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Section A



EVOLVING LEGAL RESPONSES TO STALKING AND SEXUAL HARASSMENT: A GLOBAL PERSPECTIVE

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Abstract

The aim of the paper is to study the phenomenon of stalking and sexual harassment, which, from being an invisible “private problem,” has gained the focus of a “public phenomenon” worthy of the attention of the global scientific community. The change in the perception of this phenomenon is accompanied by changes in legislative solutions. The paper begins by examining the causes of its emergence and presence throughout different periods. The paper presents several global and domestic studies and, through the obtained results, explains the reasons for its occurrence, risk factors, and typology of violent relationships. The research method involves reviewing current legal practices, analyzing psychological factors that contribute to stalking behavior, and exploring the barriers victims face in reporting such incidents. The article examines international legal standards and domestic legislation with a focus on prevention. One chapter of the paper is dedicated to a comparative analysis of legislative solutions from several European countries and Western Balkan states. In the conclusions and recommendations for strengthening protective measures against stalking and sexual harassment, improvements, corrections, and changes in several segments are proposed to develop a strong strategy for the prevention and protection against stalking and sexual harassment.

Keywords: stalking, sexual harassment, legal system, victim, Istanbul Convention.

INTRODUCTION

Many victims of sexual harassment or stalking endure silent suffering. Women who experience these breaches are most affected by this silence since they frequently hesitate to ask for assistance from authorities or support groups. Such experiences have an impact that extends well beyond the present, influencing how people handle their relationships and day-to-day lives. Targeting and harassing people have changed in the digital age.

While social media and messaging applications have helped people interact, they have also provided harassers new means to keep tabs on and get in touch with their targets. For those who are exiting violent relationships, this reality is particularly harsh because they frequently find themselves being followed by their ex-partners both offline and online. In line with Article 34 of the Istanbul Convention, "stalking" often consists of constant monitoring and establishing unwanted communication with another person. In addition to physical stalking, it can also manifest as virtual stalking, demonstrated as stalking a person on social media, attempting to establish contact through telecommunications, or other means of communication.

Women are particularly vulnerable to stalking after leaving an abusive partner. Therefore, it is thought that special programs for the protection of victims who want to leave or have already left their relationship should be developed using scientific expertise in this area.

Following the signing of the Istanbul Convention and the necessity to conform to European law, our nation's criminal code has undergone a number of revisions. The Law on Amendments to the Criminal Code, Official Gazette of the Republic of North Macedonia no. 36 from 17.02.2023, contains the most important of these alterations. It added the criminal offenses of "Stalking" under Article 144-a, and "Sexual Harassment" under Article 190-a.

Despite significant legal frameworks and societal efforts to address stalking and sexual harassment, these issues persist at alarming rates. The prevalence and impact of stalking and sexual harassment remain underreported and under-addressed, leaving victims without adequate support. The question that drives this research is: *How can we better understand the societal, psychological, and legal implications of stalking and sexual harassment, and what strategies are most effective in addressing and preventing these behaviors?*

This study aims to explore the scope and impact of stalking and sexual harassment, focusing on understanding the psychological toll on victims, examining current legal responses, and identifying gaps in support systems.

The objectives of the research are:

- To analyze the psychological and emotional effects on victims of stalking and sexual harassment.
- To evaluate the effectiveness of current legal frameworks and societal responses.
- To identify challenges in reporting and addressing these behaviors and propose solutions to improve prevention and intervention strategies.

Understanding the impact of stalking and sexual harassment is vital for improving victim support, legal protection, and societal awareness. By identifying gaps in existing literature and legal frameworks, this research will contribute to enhancing the societal response to these issues. The findings could inform public policy, workplace practices, and social movements aimed at protecting individuals from these harmful behaviors and promoting safer environments in personal, professional, and digital spaces.

Literature review

The topics of sexual harassment and stalking have been thoroughly examined in a number of academic fields, such as law, criminology, and psychology. Studies regularly show that victims of these activities suffer grave psychological and social repercussions.

Psychological and Emotional Effects: Previous research shows that post-traumatic stress disorder (PTSD), anxiety, despair, and dread are frequently elevated in victims of sexual harassment and stalking (Sheridan & Grant, 2007). Significant emotional anguish is reported by women in particular, which has an impact on both their personal and professional lives. According to Fisher et al. (2002), stalking can have long-lasting psychological effects, with some victims turning to social disengagement and hypervigilance as coping strategies.

Digital Stalking and Harassment: As technology has advanced, cyberstalking has become more common, enabling criminals to track and harass their victims online (Javid & McFarlane, 2016). Because it invades victims' personal places and instills a lingering sense of anxiety, research shows that digital stalking can be just as upsetting as physical stalking (Tokunaga, 2010). Because of the anonymity of online harassers, victims of cyberstalking sometimes feel helpless, which complicates legal involvement.

Legislative Frameworks and Social Reactions: The efficacy of legislative safeguards against sexual harassment and stalking has been the subject of numerous studies. Although the 2011 Istanbul Convention underlined the necessity of more robust legal frameworks to safeguard victims, enforcement is still uneven (Lynch & Ciclitira, 2012). Although many nations have laws that make stalking and sexual harassment crimes, research indicates that their efficacy is nevertheless hampered by implementation flaws and victim assistance issues (Brekke & Landau, 2015). Because of social shame, a lack of faith in law enforcement, and fear of reprisals, victims frequently hesitate to disclose these crimes (Brodsky & Kieffer, 2009).

Underreporting and Victim Barriers: Although research admits that sexual harassment and stalking go unreported, little is known about the particular obstacles victims encounter when attempting to obtain legal or psychological support. Improving victim support services and legal actions requires an understanding of these obstacles.

Frameworks and Social Reactions: The efficacy of legislative safeguards against sexual harassment and stalking has been the subject of numerous studies. Although the 2011 Istanbul Convention underlined the necessity of more robust legal frameworks to safeguard victims, enforcement is still uneven (Lynch & Ciclitira, 2012). Although many nations have laws that make stalking and sexual harassment crimes, research indicates that their efficacy is nevertheless hampered by implementation flaws and victim assistance issues (Brekke & Landau, 2015). Because of social shame, a lack of faith in law enforcement, and fear of reprisals, victims frequently hesitate to disclose these crimes (Brodsky & Kieffer, 2009).

Stalking After Divorce: Research indicates that women who leave violent marriages are more likely to experience stalking from their former partners (Logan et al., 2006). Such stalking frequently combines digital and physical surveillance.

It can be challenging for victims of this type of stalking to break free from their abuser's grip because it frequently combines digital harassment with physical observation. According to research, stalking after a breakup can have terrible psychological impacts and, if left unchecked, can turn violent (Melton, 2007).

METHODS

The research is transversal in type, time-dimensional, exploratory with a predominance of the descriptive method, analysis and synthesis, induction and deduction. Several methods will be used to provide a more specific answer to the problematic questions that will be raised, and

through analysis, conclusions will be reached. The comparative method will serve to analyze the criminal legislation and measures of protection against stalking and sexual harassment in our country and in some countries in the world, in Europe, in the Balkans and in the neighborhood. The descriptive method will find application in explaining what is set as a common problem, as well as in introducing measures and instruments of prevention. The normative method will be used in analyzing the domestic legal framework and the practical application of the legal mechanisms of judicial protection.

The research methods used in the scientific article are:

- historical-legal method – enables the analysis of the causes of the occurrence and development of the phenomenon of stalking and sexual harassment;
- comparative method - represents a comparative study of international legal regulation, the regulation of neighboring countries and the countries of the Western Balkans and will process foreign positive - legal solutions in comparison with the legal regulation of the Republic of North Macedonia;
- synthetic method – will be applied to draw specific conclusions from the analyses made;
- induction method – enables the drawing of general conclusions from individual analyses and observations;
- the logical method and interpretation – will be applied in the analysis of the legal regulation of the Republic of North Macedonia as well as the legal regulation of certain European and Balkan countries;
- the case study method – will enable the presentation of case law from Macedonian courts and international courts.

Stalking

Stalking is defined as deliberate behavior of repeatedly threatening another person that causes the person to fear for their safety. (Article 34, Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011)

The penalty for stalking includes a fine or imprisonment of up to three years for anyone who repeatedly and without authorization follows, harasses, or otherwise interferes with another person's private life, or attempts to establish or establish unwanted contact with them through physical movement in the space where they are, abuse of personal data, use of public media or other communication methods, or other ways of psychologically tormenting, harassing, or intimidating them, causing them to feel insecure, distressed, or afraid for their safety or the safety of someone close to them. If the offense is committed against a person with whom the offender has or had an intimate relationship, or against a child, the penalty is from six months to five years.

The law also provides for a prison sentence of up to one year for the offense of sexual harassment, whether it is verbal or physical. The actions that constitute the offense include: following, harassing, interfering with someone's personal life, attempting to establish unwanted contact, misuse of personal data through various media, harassment, intimidation, and threatening. These threats must be serious and objectively capable of causing insecurity, distress, and fear for the victim's or their close relatives' safety. Stalking involves the use of a serious threat to harm the victim's life or body, or the life or body of someone close to them. This

criminal act, as a "delict - obstacle," can lead to other "sexual offenses" or acts that violate the physical and mental integrity. (Tupanchevski and Deanoska 2023, 103)

The severity of the threat causing fear must be assessed by an objective criterion, considering the specific circumstances of the case. The intent of the perpetrator to actually carry out the threat is irrelevant. That is, the act exists even when the perpetrator had no intent to carry out the threat at the time of committing the act, or when the means of threatening are inappropriate. (Kambovski and Tupanchevski 2011, 108–110)

The mens rea or desire for the consequences characterizes this crime. The qualified forms of the crime apply when the offense is committed against a person with whom the perpetrator has or had an intimate relationship, or when it is committed against a child. This refers to the current or former intimate partner of the passive subject as the perpetrator, regardless of whether the relationship was marital or non-marital, familial, or another form of relationship. The focus is only on the "intimacy" of the relationship, which can lead to a correlation with the consequences of the criminal act.

There are several forms of committing the criminal offense of "Stalking":

- Abuse of personal data;
- Use of public media or other communication methods;
- Other forms.

Professors Tupanceski and Deanoska argue that violations of privacy, surveillance, eavesdropping, recording, photographing, etc., as outlined in certain analyses and studies, are accompanied by other actions that cause fear and insecurity in people, leading to a high degree of violation of security. Stalking represents a form of domestic violence, closest to psychological abuse, and is characterized by specific features that make it a separate criminal offense. (Tupanchevski and Deanoska, 2023, 105)

Stalking is a form of domestic violence, closest to psychological violence. It is accompanied by special characteristics of stalking that make it a special incrimination. (Nikolić-Ristanović and Kovačević Lepojević, 2007, 3–12)

Sexual Harassment

The Law on Amendments to the Criminal Code, Official Gazette of the Republic of North Macedonia no. 36 from 17.02.2023, also introduced a new criminal offense, sexual harassment under Article 190-a. The legislator stipulates that anyone who, through verbal, non-verbal, or physical actions, or by using electronic communication tools that have a direct or indirect real or symbolic meaning of proposition, indecent offer, enticement, expressing sexual "appeal" or other actions clearly reminiscent of sexual intercourse or other related sexual acts, and thus violates the dignity of the victim, causing discomfort, offense, humiliation, or fear, shall be punished with a fine or imprisonment of up to one year.

Sexual harassment manifests in several forms, whether verbal, non-verbal, or carried out through electronic communication tools. The common feature of all is the intent to proposition, make an indecent offer, entice through the expression of sexual passion, or engage in actions that resemble a sexual act. The intent of the perpetrator is to violate the dignity, cause discomfort, offense, humiliation, or fear in the victim. Although defamation and insult were decriminalized by the adoption of the Law on Civil Liability for Defamation and Insult, the description in

Article 1 of Article 190-a of the Criminal Code suggests that any act leading to the "offense" of the victim is punishable.

It is unclear whether this is an editorial mistake or if the elements of criminalizing insult are being reintroduced. All sexual suggestions, whether open or hidden, that cause sexual harassment, are covered by the new legal provision. The more severe form occurs when the act is committed against a person subordinate to the perpetrator or a person dependent on them, such as in the workplace or public space, or when the victim is vulnerable due to age, illness, disability, drug addiction, pregnancy, or severe physical or mental impairments. For such an offense, the punishment is imprisonment from six months to three years. The legislator's intent is clear in addressing numerous discriminatory relationships that cause sexual harassment and are related to dependency, making them harder to criminalize.

The object of protection in this offense is the right to personal sexual freedom and peace as part of the body of other freedoms and rights guaranteed by law. The victim, who is the target of the perpetrator, becomes distressed by the sexual act or the suggestion of such an act.

Comparative Analysis

The comparative analysis of the definitions of "stalking" and "sexual harassment" confirms almost identical provisions in several European countries. Croatia is a leader in the Balkans, having first introduced the offense of "imposing behavior" in its criminal code, which is the equivalent of the criminal offense "stalking" in Macedonian law. According to the Croatian Criminal Code, (Kazneni zakon 2011) the offense is committed by someone who attempts or succeeds in establishing contact or otherwise threatens another person, causing them distress or fear for their safety, or the safety of their loved ones. This offense is punishable by imprisonment of up to one year. The more severe form, like in the Macedonian Criminal Code, punishes the offense when committed against a current or former spouse or partner, or a child, with imprisonment of up to three years. Similar is the case in Italy and Germany, where stalking is criminalized with varying degrees of punishment.

Italian law provides that anyone who repeatedly disturbs or threatens another person, causing serious distress or fear, or causing a reasonable fear for their safety or that of a close person, is punishable by imprisonment from six months to five years. A higher penalty applies if the offense is committed against a spouse or former spouse, someone in a close emotional relationship, or a child, or if it is done through computer or electronic systems.

German law has introduced a broader and more comprehensive definition of the offense "Stalking," which provides for punishment with imprisonment up to three years or a fine for anyone who unlawfully stalks someone by seeking proximity or attempting to establish contact via telecommunications or other means of communication or threatening harm to the victim or their loved ones. (German Criminal Code, 1998).

Based on the definition of "stalking," Macedonian legislation closely aligns with Croatian and German law, and in terms of penalties, it is similar to the Italian criminal code. It is suggested that amendments to the legal text should be made, particularly in terms of the severity of the penalties, which currently seem excessively strict and high for this criminal offense, making them difficult to apply in practice.

Stalking is sanctioned in different ways in many countries, with the United States devoting the most attention to it. The definitions vary, and the codes criminalize it even without physical harm or damage occurring. The broadest definition of stalking is provided by the National Center for Victims of Crime in the U.S., which views any unwanted contact between two people as a threat or something that places the victim in a state of fear. This definition includes cases of domestic violence even when no physical injury or harm is involved. (Stimmel, Stimmel, and Roeser, "Stalking: The Basic Law and Remedies")

The term "stalking" refers to any unwanted contact between two individuals that may represent a threat or put the victim in a state of fear. According to it, stalking exists even without consequences in the form of physical injury or damage of that kind. Essentially, stalking represents repeated behavior directed toward a specific person that would cause fear in any reasonable individual. It is also noted, for example, that: "Annually, around 7.5 million residents of the U.S. are subject to stalking; 15-20% of women in the U.S. and 6% of men have been victims of stalking at some point in their lives, when they felt serious fear that they or their loved ones would be harmed or killed. More than half of the victims were stalked before reaching the age of 25." The same document also presents alarming data on the connection between stalking, stating that 76% of murdered women were victims of stalking before their murder, and 54% of femicide victims reported stalking to the police before being killed by their stalkers, while almost 90% of femicide victims who were murdered had been physically attacked before the murder. Also, they were stalked approximately one year prior to the murder. (Stimmel, Stimmel, and Roeser, "Stalking: The Basic Law and Remedies")

In the spirit of Article 34 of the Convention, "stalking" most often consists of constant following and establishing unwanted communication with the other person. Besides physical stalking, it can also be virtual, demonstrated as stalking a person on social networks with attempts to contact them through telecommunication or other communication means.

Previous research confirms that women are especially at risk of stalking after leaving an abusive partner. Therefore, we believe that scientific knowledge in this area should be used to create special protection programs for victims who intend to or have left their partner. (National Center for Victims of Crime, Stalking Factsheet, 2015)

It can be observed that our legal system is very slow and ineffective in dealing with all forms of domestic violence. (Nikolić-Ristanović, Vera, and Maja Petrović, 2010, 76). For a long time, "stalking" was not sanctioned in the normative system. Probably because it occurs when one partner does not trust the other, becomes pathologically jealous, starts following their every move, checking social media, interrogating about every conversation and meeting, checking their mobile phone, reading their messages, and even using lie detectors and installing surveillance devices. (Landeka, N., 2017) The psychological pressure exerted by the person stalking their partner becomes unbearable, and it often occurs due to mental disorders and pathological narcissism present in paranoid and schizophrenic personalities. Victims are forced to report to the police, file private criminal charges, request temporary measures, and take other legal actions for protection. However, unfortunately, legal practice still lacks positively applied material law in this area, which would allow for its efficiency to be elaborated.

In modern life, due to the global accessibility of various informational platforms and social networks, various abuses of personal data can lead to psychological abuse, harassment, or intimidation.

Understanding Stalking and Sexual Harassment: Notable Cases

To better understand the real-world impact of stalking and sexual harassment, it's essential to look at some notable cases that have highlighted the severity and pervasiveness of these issues. These cases shed light on the various forms stalking and sexual harassment can take, as well as the profound emotional and psychological toll they have on victims. Below are some notable cases that have brought attention to these serious matters:

Cases of Stalking

1. **The Case of Rebecca Schaeffer (1989)**

One of the first prosecuted cases of "stalking" that stirred American public opinion is the case of Hollywood star Rebecca Schaeffer. Her role in the television series *My Sister Sam* had a massive viewership. Due to the show's plot and the young actress's attractiveness, she became a victim of persistent stalking by Robert Bardo. He became obsessed with the actress after seeing her photo in a magazine, then began watching the series daily and analyzing his victim. Bardo started sending her letters, which she initially ignored, while stalking her every move and seeking ways to contact her. He managed to sneak into her home and leave her a gift. The actress sought protection from the police, but the stalker was so relentless and always one step ahead of her. Ultimately, he shot her in front of her home in Los Angeles. Due to public pressure and reactions, the codification of the crime of stalking began in American legislation. (American Prosecutors Research Institute, 1997)

2. **The Case of Karen and Online Stalking (2015)**

One of the most well-known cases of online stalking is that of Karen (2015). Her ex-boyfriend, a savvy user of modern technology, began cyberstalking her. The twenty-year-old girl started receiving numerous text messages and phone calls. Initially, they were not threatening but merely disturbing, so she did not pay much attention. Soon, the stalker became obsessed with his ex-girlfriend and harassed her in various ways constantly. He managed to create multiple fake social media profiles to stalk and disturb her. By analyzing her profiles, he was able to track her activities and knew where she was located. Additionally, he installed spyware on her devices, which allowed him to monitor her online activity and even locate her via GPS. As a result of having accurate information about when and where she was, he unexpectedly showed up at her workplace. Karen immediately sought police protection, which was ineffective due to the absence of legal standards for protection against online stalking. Following the prosecution of this case, the need for legal norms to protect against digital stalking became prominent. (Herman, 2016)

Cases of Sexual Harassment

1. **The Case of Michelle Vinson v. Meritor Savings Bank (1986)**

The case of Michelle Vinson is one of the first that brought public attention to workplace rape and sexual harassment. She was compelled to report her former supervisor, Sidney Taylor. The Supreme Court determined that the sexual harassment Michelle Vinson experienced in her

workplace constituted a violation of Title VII of the Civil Rights Act of 1964. This statutory provision prohibits discrimination based on sex in the workplace. The decision made by the Supreme Court became a source of law and a precedent applied in cases of workplace sexual harassment. (Courtney, 1987)

2. **The Harvey Weinstein Scandal (2017)**

The entertainment industry is often a place where victims are targets of sexual harassment. One of the most well-known cases is related to the sexual abuses committed by Hollywood producer Harvey Weinstein. Dozens of women, including prominent actresses Ashley Judd, Rose McGowan, and Gwyneth Paltrow, accused Weinstein of sexual harassment and abuse of power. The case became a global sensation and was essentially a catalyst for the #MeToo movement. In 2020, as a result of numerous allegations of sexual assaults from multiple women, Weinstein was sentenced to a long prison term. (Lins, Roth, Servaes, Tamayo, 2021)

3. **The #MeToo Movement and the Silence Broken (2017-2018)**

The #MeToo movement raised awareness among victims and encouraged them to report instances of sexual violence and harassment, leading to their prosecution. This movement became globally popular and encouraged many victims to seek prosecution for cases of sexual violence. It also resulted in improvements and strengthening of the legal system's protection for victims of such violence. (Bhattacharyya, 2018)

The above cases are evidence of the failure of institutions to address newer types of criminal acts in legal history, such as stalking and sexual harassment. They are characterized by the inventiveness in the methods employed by numerous perpetrators who stalk or harass victims from every angle. Perpetrators less frequently use traditional forms of harassment because modern digital technologies allow them to stalk and harass unnoticed. They hide behind fake social media profiles, using false names and pseudonyms just to get closer to their targeted victim. While stalking is most often carried out by former partners, the described cases confirm that it can also be perpetrated by strangers. The most common victims are public figures due to the nature of their profession, whose lives are exposed to public scrutiny. It is also confirmed that anyone can be stalked and harassed at work, either by colleagues or by supervisors. Therefore, legal reforms are needed for more effective protection against stalking and harassment in the workplace. The widespread #MeToo movement is proof of the power of collective action in the fight against these harmful behaviors. The goal is to create a society where individuals can live without fear of harassment, whether physical or digital, and where perpetrators are held accountable for their actions.

North Macedonia has encountered significant cases of stalking and sexual harassment, particularly in the digital realm. A notable incident is the "Public Room" scandal, where explicit photos, personal data, and child pornography were shared without consent in a Telegram group with over 7,000 members. This case highlighted the challenges authorities face in addressing online harassment and sexual violence. (Stevanovic, Risteski, Skara, 2021, 3-5)

The case involves a larger group of women and girls who were victims of sexual harassment online, i.e., whose private photos and videos were published and shared with a larger group of men without their consent in a closed group on the Telegram social network called "Public Room". The group was founded and administered by several men, and in the meantime,

new members are being added to the closed group. The group shares personal photos and videos of women and girls or photos taken from their social networks and shared with their personal contacts with harassing and sexist comments. The case emerged in January 2020, when the Ministry of Internal Affairs announced that the group had been closed. In January 2021, the media again reported that the Telegram group Public Room was still active and that photos, videos, phone numbers and other data from women and girls were continuously shared in it. In April 2021, the Public Prosecutor's Office filed charges against the creator and administrator of the Javna soba group, charging them with the crime of "production and distribution of child pornography", after which in March 2022, the Basic Criminal Court issued a verdict sentencing the defendants to four years in prison. (Tuneva, Boskova, 2023)

In response to such incidents, North Macedonia has amended its Penal Code to criminalize stalking and online harassment. These legal reforms aim to provide better protection for victims and hold perpetrators accountable.

Despite these legal advancements, challenges persist in effectively combating online sexual violence. Activists emphasize the need for comprehensive implementation of laws and increased awareness to prevent such offenses.

These developments underscore the importance of continued efforts to address stalking and sexual harassment in North Macedonia, both online and offline.

What is controversial about the case law?

The criminal offense of "Stalking" is also incriminated in the European Convention on Human Rights and is defined as obsessive behavior of one person or group towards another person, causing fear for his or her safety. The Convention clarifies the term "obsessive behavior" which in this case consists of constant monitoring and establishing unwanted communication with the other person.

The Convention characterizes stalking as physical stalking, i.e. following the other person, and as virtual stalking, i.e. on social networks. In the article in the Macedonian Code, a controversial issue that could cause dilemmas in the case law is that action is required within a "certain period of time", say some judges.

According to Judge Gabriela Gajdova from the Basic Court in Veles, who has already held trainings on this topic, the question is how much effective time needs to pass before it can become a criminal offense of stalking.

"Based on the linguistic interpretation of the above formulation, it follows that a long period of time measured in years is not required. On the contrary, it seems that the above formulation allows for this crime to exist even when the actions are taken in a significantly shorter period, such as a few months." (Gajdova, 2023)

However, according to Gajdova, the most interesting situation, in terms of whether the time condition is met, exists in the case if the action is committed over a period of several hours, days or weeks in continuity. It should be born in mind that in today's way of life, people's sensitivity has increased and they become very easily agitated, so it is difficult to accept that taking actions only over a period of a few hours could qualify as stalking.

"This could only be the case if the victim was exposed to hundreds of threatening or harassing messages via telephone or email during those few hours." (Gajdova, 2023)

However, if the actions were carried out and continued for several days or weeks in a row, it should be considered that stalking exists, considering that this is a completely sufficient period of time that can be treated as persecution of the victim. An action that is taken only once or if there is no time continuity between two actions taken, is not considered to be the commission of the crime of "stalking".

The Convention on the Protection of Human Rights obliges authorities to act promptly in such cases, as soon as they become aware of a case. It focuses in particular on the fact that investigative authorities must react with particular vigilance when conducting an investigation.

The introduction of the criminal offence is very beneficial for the parties. The reason for this is that until now, justice could only be sought in civil proceedings, and the perpetrators were not held criminally liable. This meant that there was neither a fine nor a prison sentence, but victims received protection that was limited in time from 6 to 12 months, and perpetrators often violated the bans because they had no criminal repercussions.

Otherwise, the closest offence to "stalking" in our Criminal Code is endangering security because there may be overlaps. The main difference is that in stalking, several actions must be repeated more than once, while in endangering security, the threat can only be made once and is against the life and body of the victim or their loved one.

But both are intentional, meaning that the perpetrator is aware and knows that they can harm the victim. The motives are also different, with stalking the motive is personal obsession, revenge, control, while in security threats it is most often financial gain, ideological beliefs or political agendas.

CONCLUSION

The results of this study also point to a number of directions for further investigation. Knowing the precise nature of the connections between stalking and sexual harassment that have been proposed, as well as investigating the frequency of these occurrences and how they are perceived, would be advantageous for increasing awareness and improving the effectiveness of prevention strategies both inside and outside of an intimate partner violence context. The results of this study imply that, as technology develops, research may also need to focus on cyberstalking because there are more and more opportunities for these kinds of behaviors online. Lastly, as evidenced by current data, more research is required to fully understand how gender assigned at birth affects both sexual violence and stalking. Furthermore, there is growing pressure for research to examine how gender constructs may influence sexually violent behaviors and stalking, as well as to be more inclusive of those who identify as non-binary. Crucially, without greater awareness in the community that victims are encouraged to seek help, little change is likely to occur.

Future research could develop the mental health recovery model for stalking victims of all categories, including sexual and relational aspects of health. More importantly, sexual reorganization, relational fatigue, and a healthy past psychosexual value system are protective factors of overall recovery. Until specialized services extend their expertise to stalking victims, mental health professionals should make sure that the audit trail of victims remains intact so that clinical interventions can follow the victim throughout their journey. Future development and

validation of a patient sexual safety checklist will act as important clinical frameworks for psychological interventions and patient safety. The organization needs to develop a family of psychosexual policies with modifications to existing training in this area of personal vulnerability.

Future studies will focus on creating and approving a full range of psychosexual policies that shield patients from sexual predators, encourage healthy sexual behavior and close relationships, deal with the censorship of multimedia content and devices, and provide advice on how to avoid stalking. Furthermore, a sexual safety checklist must be created and validated. Future improvements to the current recovery programs may contribute to the creation of a safe space for stalking victims to share their stories.

In summary, studies have shown stalking and sexual harassment to be a serious social issue and have detailed some of the traits of stalkers, their actions, and the circumstances in which stalking takes place. Now, a more methodical approach is required. Research that could help society better detect stalking and sexual harassment, create strategies for treating stalkers, and create techniques that could help catch stalkers early before they hurt the victim

If our country takes into account the positive obligations imposed by the ECHR and the indications of the need for adequate protective mechanisms against existing and new (cyber - types of stalking and sexual harassment), by applying scientifically and legally based solutions and postulates, with synergy in the decisions of all relevant institutions, it will be able to develop a strong strategy for prevention and protection against stalking and sexual harassment.

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