
Author: Suzan van der Aa

Date of defence: 11 June 2010, 14.15 Auditorium Tilburg University

Summary:

The phenomenon of stalking has not been topic of much research and this goes all the more for stalking in the Netherlands. The aim of this dissertation was to do research into the nature and prevalence of the problem and into the effectiveness of several Dutch anti-stalking measures. Four research questions were formulated:

1) What is the prevalence and nature of stalking in the Netherlands?
2) How effective is the criminalisation of stalking in stopping or reducing the conduct and what are the (dis)advantages of a criminal justice solution in cases of stalking?
3) How effective is hiring a private protection and investigation agency or obtaining a civil restraining order in the fight against stalking, and what are the (dis)advantages of resorting to these anti-stalking measures?
4) Is it possible to find a way to enhance the effectiveness and reduce (some of) the disadvantages of criminal law involvement, of obtaining a civil restraining order, or of hiring a private protection and investigation agency in cases of stalking?

It turns out that stalking is much more prevalent than predicted (16.5% of the respondents in one study, and 24% in another study had suffered from stalking). Furthermore, a quantitative survey of 356 stalking victims showed that contacting the police can be a very good strategy in the fight against stalking. Often the stalking stopped or decreased and/or the victims felt better thanks to the contact with the police and any subsequent prosecution. However, the questionnaire also revealed less positive outcomes: many victims felt that they had not been positively treated by the police, that they were not taken seriously, that they were not given (sufficient) information, and that the police had remained inactive.

All in all, it caused some victims to look for alternative measures against this type of unwanted behaviour. A case file study of 26 stalking cases that a private investigation and protection company had dealt with showed that this approach can be effective in combating stalking as well. In eight out of the twelve cases in which the stalking had ceased completely, this effect was already brought about by the simple notification to the stalker that the company had taken on the case.

Another approach that was explored was the imposition of a civil restraining order through interlocutory proceedings. The main conclusion here was that the civil courts often take the wrong standard when they decide on the allocation of the costs of civil litigation. They have a tendency in cases that involve litigants with a ‘family relationship’ to order each party to pay its own costs. Instead, they should adhere to the general rule that the losing party is ordered to pay to costs of the party in whose favour the case is decided.