

## **Abstract**

### **The influence of the real rape stereotype on decision-making practice in acquaintance rape cases**

Although the crime of rape is a very serious interference with dignity and subsequent decisions in future intimate life, there are many myths related to this issue among the lay public and in decision-making practice, which are reflected in discussions about this issue. The diploma thesis deals with the question of myths about so-called “real” rape and their influence on decision-making practice regarding acquaintance rape. Acquaintance rapes are not only and exclusively between two steady partners. These are rapes where the victim and the perpetrator have known each other for more than 24 hours – this includes family, friendship, collegial relationships and other acquaintances. Using the method of content qualitative analysis, a total of 337 valid court decisions of regional and district courts were collected on the basis of the Act on Free Access to Information. The work first defines the concept of myths about “real” rape, including the definition of its sub-parts, which will be processed within the work. Subsequently, the thesis analyzes five myths related to the central issue: a) Rape perpetrators are mostly strangers in relation to the victims; b) Rape perpetrators suffer from paraphilia; c) Victims have only physical consequences; d) The myth of the so-called "ideal" victim; and finally that e) The victim herself is responsible for the rape. A partial theme of the work is also the issue of punishment of “real” and relational rapes, including a focus on the "perpetrator's excess" often referred to by the courts, to which a separate chapter is devoted. In the last part of the work, the attention is focused on compensation for non-pecuniary damage in criminal proceedings within the framework of adhesion proceedings. It follows that only a small part of the injured party uses it, mainly because the injured party is often not informed about their rights at all. The chapter compares the amounts recovered and actually awarded by the courts for “real” and acquaintance rapes and the projection of the myths described in this work into the frequent referral of victims to civil proceedings. At the end of the chapter, the proposals of *de lege ferenda* are presented. In the conclusion of the work, it is evaluated that the courts are influenced in their decision-making practice mainly with regard to the perception of the nature and seriousness of the crime according to § 39 paragraph 2 of the Criminal Code. As a result, the cited provision was most often

reflected in the collected data in the decision on acquittal, or in the case of a suspended prison sentence.

**Keywords:** rape, acquaintance rape, real rape stereotype