

Obligations to rape victims under International Law

Research by Professor Liora Lazarus from Oxford University on positive responsibility to victims under international human rights law has informed recent government policy on the treatment of rape victims.



In 2010 Baroness Vivien Stern conducted an independent review into the handling of rape complaints in the UK. The review followed the 2009 report by Sara Payne MBE, Victims' Champion on Rape: Redefining Justice: Addressing the individual needs of victims and witnesses. Baroness Stern talked to over 200 people, including rape victims and police officers, local authorities and the Crown Prosecution Service to find out how the key agencies involved in rape complaints could work more effectively together to improve the treatment of rape victims.

As part of the review Baroness Stern sought advice from Professor Liora Lazarus on the legal obligations towards the victims of rape. Professor Lazarus is a Fellow at St Anne's College and Associate Professor in Human Rights Law at the Faculty of Law. She provided legal guidance on the positive obligations to victims of rape under the European Convention on Human Rights and International Human Rights Law more generally. Her advice set out a comprehensive outline of the human rights standards and binding norms which apply in

the handling, investigation and prosecution of rape complaints.

Incorporating the advice given by Professor Lazarus, the Stern Review called for a consistent approach that victims could rely on, including the need to recognise the harm that rape victims have suffered and that 'society has a positive responsibility to help and to protect, aside from the operation of criminal law'.

Baroness Stern: 'Whether the rape is reported or not, whether the case goes forward or not, whether there is a conviction or not, victims still have a right to services that will help them to recover and rebuild their lives. Victims and those who work with them told us that the criminal process is important, but getting support and being believed is as important. Processes should be in place that are about 'honouring the experience'. Victims need to know that the police and prosecution did their best, and victims need to be respected.'

The report set out clear recommendations for better treatment of rape complainants; how to encourage more victims to report rape in the first place; how to ensure more cases progress further through the criminal justice system; and how to build confidence in the way complaints are handled. In the response to the report published in March 2011, the Government accepted 21 out of the 23 recommendations.