

Attitudes towards Rape and Societal Stigmatization of the Victims

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Abstract

Despite the fact that the globe is working tirelessly to advocate for women's rights, Nepali society's attitude toward violence against women (VAW) remains unchanged. This article is based on study conducted with forty- two respondents from Kathmandu valley. The study assesses the status of the victims, attitudes towards rape, rape myths, and social stigmatization between respondent groups: victims and community people. Ten victims sheltered in NGO, thirty community people were administered questionnaire and collected quantitative data and two key informants working in this sector were interviewed and collected qualitative data. Most of the victims in this study were raped during their adolescence and twenty percent among them were re-victimized but none of them filed complaint due to fear of staining family prestige. All of the victims had to stay away from their families either temporarily or permanently. Ninety percent have faced stigma. Substance abuse and sexual gratification were listed as the main causes of rape by both group victims and the community people. No Strict Adherence to existing laws and political protection to powerful/wealthy perpetrators were the main shortcomings of the law.

Key Words: attitude, rape, violation, stigmatization, victims

Introduction

Violence against women and children has come to be recognized on a global scale as a severe social and human rights violation over the last few decades. The underlying causes and contributing factors of violence against women and children are deeply entrenched in community traditions, customs and culture (Levinson, 1989; Jewkes, 2002). United Nations defines violence against women as act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Ellsberg & Elsberg, 2005). Gender-Based Violence (GBV) refers to violence that occurs within the context of women's and girls' subordinate status in society characterized by power imbalance in the home and society at large (West & Zimmerman, 2002). GBV happens on a large scale and takes several forms throughout the lives of women and children, ranging from child sexual abuse (CSA), rape, and forced prostitution through early marriage, female genital mutilation, forced prostitution, and wife beating (Krantz & Garcia-Moreno, 2005). The terms GBV and VAW can be used interchangeably; nevertheless, the latter is a more limited concept. Rape was defined as sexual contact that occurs without the woman's consent, involves the use of force, threat

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of force, intimidation, or when the woman was of unsound mind due to illness or intoxication and involves sexual penetration of the victim's vagina, mouth or, rectum (K.N, 2001).

Violence against women, particularly rapes, has long been a societal issue. It is generally established that rape victims not only suffer substantial short and long-term psychological suffering as a direct result of the assault, but they may also be ostracized by others (e.g., be blamed for not resisting enough). Globally, it is estimated that between 14 and 25 percent of adult women have been raped, while the frequency of CSA ranges from 2 to 62 percent (Johnson, 2004). It is a sobering fact that sexual assault is one of the most prevalent crimes committed in American society. Every 68 seconds, an American is sexually assaulted. There are over 463,000 rape victims in America each and every year. Young Americans are at the highest risk for sexual violence. 90 percent of adult rape victims are women (PlanStreet USA, 2022).

Behaviors are commonly associated with social stigma include victim blaming, slut-shaming, sexual objectification, trivializing rape, denial of widespread rape, refusing to acknowledge the harm caused by some forms of sexual violence, or some combination of these. Societal responses to victims are major determinants of long-term rape repercussions, such as reintegration, health, and so on. Rape myths prevalent in our communities such as women deserve to be raped; she invited it with provocative clothing or behavior; there was little physical damage, so it was not rape; stranger rape is more common than acquaintance rape; and a woman cannot be raped by her husband, among others, are responsible for worsening the situation (Abeid, 2015). The interactive and motivational fundamentals of rape are deep-rooted in cultures. Investigators are of the view that rape results from the processes of normal socialization (Jackson, 1978; Russel, 1984; Weis, 1975; Burt, 1980). Most men identify their sexuality with power and violence and women with dependence and submission, many women who are raped believe that they are to blame, as do many perpetrators. Rape, sexual harassment, child sexual abuse, and other forms of violence are justified by messages that claim they are normal. It is frequently unclear to a raped woman whether the sexual violation was the consequence of sexual desire or violent intent as men and women are affected differentially by societal level variables (Yodanis, 2004). For instance, in the current social structure, mostly men dominate over women in terms of work, education and family etc. Dominance is often maintained through violence (Anderson & Doherty, 2007). Rape is often an example of such subordination (Roze, 2005). Such views are often reflected in the attitudes people hold towards rape in the form of rape myths. A plethora of literature provides evidence for the prevalence of prejudiced attitudes towards rape and rape victims.

Nepali communities follow the patriarchal kinship structure, in which the husband's clan inherits and holds power. Women lack decision-making authority in a variety of areas, including when, where, but also to have sex. Patriarchal systems benefit men more than women, because women are culturally regarded as having a low status and little influence on decision-making, especially when it comes to their own health. While girls are prepared to take on reproductive and familial obligations, boys are prepared to be future

leaders, from family to society level. Such initiation rites have taken on different forms depending on the socio-economic and cultural context of the individual community. Today, young people are presented with conflicting values and are given no clear guidance on standards of behavior and little information about matters of sexual and reproductive health. The fragmentary information they do acquire comes from their peers and the media. The taboo for mothers to discuss sexuality with their daughters is still upheld.

Legal Reform in Nepal

Nepal amended its legislation in response to repeated appeals from UN authorities. Rape is defined in the 2017 criminal code as "sexual intercourse with a woman without her consent and with a girl under the age of 18 with her consent." The definition of sexual relations was expanded to encompass sexual intercourse, oral intercourse, and object penetration, rather than only intercourse, as was previously the case.

The statute of limitations for reporting a rape was lengthened from 35 days to a year. The penalties have also become slightly more severe. However, one major problem still is that the punishment depends on the age of the victim rather than the gravity of the crime and the harm suffered by the victim. If the victim is under ten or over 70 years old, the punishment is life imprisonment, whereas if the victim's age is 18 to 69 years, the punishment is seven to ten years imprisonment only. In case of marital rape, the husband is imprisoned for five years.

Nepal's new law has improved the legal situation. However, in its decision from last year, the UN Human Rights Committee called for the statute of limitations to be made significantly longer. The UN Committee on the Elimination of Discrimination against Women recommended in 2018 that Nepal go away with all statutes of limitation because it can take years before a rape victim is in a position to initiate proceedings, particularly when it comes to children or other vulnerable people. Furthermore, the law gives authorities and judges a great deal of leeway with regard to sentencing, meaning there is a risk that perpetrators will receive a light penalty that is unequal with the gravity of their crime. These issues substantially jeopardize Nepal's long-term stability and democracy chances. Consequently, it is in the government's and all political parties' best interests to take a firm stance against any tolerance of sexual violence.

In the last few decades in Nepal, major social change has taken place with impact on the expression of sexuality and its consequences for adolescents and youth. Recent cases of rape generated public demand for stringent legal provisions to punish sex offenders. Many believe that absence of strict laws is the main problem for the increasing incidents of the rape cases in the society. Rape and trafficking are major human rights challenges in Nepal. A total of 2296 cases of crimes against women and children were recorded in the Fiscal Year 2015/16, according to statistics maintained by the Nepal Police. Rape incidents topped the category of offenses with 534 cases reported and dealt with, followed by attempted rape cases at 275. Despite the fact that rape tops the list of crimes against women and children, our laws are ineffective and need reforms. Nothing has been stated

about marital rapes in Nepalese law ignoring a substantial proportion of women in Tanzania who express concern about marital rape.

Violence against Women and Rape in Nepal

In Nepal, seven percent of women aged 15-49 have ever experienced sexual violence, and 3% have experienced sexual violence in the 12 months preceding the survey. Ever experienced sexual violence is 3% among women age 15-19, compared with 7%-8% among women 20-39 and 10% among women age 40-49 (Ministry of Health, Nepal; New ERA; and ICF, 2017). The daily reports that in the fiscal year 2077/78 B.S (2021/22 A.D.), 1,665 girls had been raped, according to police report. Of them, the number of girls between the age of 11 to 16 was 1,016 (Spotlight Online, 2022). Research shows that victims disclosing sexual assaults to others receive a variety of positive and negative responses from social network members. Although positive responses such as belief and listening are common from others, negative reactions are also quite common including disbelief, stigmatizing responses and victim blame (Elisabeth & Hilweg, 1999).

Rape cases in Nepal have increased considerably in recent years. Six rape incidents are reported daily in Nepal (Acharya 2019), and rape leads the list of crimes against women in Nepal. (*The Himalayan Times*, 2017) Unfortunately, these are only the known cases; there are many more unreported cases. Even while the crime rate has reduced in recent years, there has been an alarming spike in rape incidents. According to the Nepal Police's latest statistics, 2,144 rape cases and 687 attempts to rape cases were reported in the fiscal year 2019/20. Even though the cases in FY 2019/20 are less than the cases in FY 2018/19, the rape incidents have spiked in the past two years compared to earlier years.

Nepal Demographic Health Survey (2016) reveals that seven percent of women age 15-49 have ever experienced sexual violence, and 3% have experienced sexual violence in the 12 months preceding the survey. Ever experience of sexual violence is 3% among women age 15-19, compared with 7%-8% among women 20-39 and 10% among women age 40-49. Divorced, separated, or widowed women are much more likely to have experienced sexual violence (20%) than currently married women (8%) and never married women (2%). There are plenty of cases that go unreported due to fear of shame in society, or other reasons including evidence tempering or weak investigation.

In terms of educational status, survey reveals that women with only an elementary education or no education are also more vulnerable to sexual violence than educated women. Sexual violence has been experienced by 4% of women who have achieved SLC or higher education, compared to 9% of women with no education or only primary education. By the age of 22, 5% of women had experienced sexual violence, with 3% having experienced it by the age of 18.

On a similar note, in terms of marital status, survey also reveals that eighty percent of ever-married women who have experienced sexual abuse report their current husbands as perpetrators, whereas 19 percent report prior spouses as perpetrators. Among all women who have experienced sexual violence, 4% each reports strangers and friends/acquaintances as perpetrators. The form of sexual violence most commonly

reported by women was that their husband used physical force to have sexual intercourse with them when they did not want to (6%). Four percent reported that their husbands physically forced them to perform other sexual acts they did not want to, and 3% reported that their husband forced them with threats or in other ways to perform sexual acts they did not want to. Among women who have experienced physical or sexual violence and have sought help, the most common source of help is the woman's own family (65%), followed by neighbors (31%) and friends (22%). Few women went to the police (8%) or approached a social work organization (2%) or a lawyer (1%) to seek help. (Ministry of Health, Nepal; New ERA; and ICF. 2017)

There is a sense of urgency in taking action. Partnerships in public policy, proactive policing, judicial reforms, improved public awareness, and evidence-based crime investigation can all have an instant impact. With all these going on, what are the attitude towards rape and social stigmatization done towards victims among victims themselves, community people and professionals working in this sector.

Sufficient studies in the developed countries have examined how various gender and other ideologies are related to prejudiced attitudes toward rape victims, much less work has been done in developing nations such as Nepal. Because of increased incidents of rapes in the recent past, it received growing attention to understand the attitude of people towards rape and rape victims. Mittal et al (2017) found that compared to male respondents, females hold lesser rape myths but have more negative attitude towards victims of rape. Likewise, the significant effects of social category and gender have been on causal attribution for sexual violence.

The general objective of the research is to assess the attitude towards rape and societal stigmatization towards the victims from the perspective of victims, relevant professionals, and community people. The specific objectives are to assess the attitude of victims, professionals and community people towards rape and rape myths and to find out the differences in attitude of victims, professionals and community people.

Research Methods

A cross-sectional study was undertaken by adopting mixed method, exploratory and descriptive as the study design. By the nature of study, purposive sampling method has been used to collect the data from all sections such as victims, community people and professionals. The sample of 42 comprised of 10 victims of Rape, 30 Community people and two Key informant i.e. professional working in this sector were selected. 10 rape victims sheltered in NGO and willing to participate were interviewed. Face to face interview with victims, shared questionnaire to community people of Kathmandu Metropolitan city ward no 26 Samakhusi area and professionals working people from google forms to collect the required information. After the survey was over, the data received were entered and analyzed using the MS Excel and SPSS.

Discussion

Status of Victims

The findings from this research show that three-fifth (60%) of the victims who responded were adolescents when they were raped.

Do the victims know who raped them?

Do you know who raped you?	Number	Percent
Close friends	5	50
Co-worker	1	10
Family members	2	20
Relatives	1	10
Stranger	1	10

Source: Field Survey, 2020

Half of the victims by close friends, and 90%, were raped by people of their acquaintance, whereas 10% did not know the rapists. Among those who were raped, half said close friends raped them, 20% said family members, and 10% said coworkers raped them.

Twenty percent of victims were victimized again. More than half of the victims stated that their families supported them but that they were housed elsewhere, while others were either forced out or blamed by their own family members. However, no victims filed a lawsuit against the offender, citing concerns about jeopardizing family prestige, a lack of family support, and the fact that the perpetrator was richer than they were. Among the half of the victims believe rape occurs most frequently at friends' homes, nearly half at home, more than one-third at work, and the remainder at dates and isolated locations. Among those who felt they were stigmatized, 40 percent reported physical stigma and 60 percent reported mental stigma.

Attitude towards Rape

Most victims and community members believe that the main reasons for rape are, in that order, alcohol/drug abuse, sexual gratification, curiosity, psychological factors, and gender-based socialization. According to both study groups, the cause of increased rape cases is a lack of law enforcement, followed by the misuse of the internet, deviation from culture, a desire for a luxurious lifestyle, and unemployment.

Experts on this field say that in these days the misuse of internet and weak adherence to the law including Nepal's unfortunate history of political protection for some perpetrators has made victims reluctant to seeking justice for themselves and their families. Almost three-fourth (70%) of the respondents said that the government is not doing enough. More than one-fifth of the respondents had no idea regarding the efforts made by the government. Evidently, there is a huge gap between citizen's expectations and government's actions. The major flaws pointed out by the community people on this regard were political protection to powerful and wealthy perpetrators (60%) resulting in guilty still not behind the bars (30%). Followed by weak implementation of rape related

laws resulting in no strict adherence to laws (50%). Thirty percent said that the laws should be stricter. Similarly, in the case of victims, majority said that no strict adherence to the laws is the major shortcoming in the rape related laws, followed by other options thereafter.

Sixty percent of the community people and forty percent of the victims said that besides government, women, families and perpetrators all play equally important role in reducing rape. Same percent of victims believe that families and perpetrators separately play significant role. Community people also believe that it is also family's responsibilities to reduce rape incidents. Surprisingly, 6.67% of the community respondents think it is the responsibility of organizations working in this field and the same percentage were clueless about this. While the experts highlighted the role of each and every one, with anyone remaining silent means supporting the act.

Attitude towards Rape Myths

Positive correlation is seen between the education level and rape myths like women deserve to be raped, she asked for it through her provocative clothes and behavior and there was not much physical damage, it's a biological need; therefore, it is not rape. Interestingly negative correlation is seen between education level and two rape myths i.e., stranger rape is more prevalent than acquaintance rape, and a woman cannot be raped by her husband. Similarly, significant differences in the attitude towards rape myths are observed across different education level. Most of both victims and community people think death sentence should be the ideal punishment for the perpetrators, followed by 20% of victims and 33% of community people voting for death penalty and 20% of the victims and 19.8% of the community people said punishment as stated by the law is enough if implemented strictly. Considerable proportion of both victims and community respondents are unaware of the Nepal's obligation as a state party. Professionals voted for life sentence owing to the obligation of Nepal to not be able to make laws in favor of death penalty as per the Constitution of Nepal and signed ICCPR protocol II.

Societal Stigmatization of Rape Victims

Majority of the respondents (90% Community people and 90% victims) answered that it is not appropriate to stigmatize the victims. Similarly, 6.67% community people and 10% victims did not know if it was appropriate to stigmatize the victims.

Eight percent community people responded that it might be appropriate in the cases when it is victims' fault. More than four-fifth of the respondents in both the groups said people stigmatize victims due to lack of awareness. For victim's category, patriarchal model of society (40%) was the second most important cause, while the same was fourth in number for community people. Similarly, for community people prevalence of rape myths (43.33%) was the second most important cause, but for victims it was ranked third with 30%. Gender bias came in third and fourth for community people and victims respectively. While the hundred percent victims said that there certainly are psychological effects associated with it, about 93.3% of the community people believed that rape causes psychological effect. Less than half of both categories of respondents believe that rape

causes physical effect and higher percentage of victims said that rape causes separation from the family compared to community people.

Among the total respondents, 80% of community people and 70% of victims said that something could be done to stop social stigmatization. Upon asking what, majority i.e., 60% said that awareness campaigns can be done, 15% said better law enforcements can help, 12.5% said sex education to the society can be provided, 7.5% said counselling activities might help, 5% said harsh punishment and removal of rape myths. About 25% said death penalty is the best way to minimize social stigmatization. Since, it was the statement from victims; it is understandable with the amount of stigma they might have gone through. All the victims think that stigmatization affect reintegration, while among the community people 6.67% think it does not and 10% think it might, with remaining 83.3% saying it does affect.

Conclusion

The majority of rape cases occur among adolescents and stranger rape is not the same as acquaintance rape. Due to the rape, victims become pregnant and are removed from their families. Because of social shame, victims' reintegration and acceptance have been challenged and have created fear and distrust among them. Therefore, none of the victims filed complaints against the offenders. Hence, it is critical to regain faith though it is observed that there are some disparities in the attitudes of victims and community members concerning rape, rape myths, and stigmatization. The differences are not significant. One of the primary problems for reintegration is a lack of understanding about rape and stigmatization.

Few rape myths show a negative correlation with education that reveals that lower level of awareness in society has received growing attention. However, education appears to play a significant role in dispelling rape myths. It is evident from the findings that stigmatization of victims and rape myths continue to be pervasive in society. It is essential that all levels of government, the society, and the various interested parties work together.

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