

Justice for Victims 2.0: Leveraging Modern Technology in Rape Cases

ABSTRACT

The legal definition of rape has recently undergone significant redefinition in numerous EU countries. Traditionally, the definition relied on the presence of violence, threats, or the victim's inability to resist. However, this paradigm has increasingly been rejected as inadequate, failing to account for situations where victims are unable to react due to fear, surprise, power dynamics, or ongoing abuse. The emerging approach, which places consent at its core, is progressively gaining broader acceptance. This redefinition is viewed as a crucial mechanism for enhancing the efficiency of investigations and prosecutions, while also better addressing the needs of victims.

This shift in the definition of rape is occurring alongside a significant transformation of the criminal process, with digital technology playing a key role. This involves the implementation of technologically advanced mechanisms, including predictive policing tools, sophisticated surveillance techniques, the growing acceptance of digital evidence, and the increasing use of tools that allow for conducting criminal proceedings remotely.

Considering both the evolving definition of rape and the digital transformation of the criminal process, the project "Justice for Victims 2.0: Leveraging Modern Technology in Rape Cases" aims to explore how technology can be leveraged to enhance the perspective of rape victims. The main hypothesis is that redefining rape to include consent alone is insufficient to enhance the effectiveness of investigations and prosecutions of sexual violence, as well as the protection of rape victims. Therefore, a comprehensive transformation of the criminal justice system that addresses the challenges posed by technological advancements is necessary. The main research question is: How can criminal law and procedure be advanced in the digital era to improve the handling and resolution of rape cases, thereby enhancing the protection of rape victims?

The project identifies four key elements essential for the effective handling of rape cases:

- Definition of Rape:** Analyzing the evolution of the legal definition of rape from a comparative perspective, including challenges posed by virtual reality. Reviewing Polish court judgments to assess the impact of the new definition adopted in 2024.
- Evidence:** Exploring existing and desired standards of evidence in rape cases, with a focus on digital evidence such as texts, photos, and videos. Comparative analysis of approaches across various jurisdictions including Ireland, Italy, France and United Kingdom.
- Procedure:** Conducting a comparative study of criminal proceedings in rape cases, including prosecution modes and protective measures for victims. Evaluating the role of modern technology, such as remote interrogations and hearings.
- Right to Information:** Analyzing the implementation of standards for victim information, focusing on clarity, accessibility, and the use of technology like real-time chat services to notify victims of their rights.

Thus, the novelty of the project is threefold: 1) it brings a comprehensive perspective on criminal law and procedure in four identified key areas through their intersection with technology; 2) it adopts a multidimensional approach to methodology by integrating empirical, doctrinal, and digital analysis; 3) it critically addresses the most recent European and national legislation addressing various aspects of rape victims' experience with criminal legal systems.

The project will result in the publication of scientific articles in renowned international and Polish legal journals, as well as collected volumes published by recognized publishing houses. The dissemination of the project will also be carried out through the presentation of its results during both national and international conferences. This will enable the expansion of the project's reach among academia both in Poland and abroad. The findings will support ongoing debates with practically derived understanding and help develop new standards for rape victims.

In summary, this project aims to improve the handling of rape cases by addressing changes in the legal definition, the role of technology, and the specific needs of rape victims in the digital age. By leveraging modern technology and redefining legal frameworks, the project seeks to create a more effective and victim-centered approach to justice.