Men...*; R. Purcell, M. Pathé, P.E. Mullen, *A Study of Women Who Stalk*, "American Journal of Psychiatry" 2001, No. 158 (12), DOI: 10.1176/appi.ajp.158.12.2056; M.R. Syzdek, M.E. Addis, J.D. Green, M.R. Whorley, J.L. Berger, *A pilot trial of gender-based motivational interviewing for help-seeking and internalizing symptoms in men*, "Psychology of Men & Masculinity" 2014, No. 15 (1), DOI: 10.1037/a0030950.

research would be beneficial in showing a complete picture of this phenomenon in Poland. This paper presents such an attempt on court files from Białystok District Court (300,000 citizens city, capital city of voivodeship podlaskie).

4. Materials and research methods

The research method used in this study was the document research method, precisely the file research technique. The research tool allowing the implementation of this technique was a file research questionnaire.

The subject of the research analysis were court files for crimes under article 190a of the Criminal Code, i.e., the crime of “stalking” and “identity theft” ended with the court’s final judgment. The questionnaire for file research consisted of 49 questions grouped under the following categories: general information and classification of the act, characteristics of the perpetrator, characteristics of the victim, description of the committed act, course of preparatory and court proceedings. The time scope of the research covered the years 2011-2016, i.e., from the moment the Article 190a of the Criminal Code came into force to the moment the study began. The author started the research at the end of September 2016 in the District Court in Białystok.

The research process examined all court proceedings concluded with a final judgment for crimes under Articles 190a § 1 of the Penal Code (stalking) and 190a § 2 of the Penal Code (identity theft), which took place until September 2016 in the Białystok district, not taking into account the discontinued cases. A total of 60 cases under Article 190a of the Criminal Code were examined, including 53 cases qualified as an offense under Article 190a § 1 of the Criminal Code (stalking), 5 cases qualified as a crime under Article 190a § 2 of the Criminal Code (identity theft) and 2 cases under Article 190a § 1 of the Criminal Code and Article 190a § 2 of the Criminal Code. There were 79 victims, and 60 persons were convicted under both paragraphs, but in 14 cases, the court conditionally discontinued the proceedings.

5. Results

Among all perpetrators of stalking (55 persons), 8 were female (15%). Of all harassed victims (72 people), 15 were male (21%). After analysing the relationship between female perpetrators and male victims, it was found that in 4 cases out of 60, the victims were men stalked by their ex-partners, which was 6% of all the cases. In the following section, the factual states of the aggrieved men will be presented.

I case

In the first case with case number VII K 71/13, the victim was a man aged 54; he was a retired military man with no criminal record and showing no aggression towards the perpetrator. He became a victim of his ex-wife. She persistently harassed her ex-husband from 12 November 2011 to 29 April 2012 in such a way that she sent to his private telephone number numerous text messages with offensive, humiliating content and containing plots from the victim’s personal life, made deafening phone

calls to him and repeatedly recorded herself on his voicemail. One of the many messages to him read, "you are a rag to the floor, and your Girlfriend is not even a rag to the floor, she is a string mop stuck in sh*t". Her stalking actions occurred in the above mentioned period practically every day. She also directed threats at his new partner and the victim's mother. She was driven by jealousy, desire for revenge, and desire to destroy the new relationship between her ex-husband and his new partner. She blamed her ex-husband's new partner for stealing her husband, and there was also a dispute over property division. According to the victim's testimony, even during the marriage, the defendant mutilated him and there was a one-time attempt on his life with a kitchen knife. After the victim had moved out, his wife damaged his car by tearing out the word "D*CK" with a sharp object in the car body, and also appeared as a witness in the maintenance case in order to harm his friend, even though she did not know her and had never seen her. She sent a Christmas card to the victim's mother with negative wishes knowing that his mother had a heart attack and this could harm her. The perpetrator was also in her 50s, was financially stable, and was employed in the military as a civilian employee. She held a master's degree in pedagogy. She had never had a criminal record. She attended alcoholics' anonymous therapy, but it has not been proved that she committed any of the stalking acts under the influence of alcohol.

The consequences of her actions were that the victim suffered from seizures, anxiety and that he could not return to his place of residence, fearing for his life.

A few days after the case was reported to the police, the perpetrator stopped harassing her ex-husband. Nine months elapsed from the police being notified of the crime until the indictment filing, and the verdict was issued after another six months. The court ruled on conditional discontinuance of the proceedings for the trial period of two years. The court also ordered that the wronged party pay PLN 500 as compensation for damage within three months from the date the decision became final.

II case

In case number VII K 801/13, the victim was a married man in the age category of between 35 and 49; he was a retired police officer with no criminal record but who responded with aggression to the harassment acts. He became a victim of his former mistress. She persistently harassed him from 25 December 2012 to 27 March 2013 and his current wife from 25 September 2012 to 17 February 2013. Acting in short intervals, she repeatedly sent messages to his mobile and persistently called him, using vulgar and abusive language. Her actions included breaking the lock on the wronged party's car door, insults, threats, dozens of text messages and phone calls a day, threats of genital deprivation, rape of his daughters, killing them, hosing everyone down ("you'll stay silent forever"). She was motivated by jealousy stemming from the fact that the victim had returned to his wife, a desire for revenge, and to get back together with the former cohabitee. The perpetrator was also in the same age range as the victim, was financially stable and was employed as a cleaner at the police department, where she had met the victim. She had primary education and was a divorcee.

It took eight months from the moment the police received the information about the crime to filing the indictment, and the sentence was handed down after another year and two months. The court declared a conditional discontinuance of the proceedings for two years, an obligation to refrain from contacting the wronged parties during the trial, and a monetary payment of PLN 2,000 for the Fund for Victims' Aid and Postpenitentiary Assistance.

III case

In the third case, with case number XV K 1329/13, the victim was a man between the age of 25 and 34 who was employed as a labourer and was in a relationship. He had no previous criminal record. His former cohabitee harassed him from 22 May 2012 to 8 June 2012, she persistently harassed the victim by repeatedly calling him, writing text messages to his mobile. Moreover, she also harassed him in such a way that on 26 May 2012, she uttered threats of physical harm and deprivation of life against his current partner. She also demonstrated physical violence by fighting with the victim's current partner. The primary motivation of the perpetrator was jealousy that her ex-partner was romantically involved with another woman. Underlying circumstances also included a desire to see her children, although she had had her parental rights terminated and she abandoned her children when she moved abroad. The perpetrator was in the same age range as her ex-partner - she did not have a permanent job, she worked casually in services sector. She struggled with financial problems. She had received psychiatric treatment as a child because of the attempted suicide. The victims responded to the harassment with aggression.

She was notified of committing the crime on 22 May 2012. The indictment was filed on 25 October 2012. She was sentenced at first instance on 17 June 2014. Initially, on 26 November 2012, the proceedings were conditionally discontinued for two years. Still, because the defendant did not pay the money to the Fund for Victims' Aid and Postpenitentiary Assistance and was convicted of theft in the UK, the proceedings were resumed. She was sentenced to 4 months' imprisonment, suspended for two years.

IV case

The last of the cases with reference number VII K 762/15 describes a case of a harassed man aged 25-34. He was a person with no previous criminal record and no history of aggressive behaviours. He had a secondary education, was employed as a physical worker, and was divorced. Several people were involved in the harassment. The perpetrator was jealous that her ex-husband had found a new woman and that their daughter did not live with her but with him. At the same time, she also harassed her neighbour and her daughter because she was also the neighbor's husband's lover. From an undetermined date in 2012 to 17 March 2015, she persistently harassed the wronged parties by repeatedly calling them and sending text messages. She also used abusive and threatening language against the wronged party, placed child

panties with poop in the mailbox of the neighbour and her ex-husband, exposed herself and had sex at the neighbor's daughter's presence, refused to leave the house, called the little girl a "little whore", called the neighbor's mother, accosted her in the street and called her names. She constantly called and texted her ex-husband and her daughter, especially when her daughter would not talk to her mother, when she was under the influence of alcohol. The convicted offender had alcohol problems and displayed aggressive behaviours. The offender was 35–49 years old, had a high school education, was divorced from the victim, had no prior criminal record, and worked as a janitor.

Notification of the crime was received on 28 July 2014 and 23 April 2015. The indictment was filed on 28 October 2015. The sentence of the first instance was issued on 16 March 2016. The perpetrator was sentenced to 7 months of imprisonment suspended for two years, and a punitive measure of PLN 500 as compensation for the ex-husband and her daughter was ordered.

Although the research sample is not broad, some common trends can be identified. In all the above cases, men were victims due to the high jealousy of their ex-female partners. What is also interesting harassment in all cases was directed to the new partners of the victims and other close people – family, friends. The wrong behaviour was very intense and severe, almost in all cases, repeated for a couple of months. The stalking influenced the men's lives so significantly that they decided to report this to law enforcement. The total procedure from notification until final judgment took 1–2 years. In all of the cases, stalking was full of mental violence, sometimes physical, causing different issues in victims' lives. Despite that, all perpetrators were sentenced with the suspension of execution of imprisonment.

6. Discussion

The research results align with the previously quoted international research about men as a victim of stalking. In the file research I conducted, men harassed by ex-partners made up only 6% of all the examined cases, which is slightly less than the national court files study where such cases constituted 10%²³. These results are still similar to the study by L.P. Sheridan and colleagues²⁴. A survey of 872 self-defined victims revealed that 8% of the situations involved women stalking men (this number involved victims who were also stalked by people other than ex-partners). The court cases were very severe and affected not only a man but also a man's relatives. The above is aligned with scientific assumptions that men only report stalking when it is very troublesome and cannot handle it by themselves²⁵. It seems that a significant role in the decision to notify law enforcement agencies was played by the fact that stalking

²³ D. Woźniakowska-Fajst, *Stalking...*, p. 237.

²⁴ L.P. Sheridan, A.C. North, A.J. Scott, *Experiences of Stalking in Same-Sex and Opposite-Sex Contexts*, "Violence and Victims" 2014, No. 29 (6), DOI: 10.1891/0886-6708.VV-D-13-00072.

²⁵ W.H. Courtenay, *Constructions...*; M. Gonçalves, C. Ferreira, A. Machado, M. Matos, *Men...*; R. Purcell, M. Pathé, P.E. Mullen, *A Study...*; M.R. Syzdek, M.E. Addis, J.D. Green, M.R. Whorley, J.L. Berger, *A Pilot...*

affected his relatives (women who feel fear more often)²⁶. Research by A.J. Scott²⁷ also suggests that females are more likely to perceive the stalker's behaviour to be severe and impacting the victim than men.

The crime of stalking in Poland is a growing problem, as evidenced by police and court statistics every year. Surveys and investigations of prosecution and court files differ in the number of men as victims. A disturbingly low percentage of men report harassment, especially in a romantic relationship. There is a lack of research in Poland that would focus on this rare but important problem. In the reported cases, the harassment was directed at the former partner and his current partner, destroying the man's and the other person's lives. It cannot be ruled out that men's greater willingness to report harassment to the police was also influenced by a desire to protect new female partners. The perpetrators were driven by jealousy and were relentless and intense in their actions. Despite this, the courts never attempted to impose an absolute penalty of imprisonment. Due to the lack of an alternative punishment in the provision, neither a fine nor a restriction of liberty could be imposed. Consequently, the execution of the sentence was suspended. In all cases, a financial disadvantage was adjudged either for the benefit of the victim or the use of the state fund.

The problem is vital to raise because, in Poland, there has been no analysis of situations in which a man becomes a victim of stalking as an aftermath of an earlier romantic relationship. This situation is so rarely reported that it seems to be unimportant and negated by the society. This state of affairs does not make it easier for men to protect their safety. Women as perpetrators feel unpunished, and law enforcement agencies seem to be unprepared for such situations. Although the research had limitations – the court files were examined only from one court, not all the data from files was specific (eg. age) it proved that the course of harassment of men by women can be just as severe as in female harassment. To cope with the dark number of such a crime it is crucial to emphasize social permission for men to talk about it. In particular, law enforcement agencies should be sensitized to be empathetic towards victims in such situations. Noteworthy is the proper criminalization of stalking, including men's different perceptions of persistent harassment. That is why the elements of the crime which include not only the result of the victim's fear but humiliation, anguish, or violation of privacy, should be evaluated positively.

²⁶ L. Sheridan, A.E. Lyndon, *The Influence...*, p. 344.

²⁷ A.J. Scott, N. Rajakaruna, L. Sheridan, J. Gavin, *International Perceptions of Relational Stalking: The Influence of Prior Relationship, Perpetrator Sex, Target Sex, and Participant Sex*, "Journal of Interpersonal Violence" 2015, No. 30 (18), DOI: 10.1177/0886260514555012, p. 3318.

References

1. Blaauw E., Winkel F.W., Arensman E., Sheridan L., Freeve A., *The Toll of Stalking: The Relationship Between Features of Stalking and Psychopathology of Victims*, *Journal of Interpersonal Violence* 2002, No. 17 (1), DOI: 10.1177/0886260502017001004.
2. Budyn-Kulik M., Mozgawa M., *Prawnokarne i kryminologiczne aspekty zjawiska nękania*, Warszawa 2012.
3. Budyn-Kulik M., *Nowe znamiona nękania z art. 190a § 1 Kodeksu karnego*, *Palestra* 2020, No. 9.
4. Courtenay W.H., *Constructions of masculinity and their influence on men's well-being: a theory of gender and health*, *Social Science & Medicine* 2000, No. 50 (10), DOI: 10.1016/S0277-9536(99)00390-1.
5. Duntley J.D., Buss D.M., *The Evolution of Stalking*, *Sex Roles* 2012, No. 66 (5-6), DOI: 10.1007/s11199-010-9832-0.
6. Fremouw W.J., Westrup D., Pennypacker J., *Stalking on Campus: The Prevalence and Strategies for Coping with Stalking*, *Journal of Forensic Sciences* 1997, No. 42 (4), DOI: 10.1520/JFS14178J.
7. Gonçalves M., Ferreira C., Machado A., Matos M., *Men Victims of Stalking in Portugal: Predictors of Help-Seeking Behaviours*, *European Journal on Criminal Policy and Research* 2022, No. 28, DOI: 10.1007/s10610-021-09481-8.
8. *Informator Statystyczny Wymiaru Sprawiedliwości*, available at: <https://isws.ms.gov.pl/pl/baza-statystyczna/opracowania-wieloletnie/>.
9. Jennifer L. Truman, Morgan R.E., *Stalking Victimization, 2016*, Bureau of Justice Statistics, available at: <https://bjs.ojp.gov/library/publications/stalking-victimization-2016>.
10. Logan T., *Examining Stalking Experiences and Outcomes for Men and Women Stalked by (Ex)partners and Non-partners*, *Journal of Family Violence* 2020, No. 35 (7).
11. *Male victims of stalking need to report*, available at: https://www.kent-pcc.gov.uk/news-menu/press-releases/2021/male-victims-of-stalking-need-to-report/?_cf_chl_captcha_tk__=5v2SVipzycBYhlpLcXC_ItJahdwpB0coqtjJcvfLxs-1638204882-0-gaNycGzNCKU.
12. Mullen P.E., Pathé M., Purcell R., *Stalkers and their Victims*, Cambridge 2008, DOI: 10.1017/CBO9780511544088.
13. Ngo F.T., *Stalking Victimization: Examining the Impact of Police Action and Inaction on Victim-Reported Outcome*, *Journal of Police and Criminal Psychology* 2020, No. 35 (2), DOI: 10.1007/s11896-019-09320-x.
14. Purcell R., Pathé M., Mullen P.E., *A Study of Women Who Stalk*, *American Journal of Psychiatry* 2001, No. 158 (12), DOI: 10.1176/appi.ajp.158.12.2056.
15. Scott A.J., Rajakaruna N., Sheridan L., Gavin J., *International Perceptions of Relational Stalking: The Influence of Prior Relationship, Perpetrator Sex, Target Sex, and Participant Sex*, *Journal of Interpersonal Violence* 2015, No. 30 (18), DOI: 10.1177/0886260514555012.

16. Sheridan L., Lyndon A.E., *The Influence of Prior Relationship, Gender, and Fear on the Consequences of Stalking Victimization*, *Sex Roles* 2012, No. 66 (5–6), DOI: 10.1007/s11199-010-9889-9.
17. Sheridan L.P., North A.C., Scott A.J., *Experiences of Stalking in Same-Sex and Opposite-Sex Contexts*, *Violence and Victims* 2014, No. 29 (6), DOI: 10.1891/0886-6708.VV-D-13-00072.
18. Siemaszko A., Woźniakowska-Fajst D., Gruszczyńska B., Marczewski M., Ostaszewski P., *Stalking w Polsce. Rozmiary – formy – skutki. Raport z badania nt. uporczywego nękania*, *Archiwum Kryminologii* 2010, No. XXXII.
19. Spitzberg B.H., Cupach W.R., *The state of the art of stalking: Taking stock of the emerging literature*, *Aggression and Violent Behavior* 2007, No. 12 (1), DOI: 10.1016/j.avb.2006.05.001.
20. Stachelska A., *Obraz przestępstwa stalkingu w latach 2011-2016 w Polsce - wybrane aspekty kryminologiczne*, [in:] *Przestępczość XXI wieku: szanse i wyzwania dla kryminologii*, E. Pływaczewski, E. Jurgielewicz-Delegacz, D. Dajnowicz-Piesiecka, Warszawa 2020.
21. Stachelska A., *Przestępstwo stalkingu w świetle badań białostockiej szkoły kryminologii*, *Zeszyty Prawnicze* 2018, No. 18 (2), DOI: 10.21697/zp.2018.18.2.07.
22. Syzdek M.R., Addis M.E., Green J.D., Whorley M.R., Berger, J.L., *A pilot trial of gender-based motivational interviewing for help-seeking and internalizing symptoms in men*, *Psychology of Men & Masculinity* 2014, No. 15 (1), DOI: 10.1037/a0030950.
23. Thompson C.M., Dennison S.M., Stewart A., *Are Female Stalkers More Violent Than Male Stalkers? Understanding Gender Differences in Stalking Violence Using Contemporary Sociocultural Beliefs*, *Sex Roles* 2012, No. 66 (5–6), DOI: 10.1007/s11199-010-9911-2.
24. Woźniakowska-Fajst D., *Stalking i inne formy przemocy emocjonalnej: studium kryminologiczne*, Warszawa 2019.