

Stalking – Dangerous Pursuing

Abstract

This thesis deals with the issue of stalking, which is viewed comprehensively with the aim of summarizing and evaluating its criminological and criminal law aspects and assessing whether Czech legislation allows for an effective response to cases of stalking, timely assistance to its victims and appropriate punishment of the stalker.

The thesis points to findings based on foreign research and studies dealing with the person of the stalker, his manifestations, and the person of the victim of stalking and the related effects on him. Surveys show an alarming number of cases of stalking in society with an overall lifetime prevalence ranging from 4.5% to 23.4%, and even from 6.1% to 32.4% for women, depending on the strictness of the definition used. The stalker does not choose his victim at random and the victim usually knows his stalker. The most typical case of stalking being a man stalking his current or former intimate partner, the danger in these cases being precisely the stalker's knowledge of his victim, the sophistication of his actions and his propensity for physical violence.

Within the framework of criminal law, emphasis is placed on case law, the approach of practice and on the comparison of Czech criminal law with foreign legislation. The thesis summarizes the differences in the approach to the problem of stalking, assesses the suitability of the inclusion of specific elements of the offence and notes that the offence of stalking abroad can be committed by the perpetrator by less serious conduct, or if the offence requires more serious conduct of the perpetrator, it also allows for more severe punishment. The Czech legislation combines low type seriousness of offence with high requirements for the assessment of the perpetrator's conduct as a criminal offence.

The thesis presents a *de lege ferenda* proposal based on the findings, where the proposed qualified offence also emphasizes the punishment of conduct that is actually more threatening to the victim in practice.

Keywords: stalking, dangerous pursuing, reasonable fear