ABSTRACT

THE NATURE OF APPEAL CASES RELATING TO RAPE AND EUROPEAN HUMAN RIGHTS LEGISLATION.

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The research from which this paper is based comes from my PhD in Social Policy at the University of York (England) where I am investigating what effect the European Convention of Human Rights and the Human Rights Act (1998) have had on rape cases in England and Wales. This paper provides a brief background to the research, outlines the methodology and discusses some of my emerging findings relating to the nature of the cases. The cases fall into a number of categories: protection from rape, the prosecution process, the sentencing and imprisonment of men found guilty of rape and managing risk in the community. Examples are given of cases that fall into each of these categories. The paper concludes by arguing that European Human Rights legislation has, as yet, seldom been used to advance the human rights of women in relation to rape with most of the cases relating to men as defendants.