

**A Critical Assessment of the key reasons for low conviction rates
for rape cases in the Czech Republic**

**Petra Trglavcnik
BSc**

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**Department of Criminology and Social Sciences
College of Business, Law Social Sciences**

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Preface

DECLARATION

This work has not previously been accepted in substance for any degree and is not concurrently submitted in candidature for any degree.

STATEMENT 1

This dissertation is being submitted in partial fulfilment of the requirements for the degree of MSc Criminal Investigation.

STATEMENT 2

This dissertation is the result of my own independent work/investigation, except where otherwise stated. Other sources are acknowledged by explicit references.

STATEMENT 3

I hereby give consent for my dissertation, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

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Abstract

The Czech Republic has a significant problem of very few cases of rape resulting in a court conviction. In 2016 from a total of 649 reported cases of rape only 227 resulted in a court conviction (Czech statistical office, 2017). Furthermore, in those 227 cases, only 113 resulted in a prison sentence. The statistics on attrition of rape cases in the Czech Republic are available, but there is a gap in the literature on the reasons that are causing this attrition in the Czech Republic, therefore, this research identified this gap and aimed to collect primary data in order to create new knowledge on this issue. Furthermore, rape myths are widespread and highly accepted in the Czech Republic. According to the research conducted by Amnesty International, almost two thirds (63%) of adults in the Czech Republic believe that in some cases the woman is at least partially responsible for her rape. Therefore, this study aimed to research what influence does rape myth acceptance have on the attrition of rape cases and court sentencing in the Czech Republic. In order to fulfil the main aim of this study, to examine the crime of male to female rape in the Czech Republic a total of three (N =3) semi structured interviews were conducted with the employees of a victim support organisation in the Czech Republic.

The study identified key issues that are causing low conviction rates for rape cases in the Czech Republic as: revictimization of the victim in each phase of the rape case, rape myth acceptance, inadequate police practice, inadequate court practice, lack of education of society and criminal justice employees, low awareness of victims' rights and violations of the mentioned rights, victim refusing to cooperate or withdrawing her statement, lack of witnesses and physical evidence and victims not reporting the rape right after it happens. This study also provides a discussion on the ratification of the Istanbul Convention, which the participants identified as the possible solution for improving the majority of the key reasons for low conviction rates.

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Chapter One: **Introduction**

A number of authors agree that the attrition rates in rape cases are much higher than in other crimes (Fisher et al., 2003; Jordan, 2004; Page, 2010; Lea, 2003; Hester and Lilley, 2016; Smith and Skinner, 2012; Campbell, 2008). In the Czech Republic high attrition rates present a significant issue for the rape victims, and yet, the government is not willing to reform the justice system. Moreover, there is a significant lack of literature on the rape victims and rape cases in the Czech Republic. Therefore, this dissertation aims to build upon the gaps in the literature in analyzing the main reasons for attrition of rape cases in each phase of the investigation and prosecution process in the Czech Republic.

Meaning of the word attrition is dropping off cases in any of the phases of the criminal justice process (Lea, 2003). Rape cases go through four stages and at every stage, they have the possibility of dropping out. At the first stage, the police decide if they will record the case as an offense or not. At the second stage, the police are deciding on forwarding the case to the Crown Prosecution Service or dropping the case. At the third stage, the Crown Prosecution Service decides if they will prosecute the defendant or they will drop the case. And at the final stage, the jury gets to decide if they will convict the defendant or not (Lea, 2003).

In the Czech Republic, the cases go through a similar attrition process like in the UK, with the difference that in the Czech Republic instead of CPS there are prosecutors on different levels (Lízał and Kocenda, 2001). State prosecution monitors investigations and decides if the case will be prosecuted or not. Also, in the Czech Republic there is no jury in trials, instead, the judge decides on the outcome of the case (Lízał and Kocenda, 2001).

Furthermore, rape myths are widespread in the society, due to this, the victims of rape are encountered with disbelief from the members of the criminal justice system (Fisher et al., 2003; Jordan, 2004; Page, 2010; Lea, 2003; Hester and Lilley, 2016; Smith and Skinner, 2012; Campbell, 2008). Due to this, this dissertation aims to build upon the gaps in the literature by analyzing the influence of rape myths on attrition of rape cases and court convictions in the Czech Republic.

In order to fulfill the main aim of this study, to examine the crime of male to female rape in the Czech Republic semi-structure interviews were conducted with employees of victim support organization in the Czech Republic with an objective of answering the following central research questions:

- What influence do rape myths have on the attrition of rape cases and court sentencing in the Czech Republic?
- What are the key reasons for high attrition rates in rape cases in the Czech Republic?
- Why do so few cases of rape result in a court conviction in the Czech Republic?

In order to answer these research questions firstly it was necessary to examine the existing literature. Special attention is given to understand the situation in the Czech Republic, the significance of rape myths for rape cases and to the attrition of rape cases. A literature review is given in chapter two of this research. Following this, chapter three outlines the methodology of the study designed to collect the primary data in order to CMD the existing literature and answer the central research questions. Analysis and findings of this study are outlined in chapter four. This chapter presents new knowledge on rape crimes in the Czech Republic obtained by analyzing the collected primary data. Finally, the last chapter repeats the key elements and outlines the added value to the literature.

Chapter Two: **Literature Review**

2.1 Introduction

With an aim of critically evaluating the key reasons for low conviction rates for rape cases in the Czech Republic, this chapter provides a theoretical framework of the existing literature in this area with a purpose of supporting and facilitating the development of work towards answering the central research questions. Moreover, this chapter aims to identify the opportunities to confirm, deny or modify the literature on attrition of rape cases and the influence of rape myth acceptance on reporting, investigation and prosecution of rape crimes in the Czech Republic.

2.2 The situation in the Czech Republic

In the law of Czech Republic, rape is covered by several offenses: sexual coercion, sexual abuse and abuse of an entrusted person. Sexual coercion is when a person coerces another person by violence or the threat of violence into sexual intercourse. Sexual abuse also covers shame-inducing, abusing victims' dependence, vulnerability or offender using his/her status and authority to induce sexual intercourse. Sexual abuse is when a person has sexual intercourse with a person under the age of 15. Abuse of an entrusted person means abusing a person who is in the offenders' care or upbringing (European Institute for Gender Equality, 2018). According to the law in the Czech Republic, any coerced penetration is considered as rape, it is irrelevant if the penetration was performed using a penis, a foreign object or something else, therefore, both genders can be prosecuted for rape (Diamond et al., 2010).

The Czech Republic has a significant problem of very few cases of rape resulting in a court conviction. In 2016, only 649 cases were recorded as rape by the police from a total number of 218 162 of all crime recorded by the police, which means rape reports constituted only 0.3% of all recorded crime (Czech statistical office, 2017). From 649 rape cases, 448 were solved by the police, and only 227 resulted in a court conviction (Czech statistical office, 2017). From this, it is apparent that the Czech Republic has a problem of attrition of rape cases.

Furthermore, in those 227 cases that resulted in a conviction, only 113 resulted in a prison sentence (Novinky, 2017). The ratio of conditional sentencing (conditional sentence refers to a sentence in which the offender remains out of prison as long as he follows the rules set by the court) and sentencing the offender to prison is almost 50:50 in the Czech Republic (Ježková, 2017). Moreover, according to research conducted by Ježková (2017) in the period from 2010-2013, 777 offenders were convicted for rape, from that in only 386 cases (49.68%) the offender received a prison sentence, while in 379 cases (48.78%) the offender received a conditional sentence. The remaining 12 offenders (1.54%) were waived from punishment. Due to low sentences in the Czech Republic for serious sex crimes the offenders leave the court with the feeling that they had not been punished, while the victims have to face heavy consequences for at least several years, and in some cases a lifetime (Ježková, 2017).

In 2017 the Ministry of Justice of Czech Republic issued a statement responding to the results of the research conducted by Ježková (2017) and the claims that the courts must give harsher sentences in the cases of rape (proFem, 2017; Novinky, 2017). The Ministry of Justice argued that the current penalties are sufficient, and that they discourage offenders from reoffending. The Ministry stated that in 2016 in the Czech Republic 227 people were convicted for rape. Out of the 227 convicted, 113 offenders were convicted to a prison sentence. In addition, the Ministry stated that from this figure it can be concluded that the current level of punishment for rape is fulfilling its role of preventing the reoffending and that the prison sentence is not necessary for the crime of rape (proFem, 2017; Novinky, 2017).

Furthermore, rape myths are widespread and highly accepted in the Czech Republic (Persefona, 2015). According to the research conducted by Amnesty International, almost two thirds (63%) of adults in the Czech Republic believe that in some cases the woman is at least partially responsible for her rape (Persefona, 2015). This research was conducted in 2015 on a sample of 1040 participant from all regions of Czech Republic in 2015. The interviewer asked the participants a series of close-ended questions regarding attitudes and opinions about rape. Findings of this research show that in the population of the Czech Republic there is a predominant view that the perpetrator of rape is most often an unknown stranger. Moreover, findings show that (63%) of participants believed that in some cases the woman is at least partially responsible for her rape. Partial

responsibility of women for rape is more often attributed by male participants aged 18-34, and according to statistics, men from this age group are the most frequent perpetrators of rape. Furthermore, the participants assigned a partial responsibility to the victim of rape if she was: provocatively dressed (37% of the participants assigned partial blame to the victim), had a lot of sexual partners (28%), if she did not clearly say no (37%), if she behaved flirtatiously (45%) or if she was drunk (43%). Most of the blame was assigned by the participants without higher education, male participants, people from smaller places (up to 4999 inhabitants), and people of lower socio-economic status. In most of the cases, with the increase in the level of education, the tendency of victim blaming was declining proportionately (Persefona, 2015).

What makes the results of the study conducted by Amnesty International even more disturbing is the fact that the data was collected by the interviewer, therefore there was no anonymity. Because of this, the responses of the participants might have been influenced by a social desirability bias, a tendency of research subjects to give socially desirable responses instead of choosing responses that are reflective of their true feelings (Grimm, 2010). This is supported by findings from a study conducted by Ong and Weiss (2000) which state that participants answers to sensitive questions are drastically different when anonymity is guaranteed. Therefore, the extent of victim blaming and rape stereotypes in the Czech Republic might be even more severe. A positive of the mentioned study is its high generalizability due to a diverse sample including participants from all regions, socio-economic groups, age groups and educational levels (Leung 2015).

2.3 Attrition

When the victim reports the rape to the police, there is a small chance that the crime will result in conviction because of a high rate of attrition of rape cases (Fisher et al., 2003; Jordan, 2004; Page, 2010; Lea, 2003; Hester and Lilley, 2016; Smith and Skinner, 2012; Campbell, 2008). Hester and Lilley (2016) state that since the 1970s it has been apparent that rape cases are more likely to drop out of the investigation and prosecution system than other crimes. Furthermore, they state that there are some factors that especially contribute to attrition in rape cases. Those factors are an intimate relationship

between the victim and the offender, victim already knowing the offender prior to the rape, historic child sexual abuse and victim being vulnerable. In the United Kingdom, an effort was made by the government, police and different organizations in order to reduce attrition of rape in the past couple of decades (Lea, 2003). On the other hand, in the Czech Republic, there is a low awareness on the issue of rape attrition and the government and the police are not taking action to reduce the rape attrition (Ježková, 2017).

Attrition of rape is more likely in cases where the victim is young, ethnic minority, or has a lower socioeconomic status. On the other hand, cases that involve victims from privileged backgrounds whose cases fit the stereotypic notion of what is rape are more likely to get a conviction (Campbel, 2008). Furthermore, there are two groups that are most affected by attrition and underreporting of crimes. The first group are men. There has been a serious lack of research on the topic of sexual assaults against male victims and these crimes are undoubtedly very under-reported. The second group are people with learning disabilities or psychiatric problems. These types of cases are very often dropped off because of the many complex issues these cases have (Lea, 2003). Moreover, the nature of the victim-offender relationship is also an important factor in the attrition of rape. A study by Hester and Lilley (2016) that examined 87 rape cases found that more than a third of the offenses were acquaintance rapes, where the victim knew the offender. These cases resulted in the smallest conviction rates. Victims in these cases were often recorded by the police as drunk resulting in police sometimes not wanting or not being able to investigate if the consent was given by the victim. Furthermore, the cases of stranger rape and cases that involved the use of a weapon and/or resulted in physical injuries to victims were more likely to get a conviction. Rapes that happened as a part of a domestic violence were seen as a crime more often than the other rapes. But these rapes had a high attrition rate due to victim recanting their statement because of the fear of violence from the offender (Hester and Lilley, 2016).

A small number of cases that despite the high attrition rate manages to come to court often does not end with a conviction of the offender (Smith and Skinner, 2012; Ježková, 2017). A study conducted by Smith and Skinner (2012) researched rape case trials to find out what are the issues victims face in court. The study found that the victims' behavior was questioned for being 'reasonable' or not. For example, behaviors like not calling the police right away were classified as being unreasonable. Furthermore,

according to this study, the victims are often revictimized in the trial. In addition, they are not consulted on any important decisions and they are not kept up to date. Furthermore, the defense sometimes tries to reschedule the trial hoping the victim will withdraw their statement. Moreover, victims are often questioned about their sexual history in order to intimidate and discredit them. In the Czech Republic, the victims are encountered with the same issues. According to the law in the Czech Republic, questions regarding the sexual history of the victims can be made only if it is necessary for clarifying important facts for criminal proceedings (proFem, 2017). These questions need to be asked particularly gently and they should not be repeated, they should be formulated taking into consideration victims age, personal experience and mental state of the victim. But in practice, victims are treated much differently, especially by the defense lawyers, who, in most cases do not follow this law (proFem, 2017). The defense questions the victims about former sexual partners, details from sexual life, sexual preferences. These interrogations of the victims by the defense usually lasts for hours and the lawyers repeat the same questions multiple times. This is a standard practice in cases of rape, and this practice causes secondary victimization of rape victims (proFem, 2017). Furthermore, the courts display numerous prejudices towards the victims and the offenders are often acquitted, and the offenders that do get convicted get minimal sentences (Ježková, 2017).

2.4 Victim support

One of the solutions for the high attrition rates in the rape cases are victim support organizations (Braford, 2011; Kingsnorth and MacIntosh, 2004; Hester and Lilley, 2016; Campbell, 2008). Victims are encountered with an important decision of whether to report the rape to the police or not. In that decision- making process and later on, in decisions related to the case trial, victim support plays an important role (Kingsnorth and MacIntosh, 2004). Sexual assault referral centers can help reduce attrition of rape cases (Hester and Lilley, 2016). Campbell (2008) states that rape is one of the most traumatic events for a victim and that it can cause a whole range of long-term problems: posttraumatic stress disorder, substance abuse, repeat sexual victimization, depression, and chronic physical health problems. Getting legal, medical and mental health care is difficult for the victims and the help that they do receive can leave them feeling victimized (Campbell, 2008). Successful domestic violence rape cases often included some form of

victim support. The victim support was deemed as crucial by survivors of rape, and the progression of rape cases through criminal justice system should be considered through a wider context of support provided for the victims (Hester and Lilley, 2016). Help from victim support is providing victims with a voice and sense that someone is listening to them and taking their problems seriously. Because of this, victims that contact victim services are more satisfied with the criminal justice system and have more confidence in it (Braford, 2011).

2.5 Rape myths

Smith and Skinner (2017) categorize rape myths into 4 categories. The first category is the myths that blame the victim of rape (women who get drunk are at least partly responsible for their rape, women provoke rape by the way they behave and dress, if the woman does not scream, fight or get injured then it is not rape). The second category is the myths that cast suspicion on rape allegation (false rape allegations are common and made mostly because of revenge or regret, all victims of rape will be visibly under distress after rape and while giving the statement, the victim is suspicious if she does not report the rape right after it happens). The third category is myths that excuse the offender (rape is a crime of passion, man cannot control their sexuality once that they are sexually aroused). The final category is myths that assume rape happens only in certain social groups (rape only happens between strangers in public places, male rape only happens between gay men, women working in prostitution cannot be raped). Although this theory was based on a different country it is applicable to the Czech Republic (proFem, 2017). Furthermore, Payne, Lonsway and Fitzgerald (1999) conducted a series of six studies to examine rape myths. Their research revealed that in some of the rape myths the victim is partially blamed for the rape (if the victim is drunk she is partially responsible for the rape; if a woman goes home with a man she does not know, it is her fault for being raped; women dressing suggestively are asking for it). Furthermore, a number of myths show justification for rapists' action (if a man is sexually aroused he might not realize that a woman is resisting, or he might not be able to stop himself; a lot of women led on a man and then cry rape). Moreover, a number of myths question whether a crime of rape even occurred, or the woman actually wanted sex (many rape victims are actually women that wanted sex and later changed their mind; if a woman

does not physically fight back it was not rape; women enjoy sex where the guy uses a little force) (Payne et al., 1999).

On the other hand, Masser (2010) claims that the studies that research the "real victim" are flawed because they do not separate the gender-specific myths and the myths regarding the victims' behavior during the rape. Gender-specific myths are for example that a woman is saving herself for marriage, that she loves children and is a good mother and wife. Myths about the victims', on the other hand, are the circumstances and the behavior connected to rape such as intoxication and reporting the crime to the police. Masser (2010) conducted a study on a sample of 120 students to determine whether the benevolent sexists will blame the victims of acquaintance rape that broke the gender roles on the one hand, and on the other hand, will they blame the women with behavior that is opposite to stereotypical victims' behavior. The findings of the study were that the participants did not blame the victim for rape if she had broken the gender stereotypes. However, the participants did blame the victim if she was behaving contrary to the gender stereotypes and contrary to the victim stereotypes.

Grubb and Turner (2010) claim that there is a significant link between gender role myths and the victim blaming. People with traditional gender role attitudes are more likely to assign more blame on the victim and be more lenient to the perpetrator. Furthermore, people with traditional views on gender roles are more likely to blame the woman for rape if she does not fit in the traditional gender stereotype of the way a woman should behave (Grubb and Turner, 2010). Furthermore, findings from a study conducted by Wats et al., (2017) on a sample of 608 university students show that there is a connection between psychopathic personality traits and rape myth acceptance. According to this study, most of the psychopathic traits of an individual significantly predict rape myth acceptance, especially these traits: callousness, antagonism and lack of empathy.

Rape myths and women's role in the rape are becoming increasingly controversial in the rape prevention programs as some consider that it is the women's responsibility to do everything to protect herself against rape, while others claim that instead of teaching women how not to get rape that the society should teach men not to rape (Bedera and Nordmeyer, 2015). Bedera and Nordmeyer (2015) conducted a study on a sample of 40 websites of different Universities examining rape prevention and risk reduction tips posted on those websites. Findings of this study show that the target of most of the tips

are women, out of 494 tips 397 were directed at women, and out of 25 most reoccurring messages, only one was directed to men. Furthermore, these tips suggest that women must think about rape prevention at all times, in all scenarios and in all surroundings: cars, predictable paths, parking lots, entryways, secluded areas, isolated roads, the internet, dates, men's bedrooms, women's homes, anywhere with strangers, anywhere with new friends, anywhere with men, anywhere where a woman is alone, and anywhere public after nightfall. One University even arranged the tips on the web page into sections with titles: "Be Alert Where You Live," "Be Alert When Walking," and "Be Alert in Vehicles." Analysis of these tips showed that they communicate four main messages: there are no safe places for women, women cannot believe anyone, women should never be alone, and women are vulnerable. These findings imply that the burden of rape prevention falls mostly on women (Bedera and Nordmeyer, 2015).

2.6 Influence of rape myths on the attrition of rape

2.6.1 Influence on reporting

Rates of reporting the rape to the police are very low (Fisher et al., 2003; Page, 2010; Jordan, 2004; Kingsnorth and MacIntosh, 2004). A study conducted by Fisher et al. (2003) on 4446 female college students has shown that only 4.5 percent of victims reported the rape to the police and even less percentage reported it to the campus authorities. Furthermore, the mentioned study stated that there are numerous reasons why victims do not report rape and one of them is that victims often blame themselves for the rape. This is often the case when the victim was under the influence of alcohol during the rape and because of that believes that her consumption of alcohol caused her to be assaulted. Jordan (2004) argues that this high level of attrition of sexual violence cases combined with still present disbelief to the victims' testimony is the reason many women decide not to report the crime to the police. Fisher et al. (2003) support this by stating that the main reason victims decide to report sexual offense is if they believe that reporting will have a positive outcome. On the other hand, Mont (2003) disagrees with the claim that rape myths have an influence on the underreporting of rape cases. Mont (2003) analyzed 186 cases of sexual violence seen in sexual assault care center in 1994

to research whether there is a connection between the rape myths and the willingness of women to report the rape. Findings showed that an equal number of victims that did not have the characteristics of the "real victim" reported the rape to the police compared to the ones that had the characteristics of a "real victim". There was an equal representation among reported and unreported cases of women that have been previously assaulted, those who had mental health problems, the ones that had been drinking, and of women of color. However, a positive correlation was found between the reporting the crime to the police and the 2 violent characteristics of the "real rape" myth: use of physical force and the signs of physical injury. Moreover, women who were physically coerced were 3 times more likely to report the crime to the police. Limitation of this study is that the characteristics of the "real victim" were not measured with enough complexity. For example, the variable of drinking prior to the attack did not make a distinction between the woman having one drink or being unconscious due to drinking, therefore, the results might be different with more precisely defined victim characteristics. Thus, this study lacks internal validity (Winter, 2000).

Peterson and Muehlenhard (2004) claim that one of the reasons for underreporting of rape cases is that many women do not label their experience as "rape" even though that experience meets the legal and scholarly definitions of rape. They conducted a study on a sample of 86 female university students whose experiences met the legal definition of rape to research whether the level of rape myth acceptance has an influence on does the woman label the experience as rape or not. Findings showed that the women who believed in rape myth that "if women don't fight back, it's not rape" were less likely to label their experience as "rape" compared to women that did not believe in this myth. In addition, women were less likely to label the unconsensual sexual experience as "rape" if they did not label the experience as "sex".

Lisak et al., (2010) state that one of the widespread myths about rape, even among police officers, is that false rape allegations are something that happens often, and that almost half of the rape allegations are false. Furthermore, that this myth has a direct influence on the rape cases. Firstly, this myth causes police officers to doubt the victims and to have a hostile attitude toward them instead of trying to solve the case. Secondly, this myth causes negative response toward the victims of rape by either family, friends or society. Thirdly, the victims are hesitant to report the rape to the police because they are

afraid that they will be encountered with suspicion and disbelief, thus this myth contributes to the underreporting of rape. On the other hand, Reece (2013) claims that false rape allegations are not a myth and that it is hard to say that 'women cry rape' is a myth when the rate of false allegations of rape is unknown because of the disagreement between academics about what proportion of rape reports are 'false'. Lisak et al. (2010) disagree with this, claiming that only 5.9% of the rape allegations are false allegations basing these statistics on a study they conducted on a sample of 136 rape cases reported to a Universities police department in the USA in a 10-year period.

2.6.2 Influence on the investigation

Jordan (2004) states that from those cases that do get reported, only a few manage to get to the trial. One of the reasons for this is that in some cases victims are still encountered with the disbelief from the justice system. Some police officers might believe in rape stereotypes which can taint the investigation. On the other hand, Reece (2013) claims that the rape myths are not influencing the investigation, but that the pressure on the police not to blame the victim is negatively influencing the investigation. Moreover, that the police officers taking the victims statement are sometimes hesitant to examine inconsistencies in the victims' statement too deeply for fear of distancing the victim. As a result, inconsistencies in the victims' statement that were not fully analyzed, in some cases are undermining the victim's credibility at a later stage in the investigation (Reece, 2013).

Page (2010) states that even though laws against sexual assaults evolved over time there are still problems with how the victims are perceived by police officers. Results of a research that was done on a sample of 891 police officers were that 6% of them believed in rape myths. For example, one police officer stated: "A female should be aware of dangerous situations and try to avoid them" (Page, 2010: 328). Conclusions of a study done in Constabulary in the South West of England by Lea (2003) also agree that the problem of stereotypes in the police force exists, but, the author also states that it seems that the reforms aimed to reduce the number of cases in which police decides not to record rape as a crime were effective and that most of the police officers seemed to be committed to helping the victims. But, even though there is some progress, still not enough is done for the victims (Lea, 2003). Similarly, Ježková (2017) claims that in the

Czech Republic not enough is done for the victims of rape within the justice system and that the victims are encountered with numerous prejudices. Unlike in the United Kingdom, in the Czech Republic, the justice system is not subjected to many reforms, causing justice system response to rape crimes to be inadequate and ignore the new legislations, the rise of cybercrime and changes in the society (Ježková, 2017).

2.6.3 Influence on the trial

A number of authors agree that that the conviction rates for rapes are much lower than for other crimes and that the victims of rape are encountered with the disbelief from the members of the criminal justice system (Fisher et al., 2003; Jordan, 2004; Page, 2010; Lea, 2003; Hester and Lilley, 2016; Smith and Skinner, 2012; Campbell, 2008; Ježková, 2017). Grubb and Turner (2010) state that rape myth acceptance is connected with victim blaming, that the individuals with higher levels of rape myth acceptance attribute more blame on the victim, and that the attribution of blame is connected with the final verdict in court. For example, the individuals that believe in a myth that an intoxicated woman is partly responsible for rape are more likely not to convict the perpetrator for raping an intoxicated woman. On the other hand, Bergelson (2005) argues that the victims should be responsible for their behavior and that the offenders should be able to use the victims' behavior as a defense in order to have fair, effective and consistent trials because in some cases victims' behavior fully justifies the offenders' actions.

Smith and Skinner (2017) conducted a study to examine the presence of rape myths in the court trials. In a 10-month period, hand transcripts of trials were made before the data was transcribed and analyzed using NVivo. A total of 18 rape cases was examined. The courtroom in which the cases were observed was selected because it had won awards for witness treatment which suggested it was a center of good practice. Regardless of this fact, in the observed trials, there was an extensive use of rape myths in every trial and the rape myths were a routine way for the defense to undermine the victims' credibility. Even though some judges and prosecution lawyers opposed these myths, they remained relevant for juries through a focus on identifying inconsistencies and discussions about rationality. Rape myths were used to portray victim behavior as either 'normal' or 'abnormal'. For example, juries were told to evaluate whether the behavior of the victim was consistent with expectations, mostly that they were visibly upset immediately after the offense, when initially reporting, and at trial. Moreover, there

was a discussion in 12 trials about whether or not the victim used sufficient physical struggle to defend herself from rape, victims who did not were portrayed as not normal and therefore suspicious. Furthermore, delays in reporting to the police were also presented as not normal. On the other hand, the findings of the study also show some resistance to rape myths. Realities behind rape myths were occasionally pointed out by the defense, while comments made by prosecution and judges aimed to challenge these beliefs. A positive of this study is that a pilot study was conducted on 10 cases prior to the main study, thus improving the design of the study (Teijlingen and Hundley, 2001).

2.7 Rape within the marriage

Society's reaction to sexual assaults is very strong. Sexual offenses are often considered as the worst kind of crime. Moreover, all over the world a variety of laws have been made in order to punish these crimes and to protect the society (Thomas, 2005). But a number of authors agree that this public outrage and law enforcement protection is reserved mostly for cases of stranger rape, where the victim does not know the offender prior to the attack. On the other hand, in the cases of domestic rape, the perception of public and law enforcement is much less favorable toward the victim (Hester and Lilley, 2016; Campbell, 2008; Viki et al., 2004).

Victim/perpetrator relationship is an important factor in people's perception about the rape and whether or not they will consider it rape. Furthermore, the victims of marital rape might not label the forced intercourse as rape if there is no presence of other forms of violence in their marriage (Monson et al., 1996). Munge et al., (2007) conducted a study to determine the influence of length of marriage and wife's fidelity on the perception of rape. The study was conducted on a sample of 160 female psychology students. Participants of this study were asked to read one of four scenarios that were identical in content, but the length of marriage and fidelity status varied. The length of marriage was either 3 years either 15 years and the fidelity status was that either the wife was completely faithful or that she had an ongoing sexual affair with another man. Participants assigned more responsibility for rape to the women that had an affair than to the ones that did not, in other words, they were victim blaming the women for rape if they were unfaithful. Furthermore, the participants perceived rape in long-term marriages as more traumatic than the one in the short-term marriages. Limitation of this study is that

all the participants were men, and according to a study conducted by Monson et al. (1996) men have a different perception of marital rape than women. They conducted a study on a sample of 195 participants (120 female, 75 male) who were given 2 rape scenarios which were identical in form and content, but in one the perpetrator was the victim's husband and in the other one the perpetrator was a stranger. After reading either the marital or the stranger rape scenario the participants were asked to answer a number of questions assessing their perception of the rape. There was a significant difference in the perception of the male participants to marital rape compared to the stranger rape. The male participants were significantly more likely to minimize the seriousness of the marital rape, and they were only 50% sure that the husband can rape his wife. On the other hand, the female participants perceived the marital rape and the stranger rape equally serious.

Sullivan and Mosher (1990) Conducted a study to determine whether macho personality is a factor in marital rape. The study was conducted on a sample of 136 male University students. Firstly, the characteristics of the participants were measured using the Hypermasculinity Inventory. Secondly, the participants listened to audio tapes of one of the four scenarios: married/consent, stranger/consent, married/rape, stranger/consent. After listening to tapes the participants were asked to answer questions about the scenarios. A minority of participants considered that rape within marriage cannot happen. The results of the study were that macho men were more accepting of callous sex, whether consenting or rape compared to non-macho men. They were more likely to believe that their sexual needs have to be satisfied and that the women had a duty to please him. Macho men were highly accepting of rape in general, regardless of the married/stranger scenario, while non-macho men were more accepting of marital rape than the stranger rape. This study shows that even though non-macho men were able to recognize the seriousness of rape as a crime they were not able to do so in the scenario where they are the perpetrator and the victim is their wife. This is significant for the Czech Republic because according to a study conducted by Jezkova (2017) on a sample of 55 rape cases, despite the widespread myth in the Czech Republic that the rapist is a "strange guy from the park" in the majority of the cases the victim is raped by her husband.

2.8 Istanbul convention

The Council of Europe Convention on Combating Violence against Women and Domestic Violence (the Istanbul Convention) was adopted in 2011 in Istanbul (Council of Europe 2011). Countries that ratify the Istanbul Convention are obligated to adopt a unique and comprehensive legal framework to protect women and girls from gender violence and to protect any individuals from domestic violence (Vido, 2016). Furthermore, the states that ratify the convention are obligated to criminalize behavior that constitutes as violence against women and domestic violence, including sexual violence (Vido, 2016). On the 2nd of May 2016, the Czech Republic signed the Istanbul Convention and its ratification is scheduled for mid-2018 (Ježková, 2017). With the ratification of this International Convention, the Czech Republic has several obligations, above all, to bring the Czech legislative in line with this Convention (Ježková, 2017).

The states that ratify the Istanbul Convention are obliged to take necessary legislative and other measures to ensure that the offenses established in the Istanbul convention are sanctioned by effective, proportionate and dissuasive sanctions taking into account their seriousness and aggravating circumstances (Council of Europe, 2011). Since the problem in the Czech Republic is that a majority of offenders that do get convicted for rape only get a probational sentence or only a few months in prison, the ratification of the Istanbul Convention would demand from the Czech Republic to ensure higher sentences for the crime of rape (Ježková, 2017). Moreover, ratification of the Istanbul Convention would demand from the Czech Republic to promote social and cultural changes in order to eliminate customs, traditions and other practices based on the idea of women's inferiority or gender stereotypes of women or men (Council of Europe, 2011). Furthermore, if the Czech Republic ratifies the Istanbul Convention, the country will have to introduce education and prevention of gender violence. This is important because Foubert and Perry (2007) claim that an important factor for the victims is the support from the society and that the support can be improved by educating the society on empathy and ways to help the victims.

The ratification of the Istanbul Convention would also mean that the Czech Republic would have to ensure the support services for the victims of domestic violence, sexual violence, and gender violence. That includes legal and psychological services, financial help, housing, education, training and help in finding employment, specialist support services, shelters and helplines (Ježková, 2017). European Union has constantly

promoted the right of its citizens to freedom from violence and abuse in their intimate relationships and has invested in researches on gender violence (Stanley and Devaney, 2017). But, the rise of anti-EU political parties and attitudes across Europe represent a danger to the achievements of the European Union regarding anti-violence policies and drive toward gender equality (Stanley and Devaney, 2017).

2.8 Conclusion

This chapter provided a theoretical framework of the existing literature regarding the current situation in the Czech Republic. Moreover, attrition of rape cases and the role of the victim support in preventing the attrition were discussed. Furthermore, rape myths and their influence on the underreporting of rape cases and on the investigation and prosecution of rape cases were explored. In addition, the chapter discussed the victim-offender relationship as a factor in rape attrition. Furthermore, there was a need to put this research in the context of the current events regarding the rape cases in the Czech Republic, and the current discussion around the ratification of the Istanbul Convention. Due to this, the chapter also provides a discussion of the possible effects of ratification of the Istanbul Convention on the rape cases in the Czech Republic.

The literature review shows that rape crimes are subjected to non-reporting, attrition from the justice system, and resulting in non-conviction significantly more than other crimes. Furthermore, victims of sexual crimes are often subjected to prejudices from the participants of the justice system and often subjected to revictimization by the justice system. The literature review revealed a paucity of research on the topic of why so few crimes of male to female rape end up in a court in the Czech Republic. This study will, therefore, address this gap.

Chapter Three: **Methodology**

3.1 Introduction

The purpose of this chapter is to discuss the choice of the methodology used to CMD the literature regarding the reasons for high rape attrition and the low percentage of prison sentences in rape cases in the Czech Republic. Firstly, the research strategy will be discussed. In addition, factors influencing the choice of the research problem and the ways the choice of the methodology will build upon the gaps in the literature will be discussed. Moreover, this chapter will explain the process of designing and implementing the data collection instruments with the purpose of obtaining primary data in order to answer central research questions and create new knowledge about the subject. In addition, ethical considerations of conducting semi-structured interviews with professionals will be discussed, together with the ethical considerations of conducting interviews with participants via Skype calls. Lastly, this chapter will discuss ethical considerations of conducting a research in a foreign country.

3.2 Research Strategy

In order to conduct this study, the researcher applied for funding from the Erasmus+ traineeship programme. Erasmus+ traineeship enables higher education students to gain experience in one of the 32 countries in Europe. Having obtained the funding, the researcher applied for an internship in proFem. ProFem is a non- governmental organization that helps victims of domestic and sexual abuse located in Prague, Czech Republic. The researcher got accepted to do a thesis-based internship in the mentioned organization. The internship was completed within three months, that is, between January and March 2018. The reason for researchers' decision to do a thesis-based internship is to gain insight into the whole process of investigation and prosecution of crimes in the Czech Republic and to build rapport and make observations that will help in shaping the questions that will later be asked to the employees of the organization in the data collection stage. Therefore, because the researcher intended to create knowledge based on practice and work with practitioners, action research was implemented in this study (Bradbury- Huang, 2010). Due to the fact that this research is conducted in a country where English is not an official language, and that the author does not speak

Czech language, the possibility of experiencing language barrier issues was considered. As predicted, the author experienced difficulties in gathering literature about rape cases in the Czech Republic. Even though it should be noted that the primal reason for this issue was not the language barrier, but the general lack of scientific research regarding the rape cases and rape victims in the Czech Republic. The researcher did not experience any noticeable language barrier issues during the interviews with the participants as they all spoke the English language fluently and to the researchers' knowledge, the participants had no issues while answering the questions and expressing their opinions and beliefs.

3.3 The Research Problem

The author found out about attrition and very low conviction rates in rape cases in the Czech Republic in a meeting with the mentor from the organization prior to undertaking her internship. After researching this matter further, the researcher realized the severity of this issue and decided to conduct a study on this topic. As for researchers' knowledge, this is the first study that researches the reasons behind high attrition and low conviction rates in rape cases in the Czech Republic. Researcher attempted to find journal articles on the topic of "rape in the Czech Republic" in Library plus and in Google Scholar using the English language. Moreover, the researcher attempted to find journal articles using the Czech words for rape, sexual violence, and sexual offenses. Furthermore, the researcher had assistance from the employees of the victim support in obtaining the literature related to rape in the Czech Republic. The researcher also checked for articles on English and Czech language in the Czech Criminology Journal that is managed by the Czech Society of Criminology. The search for literature produced a surprisingly small amount of literature on the topic of rape in general and the researcher found no journal articles regarding the reasons causing the high attrition or low conviction rates in the Czech Republic in English or in the Czech language. Most of the literature researcher obtained were publications from the victim support organizations. For example, search in google scholar for the word "rape" in Czech language results in one and a half page of citations followed by a number of bachelor's or master's thesis, from which not one thesis has a similar theme as this research. Furthermore, the Ministry of Justice issued a statement, following the criticism from proFem, stating that the current rates of only around 50% of the convicted rapists receiving prison sentences are satisfactory and

therefore there is no need for the reform of the court practice. The lack of research and government concern about rape lead the author to the decision to conduct research on this topic. The research aims to modify the knowledge about the investigation and prosecution process in the Czech Republic. Furthermore, the research aims to modify the knowledge about the reasons for attrition and low conviction rates for rape cases in the Czech Republic. Furthermore, the research aims to confirm, deny or modify the knowledge about the rape myths and the problems victims of rape are encountered with.

3.4 Selection and Sampling of Participants

The participants were recruited from the victim support organization in which the author did her internship, proFem. Researcher obtained the permission from the victim support organization to conduct interviews with the employees of the organization. This is a victim support organization which supports victims of domestic and sexual abuse, located in Prague, Czech Republic. All participants are volunteers and no payment was offered. The author has acquired permission to do the research and to interview the staff working in the organization from the director of the organization. The staff of the organization has also agreed to participate in the research. In total six (N=3) employees of the organization were recruited to participate in the research. From that, one (N=1) participant is a social worker that provides social support and advice to the victims, one (N=1) participant is a lawyer that provides legal support and legal advice to the victims, but does not represent the victims in trials, and one (N=1) is a lawyer that often represents victims of rape in court trials. Required criterium for participation was that they are an employee of the organization and that they are fluent in English. As the statistics on the percentage of the rape cases that end up with a prison sentence in the Czech Republic are known, the researcher aimed to build upon the gaps in the literature and to explain the issues behind the statistics, which are causing this low number of prison sentences. The reason that the employees of the victim support organization are selected for the sample for this research is that they can give an insight into the issues that the victims encounter during the rape cases, the reasons for attrition in rape cases, the police practice, and the court practice. They follow the victims through all the stages of a rape case. Victim support organization, proFem, in which the author did her internship is giving support to the victims before they report the rape to the police, during the investigation, during the trial, and after the trial. The organization is divided into three

departments, one department is social workers, another is lawyers and the third are the psychotherapists. The victims, therefore, can get free legal aid, therapeutic help, and social services. Therefore, the victim support employees are a good source of information on what is happening in each phase of the rape case and what are the causes of attrition in each of the phases of the rape case.

3.5 Data Collection

The researcher aimed to CMD the literature and to build upon the gaps in the literature regarding the high attrition rates for rape crimes and low conviction rates for the offenders in the Czech Republic. Due to the gap in the literature regarding the possible causes of this in the Czech Republic and the gap in the literature regarding the studies that examine the practitioners' perspective on reasons of rape attrition and low conviction in the Czech Republic it was determined that semi-structured interviews would be used as a data collection technique. According to DiCicco-Bloom and Crabtree (2006), individual semi-structured interviews enable the researcher to explore in depth social and personal matters. In this type of interviews depending on the participants' answers, new questions might come up. In those cases, the researcher was careful to consider how to structure the follow-up question in order for the questions to be non-directive, in other words, not to lead the participant to a certain answer. A number of questions have been created to highlight the key issues for exploration. The questions are created based on the research questions, literature review, and the insight researcher gained during the internship in the victim support organization. According to DiCicco-Bloom and Crabtree (2006) developing rapport is an essential component of an interview. Rapport means establishing a safe and comfortable environment for sharing experiences and attitudes as well as trust and respect for the interviewee and the information he or she shares. For this research, significant rapport was built with the participants because the author worked with the participants during her internship. This contributes to the reliability of the research data.

At first, the researcher intended to conduct the interviews face to face during her internship in the Czech Republic. But the researcher did not obtain the ethical approval from the University of Derby prior to her leaving the Czech Republic. Therefore, the

researcher-participant data collection was no longer possible in person because the researcher was no longer in the Czech Republic. Therefore, it was decided that all the interviews would be conducted via encrypted Skype calls (Private Conversations) and informed consent and debriefing would be addressed for each participant via this encrypted medium. This secured the transference of data across borders, and no interviews were conducted in person. Semi-structured interviews were conducted with a small sample of professionals working in proFem (N=3). All of the interviews were recorded on the researchers' mobile phone and stored in password protected files. The data from the recordings was then transcribed in a fully anonymized format.

3.6 The methodology of Data Analysis and Findings

It was determined that the transcribed data would be analyzed using the thematic analysis. "Thematic analysis is a method for identifying, analyzing, and reporting patterns (themes) within data." (Braun and Clarke, 2006: 84). Thematic analysis was selected because this method can summarise the key features of a large body of qualitative data. In addition, it was selected because the researcher wanted the results of the study to be generally accessible, and the thematic analysis produces results that are generally accessible to the educated general public (Braun and Clarke, 2006).

The researcher printed the copies of the transcripts and using the marker the researcher coded the transcripts line by line. The researcher approached the coding open-minded and unbiased without preconceived theories of what data will emerge from the analysis of the transcripts. The transcripts were coded having in mind the research questions and the aim of the research. Firstly, the researcher labeled parts of the transcript (words, phrases or sentences) that she deemed as relevant. The researcher would consider something as relevant if it was repeated in several places, if the participants stressed it is important, if it confirmed, denied or modified the literature or if in any other way the researcher deemed it as significant in answering the central questions. Labeled parts of the transcript or "codes" were then organized into "themes". In the final stage, the connections between the themes were described thus creating new knowledge about the research problem.

3.7 Ethical Considerations

The researcher followed the Code of Ethics set out by the University of Derby and the principles of non-maleficence and beneficence in conducting her study. All interviews were conducted via encrypted Skype calls (Private Conversations), with only the researcher and the interviewee present. Prior to participating in the study informed consent was obtained from all the participants. Researcher verbally explained parts of the consent form and answered any doubts the participants had. In order to provide the participants with all the necessary information and to obtain an informed consent researcher informed the participants on what the research is for, who will conduct the research, how the personal information will be used, who will have access to the information and how long the information will be kept for. Participants were also debriefed on the aims and objectives of the project. Participants were informed that they are free to leave the study at any point during the interview and that they have the right to withdraw their data at any point up to the final submission of the project to the University of Derby. Furthermore, participants were informed that all personal data and interviews of the participants would be destroyed in the case that the participant withdraws their consent prior to submission of the project. Participants were also informed that all primary data would be anonymized prior to use in the researcher's draft and final work and participants will only be referred to by pseudonym linked to an identifier code and that the researcher will not disclose the identity of participants or primary data to any other persons with the limited exception of compulsory university process under controlled conditions and in compliance with the Data Protection Act (1998). Moreover, the personal data of the participants will be used only for the purposes of the project and at the end of the project, all the personal data will be destroyed. After the participants signed the consent sheet and sent it to the researcher via Skype, the researcher asked for participants consent to make audio recordings prior to commencing the interviews. The researcher only collected the data that is relevant to her research and did not use deception of any form with any of the participants. After each interview was completed, the researcher debriefed the interviewees. No covert or deceptive research methods were used by the researcher during the interviews. During this research, the participants, as well as the researcher, were not exposed to any greater physical, psychological or emotional harm than the one that they encounter in their ordinary life. Except ensuring the anonymity of all of the participants it was also important to secure all

of the data collected during the research. All of the interviews were recorded on the authors' phone and the audio tapes were protected with a password in order to protect the data in compliance to the Code of Ethics set out by the University of Derby. After the transcription of the audio tapes, the transcripts had been stored on researchers' laptop and protected with a password. After the transcription, all of the tapes had been destroyed. The researcher had no previous experience or knowledge on the investigation and prosecution system in the Czech Republic or the problems that victims of rape encounter in the Czech Republic, therefore, she had minimal prejudices and was able to approach the research objectively. Of course, the researcher had previous knowledge on this topic from other countries but made sure that she does not make assumptions about the Czech Republic based on the investigation and prosecution process in other countries.

3.8 Ethical implications of conducting a research in the Czech Republic

The author had been assigned with a mentor in the victim support organization. The mentor is an employee of the organization and the authors' data collection was supervised and authorized by the mentor. Because the thesis was done as a part of the internship in the Czech Republic the researcher had to follow the laws of the Czech Republic, as well as the rules of the victim support organization. According to the law in the Czech Republic, if the researcher finds out about non-reported sexual offenses, she is not obligated to report it. Moreover, she is not allowed to report it. This is because the law protects victims from the secondary victimization caused by the investigation and it needs to be the victims' choice whether they will report the offense or not. Nevertheless, the researcher made all the necessary steps to avoid discovering any unreported offenses. The researcher warned the participants prior to the interviews not to disclose any non-reported offenses. Moreover, the questions to the participants are structured in a way that they do not reveal any non-reported offenses. Furthermore, a pilot testing of the interview questions was conducted prior to the interviews with the participants. This pilot testing was conducted in order to secure that the questions do not cause reveal of any non-convicted offenses, that the questions are well structured and related to the central questions and to determine if any other questions should be added. This pilot testing was conducted with the mentor that was assigned to the author in the organization. It was not required for the researcher to apply for ethical approval to any

external agencies in the Czech Republic. The researcher is obligated to comply with the ethical guidelines of the victim support organization by respecting the victims right not to report the crime of rape to the police. The researcher was not obligated to get approval from any other authority in order to conduct the research.

3. 9 Conclusion

This chapter provided effective signposting as to how the design and implementation of the data collection instruments supported and facilitated obtaining the primary data with the purpose of answering central research questions. The process of choosing the research strategy that has been perceived as the best in order to CMD the literature on high rape attrition rates and the low percentage of prison sentences in the Czech Republic has also been discussed. Furthermore, the chapter provided a discussion on the research problem and the gaps in the literature. In addition, the chapter provided a discussion on the issue of ethical implications of conducting a research in a foreign country.

Chapter Four: **Analysis and Findings**

4.1 Introduction

In order to fulfil the main aim of this study, to examine the crime of male to female rape in the Czech Republic this chapter outlines the analysis and findings of the study with an objective of answering the following central research questions:

- What influence do rape myths have on the attrition of rape cases and court sentencing in the Czech Republic?
- What are the key reasons for high attrition rates in rape cases in the Czech Republic?
- Why do so few cases of rape result in a court conviction in the Czech Republic?

The chapter outlines the analysis and findings of primary data collected with a sample of three (N=3) employees of victim support organization in the Czech Republic. The participants are referred by their anonymous participant number and pseudonym which do not reflect their actual names or identities.

4.2 Secondary traumatization

The theme of secondary traumatization of the victims emerged from the data. The participants reported that the victims go through a secondary traumatization in every stage of the investigation and trial of the case, and that they need to repeat their statement several times during the investigation and trial.

A subtheme of long and unpleasant questioning by the police emerged from the analysis of the data on secondary traumatization. As identified by the participants, when the victim comes to the police to report the crime sometimes they wait over an hour for a police officer to take their statement. Furthermore, questioning the victim can last for hours, they are asked unpleasant questions and the victims are not prepared for it. A social worker working with the victims of rape claims that this experience can traumatize the victims: *“I can see as a problem that a lot of victims that come to us say that the police*

officer used unpleasant questions, they want every detail and they over traumatize them" (Tanya, 39853). Another problem that the victims face during the police questioning is that the police is not treating the rape cases as sensitive: *"police are not very discreet, so they talk about rape in front of other people in the hallway"* (Amy, 50601).

The second subtheme that emerged from the analysis of the data on secondary traumatization is the issue with crisis accommodation in CZ. Participants highlighted that there is a shortage of crisis accommodation and also a problem of quality of the existing accommodation: *"considering that most of the women need to leave the household with children and these places, most of them, are not suitable for life with children and it causes them another trauma."* (Amy, 50601).

The third subtheme that emerged is the revictimization during the trial. Participants agree that the trial can last for a very long time due to different policies offenders lawyers use to prolong it. Furthermore, the lawyers are questioning the victims for a very long time and they ask the victims intimate questions: *"they have to talk about their sex life although it is irrelevant for the case"* (Tanya, 39853). Moreover, Amy explains one of the strategies that the defense uses very often in order to convince the judge that the victim made up the rape: *"mostly they are trying to show them as unstable and having mental problems"* (Amy, 50601). Furthermore, as identified by Smith and Skinner (2012) the defense often attempts to influence the victim in order to cause her to withdraw her statement. Sam reflected this by stating: *"The big problem is the policies and the legal support of the offender because they go after the victim, their behavior is not ethical, they destroy the victims during the court, and that is why the victims give up on the procedure"* (Sam, 93745). Moreover, participants highlight that the victim has to face the offender which is extremely traumatic and in addition *"even the offender can ask the victim anything"* (Amy, 50601) during the trial. Participants agree that trials are very emotionally demanding for the victims and that it is difficult for them to be able to complete the trials, thus, after the trial is completed the victim is completely destroyed.

4.3 Rape myths

Another theme that emerged from the data is rape myths. Analysis of the data showed that the participants repeatedly emphasized widespread acceptance of rape myths as a serious problem that has a negative impact on rape victims and the investigation and

prosecution process. Mainly these rape myths were identified by the participants as relevant in the Czech Republic: rape within marriage is not that serious, if the victim knew the attacker prior to the rape she is suspicious, if the victim was under the influence of alcohol during the rape she is untrustworthy, if the victim is vulnerable in some way she is implausible, if the victim had multiple previous sexual partners she is not a real victim, men cannot control their sexual urges, if the victim was not defending herself it is not rape, if the victim was dressed provocatively it is her fault, if the victim does not report the rape right after she is suspicious.

Participants agree that rape myth acceptance is one of the main reason why rape victims decide not to report the rape to the police. Tanya (39853) explains this by stating: *"the kind of rape that is much more often, that happens in the family or inside a partnership or on a party, any type of situation in which the victim is not a perfect victim, or a victim might be a part of minority or have an active social life, or be addictive, all these things make the victim not very trustworthy for the police and the chances that the offender will be punished are very low. And people know it, that is why so many cases go unreported."*

Furthermore, it is believed by the participants that the defense lawyers are using rape myths as a strategy during the trial to justify the rape or to portray the victim as untrustworthy: *"So it is stressing out anything that does not follow the idea of how the ideal victim looks like. This can be drinking, having several sexual partners or being known for some kind of sexual activity, things like this. I would like to believe that wearing a short skirt does not influence, but it can be even pointing out to what the victim was wearing."* Tanya (39853). These findings reflect that of Smith and Skinner (2017), which found that rape myths are a routine way for the defense to undermine the victims' credibility. Moreover, some concerns were addressed that the use of these strategies throughout the trial revictimizes the victims and that it is emotionally hard for them to go through the whole trial. *"This really discourages the victims and they want to give up. They say they don't want to continue because they cannot see the end of that and because everybody says that she is a bad person."* (Amy 50601).

4.4 Victims' rights

One of the themes that emerged from the data analysis is victims' rights. An opinion that the victims are often not aware of their rights, and the police officers and judges often fail to explain to them their rights was endorsed by the participants. For example, Amy explained that when the victim comes to the police station to report the rape she has the right to choose if she will be questioned by a male or a female officer, but the police does not offer her that option: *"they do not ask the victim do you want to tell this to a women"* (Amy 50601). Furthermore, it was discussed by the participants that even though the victim has the right to have a family member, a friend or a lawyer with her during the questioning the police officers often do not explain this right to the victims.

Reflecting on the topic of victims' rights two of the participants agreed that even though the police has an obligation to explain to victims their rights, they do not do it in an adequate manner. They explain victims' rights only formally, by giving them a document with a lot of information written, but they do not explain that information or answer their questions. Amy explains how those documents about victim rights are written in a way that victims cannot understand them: *"she gets some information from the police, but nobody ever checks if she understood it. And she gets some information about her rights in the process, but she gets it from the paper in a situation where she is really traumatized. And I have read such paper and I did not understand it"* (Amy 50601). Furthermore, an issue for the victims is that they have to repeat their statement several times, but Tanya explains that there is a better option which is not used in all of the cases: *"there is another way, if they use the law to protect the victim, it can be that she only gives the statement once and they tape it, and they use this tape all the time, it is a better way and it should happen all the time but it is not happening in this way all the time"* (Tanya, 39853).

Moreover, the participants discussed that the police have a duty to inform the victim about the development of the case on the victims' request, but, many people do not know that they have a right to request information about their case. In most of the cases, the participants encountered the police tells the victim that they will contact her if they will need something from her. It is believed by the participants that this causes great uncertainty for the victims because they need to contact the police and request information from them. Amy states that in these cases *"it really helps if the victim has a lawyer who can find out the information for her"* (Amy 50601).

Furthermore, victims have the right to a lawyer paid by the country, but the participants highlighted that the victims are often not informed about this right *“it is one of the important rights victims’ don’t know about”* (Amy, 50601). Moreover, Tanya explains how the victim can find herself in a difficult situation of not having a lawyer and how this situation can have a discouraging effect on the victim: *“The worst issue that can happen in court is if the victim doesn’t have her own lawyer... then the victim can find herself in a really hard situation because the offender always has his own lawyer because every person that is accused of a crime gets a lawyer. So, the victim might see it in a way that everyone is against her.”* (Tanya, 39853). Furthermore, Amy explains that the victims have the right to be in a different room than the offender during the trial *“they sit in another room and the audio of the testimony is played in the courtroom and the judge is asking them the questions”* (Amy 50601), but this does not happen often.

4.5 Inadequate police practice

A further theme that the analysis of the data emerged is the inadequate police practice. Participants identified inadequate police practice as one of the reasons for attrition of rape cases. Subthemes that emerged while analyzing the data on this theme are: lack of trust, victim blaming, not investigating the rape properly and prejudices.

The participants expressed how there is a lack of trust on both sides, that the victims sometimes do not want to report rape because they believe that the police will not believe them. On the other hand, *“the police officers very often don’t believe the victims if there is no “hard” evidence”* (Amy 50601). Furthermore, two participants discussed how the police officers often blame the victims for their behavior: *“They blame the victims for not coming sooner or not going to the doctor right after the rape”* (Amy 50601).

Furthermore, the subject area of the police not investigating the rape properly was raised by the two of the participants. Tanya explains how in cases where there is no physical evidence the police is not doing enough to solve the case: *“sometimes it can also be that the police are not trying hard enough because there might not be physical evidence like traces of blood or something, but there might be indirect evidence that might be found with psychological examination. So maybe sometimes the police are not doing the maximum to find the evidence”* (Tanya, 39853). In addition, Tanya claims that sometimes the police influences on the victims in order to persuade them not to report the rape:

“Sometimes they push the victim not to report the crime, they tell her there is no chance the offender will be punished” (Tanya, 39853).

Some concerns were addressed by the participants that the rape victims that belong to minority groups might encounter special difficulties while reporting the rape to the police. Tanya claims that minority groups are discriminated by the police: *“Prejudices against minorities are widespread, so I think pretty much any person that does not fit in the box of the perfect victim would get the worse treatment from the police, whether it is somebody with a different skin color or sexual orientation, I don’t even want to imagine what would happen to transgender people because I have no idea how could the police understand” (Tanya, 39853).* These findings reflect that of Campbell (2008), which found that the attrition rates for rape cases are higher if the victim belongs to a minority group.

It is important to highlight that there was a disagreement in views of participants towards police practices. Two of the participants agreed that the police is influenced by biases and prejudices and that they do not conduct rape investigations properly. On the other hand, one participant believed that the problem of discrimination against minorities in the police is not present. Furthermore, that the problem of rape myths was present before, but that now the situation is better and that due to the police education, the police does not follow the stereotypes anymore. Moreover, the participant stated that the police practice is not one of the main issues regarding the rape cases: *“the major problems we see now with the victims are not with the police, but with the court procedures” (Sam, 93745).* The difference in opinions of the participants might be explained by taking into consideration that the participants that believe that there are issues regarding the police practice provide support to the victims and listen to their stories and their perspectives, while the participant that doesn’t believe that the police practice is inadequate is a lawyer who represents the victims in trials. Thus, this difference in opinions could be explained by the participants having insight into different aspects of the rape cases.

4.6 Inadequate court practice

Another theme that emerged from the analysis of the data is inadequate court practice. Interviewees were in consensus that the practices of the courts in the Czech Republic are inadequate in rape cases. Subthemes related to court practice that emerged are: the lack of specialized lawyers, inadequate rape definition, low or conditional sentences.

4.6.1 The legal definition of rape

According to participants, the legal definition of rape presents a problem during the trial because according to this definition, it is only considered as rape if the offender uses violence or threat of violence to force the victim to have sex. Sam explains why this definition is not sufficient: *“this definition is not enough, and it does not apply to all rape. It does not apply to so-called soft rape, when the person does not use force or violence to rape”* (Sam, 93745). Amy explains why this definition causes issues during rape trials: *“the problem in the practice is that some judges say that the victim was not defending herself”* (Amy 50601). In addition, Tanya states that this definition causes problems even in cases where the victim is not capable of refusing rape: *“The problem starts when somebody is not clearly saying no, but it is also not giving consent at the same time. If somebody is sleeping, or pretty much drunk”* (Tanya, 39853).

4.6.2 Lack of specialized lawyers

One of the issues that was highlighted by one of the participants is that often the victim does not have a lawyer that is specialized in sexual crime area because the victim is assigned with a public defender. Sam states that this is a problem because the *“public defender should be specialized in sexual violence area because you need to know not only the legal aspects of the case, but also understand your victim, why she is behaving that way”* (Sam, 93745).

4.6.3 Low or conditional sentences

A further issue emphasised by the participants is that even when the offenders are convicted of rape, they often do not receive a prison sentence, or they receive the minimum prison sentence: *“in a lot of cases of rape the sentences are conditional, the offender is not actually going to prison, just getting conditional with some probation or something like that. The sentences are really, really low and it sends the message to the society that this is not such a bit problem, that rape is not such a bad thing”* (Sam, 93745). This reflects findings from Ježková (2017) that a significant percentage of convicted rapists do not receive a prison sentence.

It is important to emphasize that even though all the participants were in consensus regarding the stance that the court practice is inadequate and needs to change, there

was a disagreement regarding the level of impact the court practice has on the rape attrition and low sentences. Two of the participants considered inadequate court practice as one of the reasons of attrition of rape crimes, together with other previously mentioned reasons (bad police practice, victim withdrawing statement, victim being afraid or dependant on the offender etc.) On the other hand, one participant stressed through the interview inadequate court practice as the most significant reason for attrition of rape cases and the most significant problem regarding rape cases, and even though this participant agreed with other participants on the existence of other issues regarding rape cases, the participant considered other issues as less prevailing.

Furthermore, this participant considered court practice as the most troubling area regarding rape cases and stressed an enormous need for the court practice to go through a reform. The difference in opinions of the participants could be clarified if we take into consideration that the participant that stressed the importance of courts in attrition of rape is a lawyer that is representing victims of rape in court. Therefore, this participant often participates in rape trials and witnesses the influence of court practices on rape cases. On the other hand, the other two participants provide support and guidance to victims, therefore they listen to the victims' side of the story and her problems regarding the rape cases. Thus, this difference in opinions could be explained by the participants having insight into different aspects of the rape cases.

4.7 Lack of education

Another theme that emerged from analyzing the data is the lack of education. Lack of education was identified by the participants as being the cause of most of the issues that are causing the attrition of rape cases. Participants agree that the lack of education is the main cause of societal victim blaming, rape myths, bad police practice, and bad court practice. A consistent position emerged among the participants that the sexual violence area is full of stereotypes, myths and misunderstanding, therefore, the participants deemed it is necessary to educate the society. Participants believe that a part of the population does not have the basic understanding of sexual consent and that this is one of the causes of rape and one of the causes of underreporting of the rape cases. Furthermore, Tanya states how the society should also be educated on how to consent and how to say no: *"in the society, in general, some people don't know what normal*

sexual behavior is and what is consent, some victims get raped because they do not have the courage to say speak for themselves and this is not blaming the victim, this is blaming the society for not teaching people how to say no properly" (Tanya, 39853).

Moreover, analysis of the data on the theme of education confirms the existing claims by Muehlenhard (2004) that some women do not understand that they have been raped. Participants agree that due to the lack of social awareness on the sexual violence topic sometimes the victim does not understand that she has been raped: *"There is a situation where not even the victim realizes she was raped. It happens for example in the beginning of the relationship where somebody is talked into sex or he or she feels like they have to have sex and can happen that they are abused in this way for years and sometimes it happens that they realize long after that this was not okay and that they were actually harmed badly in such a situation"* (Tanya, 39853).

Furthermore, a subtheme of "victimology" emerged from the analysis of the data on the theme of education. The need for more education about the victimology was constantly referred to when discussing police officers, judges, and lawyers. Moreover, the participants viewed a lack of knowledge about victimology as the causes of bad police and court practices. Participants expressed that it is important for the police officers to be educated on victimology in order to understand victims and what they are going through and in which way they should question the victims in order to investigate the rape allegations efficiently. Moreover, Amy states that the education on victimology is important because currently the police officers *"don't understand why the victim is behaving so strangely, why she reports the crime so long after it happened, why she doesn't want to talk about the intimate details"* (Amy, 50601). Furthermore, Amy explains how the police officers' knowledge about the victimology has a direct influence on rape cases: *"From my experience, the person goes to the police and it depends a lot on how well the police officers are educated...the main problem is that the police are not educated enough."* (Amy 50601).

Moreover, the participants expressed the same importance of learning about victimology when discussing judges and lawyers of the victims. Sam explains why it is important for lawyers to be educated about the victimology: *"because you need to know not only the legal aspects of the case, but also understand your victim, why she is behaving that way. And I think this is the problem with specialization in the Czech Republic, because not every lawyer is specialized in psychology and trauma"* (Sam, 93745).

4.8 Reasons for attrition

The following themes emerged from the analysis of the data as possible key reasons for the attrition of rape: victim not consenting to the investigation, victim withdrawing her statement, lack of witnesses, lack of physical evidence and victim not reporting the rape right after it happens.

4.8.1 Victim not reporting the rape right after

Participants agree that if the victim does not report the rape right after it happened it reduces the chances of the offender being convicted due to the loss of physical evidence. Furthermore, participants believe that if the victim goes to the police right after the rape, the police will send her to a doctor to be medically examined, and medical examination will be used as evidence in court. Sam states that victims early report is an important factor for the investigation: *“whether the victim tells the police that she has been raped right away, or after some time, that is the biggest difference in solving the crime”* (Sam, 93745).

4.8.2 Lack of evidence

As asserted by the participants, even in the cases where the victim reports the rape on time the lack of evidence is a major issue for the investigation. Participants explain that the reason for this is that in the majority of the rape cases only the perpetrator and the victim are present during the crime, and therefore only they know what happened. Moreover, rape cases are “mostly happening in the household, in the family” (Tanya, 39853), thus the police and the court have a difficult task of establishing what is happening in the privacy of the home and family. Therefore, it was endorsed by the participants that in the cases where there is a lack of physical evidence the police are often unable to investigate what happened or the court is unable to convict the offender.

4.8.3 Lack of witnesses

Moreover, as stated above, usually only the perpetrator and the victim are present during the rape, therefore, an often issue in rape crimes is the lack of witnesses. But, even in cases where the witnesses exist, participants agree that those witnesses are often not

willing to testify. Participant explains that because rapes usually happen within the family, in most cases the witness is related to the offender and therefore they are not legally obligated to testify: *“if the witness is the child in the family, which is in the most cases, or if the witness is some other person in the family, they do not have to witness against another family member”* (Tanya, 39853). In addition, lack of evidence and witnesses is also identified by the participants as one of the reasons victims decide not to report the crime to the police.

4.8.4 Victim not consenting to the investigation

In the Czech Republic the police cannot begin a rape investigation without the victims' consent, therefore one of the reasons for attrition of rape cases is that the police do not have the victims consent: *“the consent of the victim with the investigation is still required”* (Amy 50601). So, the police cannot start the investigation or continue it without the consent. Participants highlight that since the perpetrator is in most cases someone whom the victim knew before it happened, sometimes she doesn't want to harm him or there are very often threats from him afterward and that is the reason why the victim is not consenting to the investigation.”

4.8.5 Victim withdrawing her statement

According to participants, sometimes the victim withdraws her statement during the investigation and in that case, the police stop the investigation. Participant explains that in cases of rape within the family the victim may withdraw her statement because she is dependent on the offender and she does not have any place to go or any support: *“In the cases of the rape within the family sometimes the victim just does not want to finish the case because she is dependent on the offender, but if she had any other choices, a place to go, some sources, be able to reach some social benefits, be able to bring kids outside the family she would maybe be able to do it. Because she is very much dependant on the offender she decides to stay”* (Tanya, 39853).

Furthermore, two of the participants discussed that in the cases of rape within the family the victim might decide to withdraw her statement because she is afraid of the offender and she chooses to protect her child or her life. This reflects the assertion by Hester and Lilley (2016) that rapes that happen as a part of a domestic violence have a high attrition

rate due to victim recanting her statement because of the fear of violence from the offender.

4.9 Istanbul convention

A further theme that emerged from the analysis of the data is the Istanbul Convention. The participants highlighted multiple times during the interview the ratification of the Istanbul Convention as the best solution for most of the issues that are causing attrition of rape cases and low sentences. The subthemes that emerged related to how the ratification of the Istanbul Convention would facilitate improvement in rape cases are: “definition”, “victim support”, “education” and “court trial”.

4.9.1 Definition

As previously mentioned, participants are in consensus that the current legal definition of rape is not sufficient. They agree that if the Czech Republic ratifies the Istanbul Convention the definition would change and sex without consent would be considered as rape even if there is an absence of physical resistance from the victim: *“considering the rape the Istanbul Convention changes the definition, we consider rape when somebody is actively rejecting rape, but according to Istanbul Convention rape is when somebody is not actively giving consent and that is the main difference”* (Tanya, 39853).

4.9.2 Victim support

Furthermore, participants agree that the ratification is important because there is a substantial emphasis on providing support for the victims in the Istanbul Convention. This includes legal help, psychological help, social help, psychiatric help, and also includes various institutions involved in the rape cases. Sam explains why this is necessary in CZ: “we have no help, no support, there are only 2 NGOs that are interested in sexual cases and that is not enough for all the victims” (Sam, 93745).

4.9.3 Education

Furthermore, participants agree that the ratification of the Istanbul Convention would contribute to the prevention of sexual violence through education of society from an early age. Moreover, if the Istanbul Convention is ratified the *“judges and the police and the*

institutions employees should be more educated about the victimology” (Amy, 50601) which participants believe would contribute to solving the previously mentioned issues of criminal justice employees not understanding the victims’ behavior, believing in rape myths and revictimizing the rape victims.

4.9.4 Court trial

Moreover, according to participants, the ratification would create a more appropriate court environment for the victims and reduce the revictimization of the victims in court by not allowing the lawyers to ask the victims irrelevant, traumatizing questions: *“It is written in Istanbul Convention, about the questions, that they shouldn’t be so hard on the victims, the lawyers should care about them and not ask the victims really traumatizing questions” (Amy 50601).*

Participants agree that the issue around the ratification of the Istanbul Convention is that the politicians cannot reach consensus regarding the ratification. Participants emphasized the misinterpretation of the Istanbul Convention as the main reason for the disagreement while Tanya asserted that “this misunderstanding is caused purposely by very conservative political parties” (Tanya, 39853). This reflects claims by Stanley and Devaney (2017) that there is opposition towards ratification of the Istanbul Convention and advances in establishing reasons for this opposition.

Amy explains how some politicians believe that the Istanbul Convention promotes the “ideology of feminism” and that those politicians do not want this ideology in the Czech Republic, but that in her opinion this is the misinterpretation of the Convention: *“I was in one discussion in the parliament and somebody said that the problem is that the convention enters some ideology of gender equality and feminism, this is not written in the convention, but the politicians say that this is the problem. But in my opinion, this is not written in the Istanbul Convention” (Amy 50601).*

Furthermore, Sam states that the main issue is the section of the Istanbul Convention related to the education on gender stereotypes: *“the education on gender stereotypes and this is the main thing why Christians do not want to sign the convention, because they are afraid that there won’t be any differences between men and women and that it*

will affect the traditional role of family, but this is nonsense, this is misinterpretation of The Convention” (Sam, 93745). A further issue that emerged as a reason why politicians are against the ratification is that they are worried about the financial aspect because they are worried that more funds will need to be awarded to victim support organizations and other institutions that support rape victims: *“they are scared that they will have to give more money to some institutions”* (Amy 50601).

Conclusion

This chapter identified key reasons that are causing low conviction rates for rape cases in the Czech Republic as: revictimization of the victim in each phase of the rape case, rape myth acceptance, inadequate police practice, inadequate court practice, lack of education of society and criminal justice employees, low awareness of victims' rights and violations of the mentioned rights, victim refusing to cooperate or withdrawing her statement, lack of witnesses and physical evidence and victims not reporting the rape right after it happens. This chapter also provides a discussion on the ratification of the Istanbul Convention, which the participants identified as the possible solution for improving the majority of the key reasons for low conviction rates.

Chapter Five: **Conclusion**

The Czech Republic has a significant problem of very few cases of rape resulting in a court conviction. In 2016 from a total of 649 reported cases of rape only 227 resulted in a court conviction (Czech statistical office, 2017). Furthermore, in those 227 cases, only 113 resulted in a prison sentence (Novinky, 2017). The statistics on attrition of rape cases in the Czech Republic are available, but there is a gap in the literature on the reasons that are causing this attrition in the Czech Republic, therefore, this research identified this gap and aimed to collect primary data in order to create new knowledge on this issue.

Furthermore, rape myths are widespread and highly accepted in the Czech Republic. According to the research conducted by Amnesty International, almost two thirds (63%) of adults in the Czech Republic believe that in some cases the woman is at least partially responsible for her rape (Persefona, 2015). These rape myths cause a number of issues for rape victims. They influence on the victims' decision to report the crime, and a number of authors agree that crime of rape is highly unreported (Fisher et al., 2003; Page, 2010; Jordan, 2004; Kingsnorth and MacIntosh, 2004). In 2016 in the Czech Republic only 649 rape cases were recorded by the police out of a total number of 218 162 of all reported crime cases, which means that reported rape cases constituted for only 0.3% of total reported crime (Czech statistical office, 2017). Moreover, due to rape myth acceptance victims of rape are encountered with a number of issues while reporting the rape to the police and during the investigation and court trial. Even though a significant body of literature exists on the issue of rape myths and the negative influence of rape myth acceptance on the rape cases, there is a lack of research on the possible influence of rape myth acceptance on the rape cases in the Czech Republic. Therefore, this research identified this gap in the literature and aimed to collect primary data in order to create new knowledge on this issue.

In order to fulfill the main aim of this study, to examine the crime of male to female rape in the Czech Republic the author applied for an Erasmus internship in victim support organization in Prague, Czech Republic. The author considered an internship in the victim support to be the best way to gain inside into investigation and prosecution process of rape cases in the Czech Republic, to collect literature on rape cases in the

Czech Republic and to create rapport with the participants of the study. From the mentioned victim support organization a total of 3 employees were recruited to participate in the semi-structured interviews in order to collect primary data with an objective of answering the following central research questions:

- What influence do rape myths have on the attrition of rape cases and court sentencing in the Czech Republic?
- What are the key reasons for high attrition rates in rape cases in the Czech Republic?
- Why do so few cases of rape result in a court conviction in the Czech Republic?

In order to answer these central research questions, this study firstly needed to provide an introduction into the crime of male to female rape in the Czech Republic and the key issues in rape cases in the Czech Republic. Following this, chapter two of this study provides a review of the existing literature on the attrition of rape cases, influence of rape myth acceptance on rape cases and the situation in the Czech Republic regarding rape cases with a special accent on rape within marriage. Furthermore, it was important to put this study in the context of the current events regarding rape cases in the Czech Republic due to the fact that in the time when this research is conducted there is an ongoing discussion in the Czech Republic regarding the ratification of the Istanbul Convention. Because the ratification of this Convention would have a significant influence on the rape cases in the Czech Republic chapter two provides a discussion on the Istanbul Convention. Lastly, chapter two provides possible solutions for the issue of high attrition of rape cases. Furthermore, there was a need for this study to outline the methodology of the study designed to collect the primary data in order to CMD the existing literature and answer the central research questions. This chapter also provides a discussion of the ethical implications of collecting primary data using the semi-structured interviews and on the ethical consideration of conducting this research in the Czech Republic. Furthermore, chapter four outlines the analysis and findings of this study. This chapter identifies key reasons that are causing low conviction rates for rape cases in the Czech Republic as: revictimization of the victim in each phase of the rape case, rape myth acceptance, inadequate police practice, inadequate court practice, lack of education of society and criminal justice employees, low awareness of victims' rights and violations of the mentioned rights, victim refusing to cooperate or withdrawing her statement, lack of witnesses and physical evidence and victims not reporting the rape

right after it happens. This chapter also provides a discussion on the ratification of the Istanbul Convention, which the participants identified as the possible solution for improving the majority of the key reasons for low conviction rates. Finally, chapter five provides the overview of the whole research and of the value added by the research.

This research confirms the existing literature on the influence of rape myth acceptance on rape cases and the reasons for attrition and advances it by exploring the significance of this issues in the Czech Republic. Furthermore, the research confirms the existing literature on the Istanbul Convention and advances it on the possible influence the ratification would have on the Czech Republic and the reasons some political parties are against the ratification. Finally, this research produces new knowledge on the key reasons for low conviction rates for rape cases in the Czech Republic and the influence of rape myth acceptance on rape cases.

On the basis of the findings of this study, it is evident that the changes to policy and practices regarding the rape cases are necessary for the Czech Republic and that arguably the ratification of the Istanbul Convention would be the most efficient way of achieving these changes. This study may provide a direction for further research. Extensive further research is needed in this area in the Czech Republic, possibly conducting studies to examine beliefs and attitudes of police officers, victims and the general public, studies examining the most efficient methods of educating the public on rape myths and studies examining possible ways of reducing rape attrition.

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Appendix A Cover Letter and Information Briefing

The main aim of this study is to examine the crime of rape in the Czech Republic. There will be 3 key objectives:

- What are the key reasons for high attrition rates in rape cases in the Czech Republic?
- Why do so few cases result in a court conviction in the Czech Republic?
- How can victim support organizations support investigations to ensure all relevant information is provided in order to reduce attrition and low conviction rates?

Once complete this study will make recommendations for improvement and deepen a conversation on this topic in the Czech Republic.

You will be interviewed face to face on the following topics: sexual offenses in Czech Republic; the investigation and prosecution process in Czech Republic; the role of victim support organization in this process; what problems victims encounter in this process; reasons for low conviction rates in rape cases; and the problems of the Czech justice system.

The interview will be recorded on the mobile phone and the audio recording will be protected with a password and destroyed immediately after the transcription. You are guaranteed anonymity and security of all of your data. All of your answers will be anonymized. Your personal data will be used only for purposes of the project and will be destroyed at the end of the project. You can withdraw your statement at any time up to the end of the project. Please note that you cannot discuss any sexual offenses that have not been reported to the police during this interview.

Dear Research Participant,

Sincerely,

Ms. Petra Trglavcnik p.trglavcnik1@unimail.derby.ac.uk
+44 (0)7719209968

Department of Law, Criminology and Social Sciences College of Law, Humanities and Social Sciences (LHSS) University of Derby
One Friar Gate Square Derby DE1 1DZ United Kingdom
C/O Dr Karin Spenser

Appendix B Consent Form

Unique Identifier Code

Consent Form

This form is intended to obtain your informed consent for you to participate in a study conducted by Petra Trglavcnik p.trglavcnik1@unimail.derby.ac.uk as part of her Master of Science (MSc) independent study (dissertation) research project.

This work is being conducted under the auspices of the Department of Law, Criminology and Social Sciences within the College of Law, Humanities and Social Sciences (LHSS) at the University of Derby. The project will be conducted in full compliance with the University Research Ethics Policy and Code of Practice, including that data collection involving human participants must have prior written approval and authorisation from the relevant ethics committee.

Participants who have questions or concerns about the project should, in the first instance, contact the researcher noted above. Where additional information may be needed, participants may contact the assigned Supervisor for the research project: Dr Karin Spenser on the following email k.spenser@derby.ac.uk.

The focus of the research is as follows:

The main aim of this study is to examine the crime of rape in the Czech Republic. There will be 3 key objectives:

- What are the key reasons for high attrition rates in rape cases in Czech Republic?
- Why do so few cases result in a court conviction in the Czech Republic?
- How can victim support organizations support investigations to ensure all relevant information is provided in order to reduce attrition and low conviction rates?

Once complete this study will make recommendations for improvement and deepen a conversation on this topic in the Czech Republic.

The signature of the participant and the researcher on this form affirms that informed consent has been provided to participate in the research project under the terms indicated below.

The participant has been given the opportunity to ask questions and receive further information about the research before signing, and participation is voluntary and without payment or incentives. Participants may decline to answer any question(s), and they may withdraw from the study at any time by providing their unique identifier number and

expressing their wish to withdraw themselves and their data from the study (withdrawal is possible up to project completion).

It is understood that this project will be conducted in compliance with the Data Protection Act (1998). This includes the understanding that the name or personal data of all participants will not be disclosed to third parties, and that all personal data will be destroyed upon completion of the project. Organisational permission will be obtained prior to acquiring access to members or clients.

It is understood that the researcher will anonymise all the information collected from participants for any presentation or use in the research. The words of participants may appear in academic or professional

research outputs but participants will at all times remain anonymous through the use of pseudonyms (false names) or generic categories.

It is understood that the researcher may retain the aggregated/anonymised data indefinitely for further research.

It is understood that the participant agrees to participate in the research and that both the participant and the researcher will be provided with a signed copy of this form.

Date:

Name of Participant: Name of Researcher: Ms. Petra Trglavcnik

Signature of Participant:

Signature of Researcher:

Ms. Petra Trglavcnik p.trglavcnik1@unimail.derby.ac.uk
+44 (0)7719209968

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Appendix C Schedule of Data Collection Instruments for Participants (Interview)

Justice system

What do you understand the legal definition of rape in the Czech Republic to be? In your opinion, how does the implementation of that definition look like in practice? In your opinion does this definition cause any issues?

Please describe how the entire process of a rape investigation from the initial report to court looks like in your opinion?

In your opinion, how do rape trials look like in the Czech Republic?

There is a discussion in the Czech Republic currently around the ratification of the Istanbul convention. Can you explain what parts are of the convention are causing the disagreement in your opinion, and why?

Can you explain what would the ratification mean for rape cases in your opinion, and how it would influence the rape cases?

Problems victims encounter and the role of victim support

What are the possible issues for the victim during the reporting stage in your opinion?
Why do these issues occur in your opinion?

What could be done to prevent them in your opinion?

What are the possible issues for the victim during the investigation stage in your opinion?

What are the possible issues for the victim at court in your opinion?

In your opinion, how does the victim support organization help the victims of rape through the investigation and prosecution process?

In your opinion, what parts of the trial are especially traumatic for victims? In your opinion, do victims get revictimized during the trial?

In your opinion, are victims kept up to date on the investigation and prosecution process and are they fully informed about what to expect?

In your opinion, how does the victim support organization help the victims the rape cases?

Reasons for attrition and low conviction rate

In your opinion, what are the possible causes of attrition within rape investigations? Why are they causing attrition in your opinion?

What can be done to prevent attrition in your opinion?

In your opinion, do cases that the police decide that they will not investigate rape happen? In your opinion, what policies are employed to encourage the victim to withdraw their case? Which defense do defendants use most often?

Do any of the following in your opinion affect the case, if yes, please explain why:

- That rape was done while the victim was in a relationship with the offender?
- That the victim knew the attacker prior to the attack?
- That the victim was under the influence of alcohol during the attack?
- That the victim is vulnerable?
- That the victim or the offender are a part of a minority group?
- That the rape was a part of an ongoing domestic abuse?
- Lack of independent evidence and lack witnesses?
- Attrition of witnesses?
- Victim withdrawing their statement?

Appendix D Debriefing Material

The main aim of this study is to examine the crime of rape in the Czech Republic. There will be 3 key objectives:

- What are the key reasons for high attrition rates in rape cases in the Czech Republic?
- Why do so few cases result in a court conviction in the Czech Republic?
- How can victim support organizations support investigations to ensure all relevant information is provided in order to reduce attrition and low conviction rates?

Once complete this study will make recommendations for improvement and deepen a conversation on this topic in the Czech Republic.

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Dear Research Participant, Sincerely,
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