

## BEYOND THE SCREEN: GENDERED PERSPECTIVES ON CYBERSTALKING

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### Abstract

Presented article explores the intricate relationship between gender dynamics and the pervasive issue of cyberstalking. Through an examination of diverse experiences and the impacts of cyberstalking, this study illuminates how gender influences victimization, coping mechanisms, and legal responses in the digital realm. Utilizing qualitative case studies and quantitative survey data, the research reveals nuanced ways in which gender shapes individuals' vulnerability to and resilience against online harassment. By focusing on the gendered dimensions of cyberstalking, the aim is to deepen understanding of digital violence and contribute to the formulation of gender-sensitive policies and interventions. Ultimately, the goal is to uncover gender-specific realities of cyberstalking and advocate for more inclusive approaches to online safety and justice..

### 1. Introduction

The evolution of communication technologies has ushered in a new era: cyberspace. While this advancement represents a significant achievement for humanity, it also brings forth negative consequences, notably the escalation of crimes from physical reality to the digital realm, where accountability can be evaded more easily. Gender plays a pivotal role in these crimes, as perpetrators often target victims based on gender. One such crime is cyberstalking, initially perceived as benign but, as this paper explores, poses substantial threats. This discussion examines the harmful impact of cyberstalking and its intricate connection to the gender identity of the victim.

#### 1.1 Stalking

Technological advancements have brought both benefits and risks to those navigating the digital realm. One significant digital challenge is cyberstalking. However, before delving into this specific behavior, it is essential to trace its historical roots—stalking. Etymologically, the term "stalking" originates from the Middle English word "stalken," which denotes "carefully, gently, silently walking"[1]. Thus, the modern definition of stalking involves one person tracking another based on specific characteristics or signs. Victims of stalking often belong to vulnerable groups, highlighting the crime's clear gender-related implications. The threat posed by stalking is pervasive and affects individuals indiscriminately. The repeated attacks on a person's mental health is intense and long-lasting[2].

#### 1.2 Cyberstalking

Cyberstalking represents a troubling evolution of traditional stalking and is closely linked to cyberbullying. Unlike conventional stalking, cyberstalkers utilize digital platforms to perpetrate their actions. They may post messages, deploy hacker techniques, or even remotely access cameras to maintain anonymity while targeting their victims. Cyberstalking manifests in various forms, with the primary motivation often being to establish contact or control over

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the victim. The digital landscape, where individuals interact with strangers they have never met in person, exacerbates this problem. Cyberstalkers may resort to degrading behaviors or use illegally obtained information to blackmail their victims. Addressing cyberstalking remains a significant and complex challenge, often compounded by inadequate law enforcement responses.

### **2. Legal Framework of Cyberstalking**

#### **2.2 EU Approach to Cyberstalking**

Cyberstalking involves the intimidation or harassment of one or more victims through electronic communication devices, potentially leading to legal consequences for the perpetrator [3]. The European Union recognizes cyberstalking as a significant gender-based crime that profoundly impacts victims' psychological and physical well-being. Statistical data from the FRA in 2012 underscored the prevalence of cyberstalking within the broader context of violence against women in the EU. The survey revealed that 5% of women in the EU had experienced cyberstalking since the age of 15, with 2% reporting incidents within the preceding 12 months [4].

The Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence, notably Article 34: *"Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised"* [5], emphasizes the criminalization of repeated threatening conduct that instills fear for the victim's safety. This legislative framework underscores the EU's commitment to addressing cyberstalking comprehensively. Moreover, as of 2022, the EU has implemented the Digital Services Act (DSA), mandating online platforms like "Meta" to detect and remove illegal content, including cyberstalking. The DSA aims to establish a harmonized legal framework across the EU, ensuring a safe and credible online environment while enhancing measures against cyberstalking and related offenses.

#### **2.3 Cyberstalking in Georgia**

Although cyberstalking is not specifically delineated as a distinct criminal offense in Georgia, the country ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2017. Article 34 of the Istanbul Convention categorizes stalking, including cyberstalking, as a gender-motivated crime constituting violence against women. This is due to the fact that, based on statistical data [6] the victims of stalking, in many cases, are women. Despite this classification, Georgian legislation maintains a gender-neutral approach, ensuring both women and men are protected under Article 151 [7] of the Criminal Code of Georgia.

Victims of cyberstalking in Georgia often experience significant emotional distress and may be compelled to alter their lifestyles to mitigate risks. The digital nature of cyberstalking increases the likelihood of unwanted contact and persistent harassment compared to traditional forms of stalking. Consequently, criminalizing cyberstalking and other digital offenses in Georgia represents a pivotal step toward enhancing human rights protections and ensuring safer online environments for all individuals.

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### Conclusion

In conclusion, this paper has explored the regulatory challenges surrounding cyberstalking across different legal jurisdictions. By analyzing contemporary issues, it has become evident that cyberstalking poses significant concerns, particularly concerning the gender of the victim. To address these challenges effectively, a concerted effort involving experts from diverse disciplines such as psychology, sociology, and law is essential. Through collaborative research and the development of robust normative frameworks, we can advance awareness of cyberstalking and advocate for policies that promote safer digital spaces for all individuals.

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