

THE PSYCHOLOGICAL EFFECTS OF RAPE ON WOMEN

BY:

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Abstract

Rape is the most morally and physically reprehensible crime in a society. It is an assault on the body and privacy of the victim which lives permanently in her body, mind and soul, the pains, sadness and regrets which invariably creates psychological problems to the victim. The objective of this work is to expose the psychological effects that rape victims can suffer as a result of rape encounter. The methodology used in this work is doctrinal and the findings of this work is that female rape victims suffer a lot of psychological effects of a permanent nature especially the pains and hurt of seeing their victims not punished due to the secretive nature of the Nigerian society not to report rape to avoid being labeled as such which have consequences when the victim is known to her. The work recommends for strong advocacy in letting victims report cases of rape against them and pursue same to its logical end. The work also recommends for more research work on the psychological effects of rape cases on the academic performance of secondary school students in Nigeria.

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1.0 INTRODUCTION

1.1 Kalgo Jsc in his lead judgment in **IKO vs. STATE**¹ defined Rape thus:

“Rape in the legal parlance means a forcible sexual intercourse with a girl or woman without her giving consent to it. That the most important and essential ingredient of the offence is penetration. That the consent of the victim is a complete defence to the offence. As regards consent or non-consent, the proof of same is vital. See **QUEEN vs. FRANCIS KUFU**²...”
According to the court in **IKO vs. STATE**³:

“It is now settled that in the legal parlance, any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act, is guilty of an offence of rape. See section 357 of the Criminal Code⁴”

1.2 Section 357 and 358 of the Criminal Code provides for the offence of Rape which it defines as “having unlawful carnal knowledge of a woman or girl without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of harm, or by means of false act...”

1.3 The key word in the definition of Rape is consent. That the sex was perpetrated on the victim without her willful consent and that rape is inhuman and described by the holy books, various cultures, various women groups and international organizations and that

¹ (2001) 14 NWLR (PT. 732) 221 at 424

² (1960) WNLR 7

³ Supra

⁴ (2007) LPELR- 2323 (SC)

shame and punishment are consequences of rape.^{5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26}

1.4 In **OKOH vs. NIGERIA ARMY**²⁷ the court held that previous consent to sex cannot be held to be consent in a new sex act if the woman or girls' consent was not obtained. Rejecting the defence of the appellant that there was an active sexual activity between the appellant and the respondent to be construed as consent, the court held:

⁵ American Bible Society. **Good News Bible**. Genesis 3 vs. 1-13., St Pauls. Mumbai, 1979.

⁶ *Ewulum et al*: "Rising cases of Rape offences in Nigeria: New measures to the Rescue" *Nnamdi Azikwe University*

Journal International Law and Jurisprudence. <https://www.Semanticschola.org>.2014. Accessed 1/9/2024

⁷ "Rape" legal dictionary. The freedictionary.com

⁸ Chiazor I.A et al. "Taming the Rape Scourge in Nigeria: Issues and actions". *Gender and Behaviour* Volume 14 (3)

7764-7785, 2016.

⁹ Smith, M. D (ed) **Encyclopedia of Rape** (1st ed) Westport.conn (USA); Green wood press (pp. 169, 170) 2004.

¹⁰ Maier, S.L "I have Heard Horrible Stories... Rape victim Advocates perceptions of the Revictimization of Rape

victims by Police and Medical System". *Violence against women* 14 (7): 786-808. doi:

10.1177/1077801208320245 ISSN 1077-8012. PMID 18559867 2008. Assed 5/9/2024.

¹¹ Krug. E. G et al (eds) **World report on Violence and Health** World Health Organization Geneva P. 149 2002.

¹² **POSU vs. STATE** (2011) 3 NWL (pt. 1234) 393; **LUCKY vs. STATE** (2016) 13 NWLR (pt. 1528) 128 at 157

paras E-G.

¹³ Rome Statute of the International Criminal Court, adopted on the 17 July 1998.

¹⁴ A critical Analysis of the UK's definition of Rape shows that the offence can only be committed by a man, though a

man like a woman could also be a victim. Under the department of Justice's definition on the other hand, both men

and women may be victims or perpetrators. It is observed that both the US and UK's definitions make use of the

word "penetrations" instead of "carnal knowledge or "sexual intercourse" as found in the Nigerian definitions of

rape which means that rape may be committed where a person's Vagina, anus or mouth is penetrated with penis,

object or any part of one's body whether there is sexual intercourse or not"

¹⁵ An updated definition or rape available at <http://www.justice.gov/opa/blog/updated-definition>. Assessed 5/9/2024

¹⁶ Section 349 Criminal Code 1899 Queensland consolidated Acts.

¹⁷ Section 3 Criminal Law (sexual offences and related matters) Amendment Act No. 32 of 2007 South Africa.

¹⁸ Criminal Law (sexual offences and Related matters) Amendment Act. No 32 of 2007 South Africa.

¹⁹ Mindy J. A et al "Consent and International Human Rights Law" available online at

[www.creawprld.org/sites/default/files/3.consent and international human rights law](http://www.creawprld.org/sites/default/files/3.consent%20and%20international%20human%20rights%20law). Assessed 3/9/2024.

²⁰ Definition sources from [ww.northwestern.edu/womenscenter/issues-information/sexual-assault/defining sexual](http://ww.northwestern.edu/womenscenter/issues-information/sexual-assault/defining-sexual)

assault. Assessed 3/9/2024.

²¹ Basile, KC et al **Sexual violence surveillance: Uniform definitions and Recommended Data Elements**, Atlanta,

GA Center for disease control and Prevention. Disease control and prevention 2014.

²² Rape and Sexual violence: "Human Rights Law and Standards in the international court". Amnesty International

2011

²³ **IKE vs. STATE** (2001) 14 NWLR (pt. 629) 86

²⁴ Sexual offence Act 2003 of the UK

²⁵ **R vs. BREE** (2007) EWCA 256.

²⁶ **ANURAG SONI vs. THE STATE OF CHHATTISGARH AIR** (2019) Supreme Court- 1857 where the Supreme

Court of India held that sex on a false promise of marriage is rape.

²⁷ (2013) INWLR (pt. 1334) 16 (CA)

“Rape is rape once proved. The fact of previous intercourse or the existence of or presumed suspected active sexual partnership, will not negate the offence of rape by imputing consent where the contrary has been proved. In the instant case, even if the prosecutrix and appellant were hitherto consensual lovers who were having sexual intercourse, the occasion of the fateful sex in the circumstances found at the trial court constituted the offence of rape nonetheless”

2.0 **INGREDIENTS TO THE OFFENCE OF RAPE**

2.1 The court in **SHUAIBU ISA vs. KANO STATE**²⁸, held on the ingredients which the prosecution must prove to sustain conviction of the offence of rape thus:

“The law is settled and well-grounded that the prosecution has the burden and duty to prove the accused person guilty of the following ingredient in order to sustain the conviction of the offence of rape: (a) that the accused had sexual intercourse with the prosecutrix; (b) that the act of sexual intercourse was done without her consent or that the consent was obtained by fraud; force, threat, intimidation, deceit or impersonation; (c) that the prosecutrix was not the wife of the accused; (d) that the accused had the *mens rea*, the intention to have sexual intercourse with the prosecutrix without her consent or that the accused acted recklessly not caring whether the prosecutrix consented or not (e) that there was penetration”. See **OGUNBAYO vs. STATE**²⁹; **UPHAR vs. STATE**³⁰; **STATE vs. OJO**³¹; **OKOYOMON vs. STATE**³²; **STATE vs. ANOLUE**³³ and **IKO vs. STATE**³⁴ per Ogunbiyi JSC. (pp. 11-12, paras E-C)

3.0 **PSYCHOLOGICAL EFFECTS OF RAPE ON VICTIMS**

3.1 According to Abamara N. C and Aganulio. OA³⁵, rape is a heinous crime which involves an act of brutality or aggression that involves the physical, psychological and emotional violation of the victim which causes severe distress, emotional harm, trauma and in some cases injuries to the victims. According to Onyejekwe³⁶, a woman that was raped has been destroyed psychologically, physically, socially and spiritually.

3.2 There is always a social stigma on the personality of a woman who is raped, hence the psychological/social quagmire of victims and their relations not to report such persons

²⁸ (2006) LPELR- 40011 (SC).

²⁹ *Supra*

³⁰ (2003) 6 NWLR (pt. 816) 230

³¹ *Supra*

³² (1973) 1 SC 21

³³ (1983) 1 NCR 71

³⁴ *Supra*

³⁵ Abamara N.C & Aganuli O. A “Psychological Effects of Rape on Victims: exploring Available Legal frameworks and other Remedies to the Rescue in Nigeria” *Nigerian Journal of Social problems and social policy*. Review Vol.1, issue1, July-Sept. 2021)

³⁶ Onyejekwe C. J “Nigeria: The Dominance of Rape” *Journal of International Women Studies* 10 (1) 48-63, 2008.

in Nigeria due to the cultural and social stigma attached and intrinsically labeled on such victims.

Psychologically a raped victim always finds it difficult to trust men and some of them grow up not getting married due to this lack of trust on a man. Victims of rape also have hallucinatory experiences and delusion recalling their fatalistic experiences³⁷. Elklit, A. and Shevlin M.³⁸ found out that sexual victimization significantly increased the likelihood of a diagnosis of psychosis and therefore suggests that there may be a role for traumatic experiences in the etiology of psychosis.

3.3 In **ISA vs. STATE**³⁹, the court held that:

“The act of rape is by nature unlawful because the concept involves an aggressive carnal knowledge of a female without her consent. Consent in this content must be devoid of any form of external influent. A child who is under aged is not however capable of giving consent. Rape is by nature grave, devastating, traumatic; it also reduces the totality of the victim’s personality...” per Ogumibiyi JSC (pp. 10-11, para D-D) (underlined mine for emphasis)

3.4 The court use of the word grave, devastating, traumatic and reduces the totality of the victim’s personality is referring to the psychological effects of rape on victims.

3.5 The fear element in rape cases among victims extends the psychological dimension and effects of rape among victims and this fear psychologically lives with most Victims till death. The truth about the matter is that rape will not take place unless the victim is totally clamped down, physically overwhelmed and captured, psychologically defeated and in fear of great hurt, danger or death. In **IBRAHIM vs. STATE**⁴⁰ the court referred to the statutory definition of rape thus incorporation the element of fear in rape case thus:

“This now takes me to section 283 of the penal code. The section provides thus: (1) A man is said to commit rape who save in the case referred to in subsection (2) has sexual intercourse with a woman in any of the following circumstances (a) against her will (b) without her consent (c) with her consent when her consent has been obtained by putting her in fear of death or of hurt...” per Tobi JCA. (pp. 30-31, paras F-E). (underlined mine for emphasis)

See also **ADENIYI vs. STATE**⁴¹; **BAWA vs. STATE**⁴²; **JOHN vs. STATE**⁴³.

³⁷ T. Heins *et al* “Persisting hallucinations following Childhood Sexual Abuse”. *Aust NZJ psychiatry*. 1990 Dec.”

³⁸ Elklit, A and Shevlin, M “female sexual victimization predicts psychosis: A case-control study based on the Danish Registry System. *Schizophrenia Bulletin*” volume 37, Issue 6, November, 2011. Pages 1305-1310.

³⁹ (2016) LPELR – 40011 (SC)

⁴⁰ (2022) LPELR- 57193 (CA)

⁴¹ (2021) LPELR- 56208 (CA)

⁴² (2021) LPELR- 56539 (CA)

⁴³ (2020) LPELR- 51098 (CA)

3.6 Any act that reduces, tarnishes and de-base the dignity of a man or woman a boy or a girl creates trauma in the individual mind and psychic. **Section 34 (1) of the Nigerian 1999 Constitution** as Amended protects the dignity of the human person when it provided thus that:

“Every individual is entitled to respect for the dignity of his person and accordingly no person shall be subjected to torture or inhuman treatment, or held in slavery or servitude or required to perform forced labour”

3.7 Rape is torture and is an inhuman and degrading treatment and the court in **ABUBAKAR vs. A. G KANO STATE & ANOR**⁴⁴, stated the obvious of the provision in Section 34 (1) of the 1999 Constitution of Nigeria as Amended that Every individual is entitled to respect for the dignity of his person and accordingly no person shall be subjected to torture or to inhuman or degrading treatment. See also **OGUNSADE & ORS vs. A.G LAGOS & ORS**⁴⁵. The court invariably talked about the effects of torture and degrading treatment of which Rape falls within when it held:

“A degrading treatment has the element of lowering the societal status, character, value or position of a person. It makes the victim have some form of complex which is not dignifying at all..”

3.8 In **ODIONG vs. ASSIST. IGP**⁴⁶ the Court defined torture as the infliction of intense pain to the body or mind to punish, to extract a confession or information or to obtain a sadistic pleasure⁴⁷. In **EZIEGBO & ANOR vs. ASCO INVESTMENT LTD & ANOR**⁴⁸, the court re-stated the need not to subject citizens of Nigeria to torture, physical, psychological, mental etc., inhuman or other degrading treatment, but shall accord due respect for the dignity of the person(s).

3.9 Sexual assaults of any kind is both pervasive and unique crimes and an infraction on the guaranteed right of a citizen in Nigeria on the dignity of the human being and equality of both male and female under the law. In **R vs. OSOLIN**⁴⁹, justice Peter Cory of the Supreme court of Canada has noted that a sexual assault is “an assault upon human dignity and constitutes a denial of any concept of equality for women.” Also in **R vs. MACRAW**⁵⁰ the court held that:

“Rape is an act of violence, not just a sexual act. It is a crime that is likely to have serious psychological consequences and may as well have serious physical effects”

⁴⁴ (2019) LPELR – 48970 (CA)

⁴⁵ (2022) LPELR- 58999 (CA)

⁴⁶ (2013) LPELR- 20698 (CA)

⁴⁷ Black Law Dictionary, 9th edition, p. 1627

⁴⁸ (2022) LPLR-56864 (SC)

⁴⁹ (1993) 2 S.C.R 313

⁵⁰ (1991) 3 S.C.R. 72

3.10 The Canadian case of **R vs. EWACHUK**⁵¹ should be encouraged in Nigeria. Rape cases particularly in the frame work of Section 34 (1) of the 1999 Constitution on the dignity of the human person was expressed by the court thus:

“Canada is a party to the Convention on the Elimination of all forms of Discrimination against women which required respect and observance of the human Rights of women. Violence against women is as much a matter of equality as it is an offence against human dignity and a violation of human rights. These human rights are protected by S.7 and 15 of the Canadian Charter of Rights and Freedoms and their violation constitutes an offence under the more specific sexual assault provisions of SS. 271, 272 and 273 of the criminal Code”

3.11 Rape is a traumatic, deadly and painful experience that affects the victim in both the physical, psychological and psycho social ways. It is certain that individual differences abound to how victims of rape are psychologically, physically and socially affected by rape. Germane to the psychological effects of rape on a victim depends on the intensity of the rape act, the fear generated in the psychic of the victim during the rape activity. The force applied by the perpetrators, the physical pain experienced by the victim during the penetration process, as well as the physical force and tactics applied by the perpetrator to overcome the victim. The consequences that follow the rape event such as life threatening disease like HIV, Venereal diseases as well as getting pregnant from the rape act will all add to the intensity of the psychological effect of the rape activity on the victim. Put the other way the circumstances that lead to a rape activity, the intensity of the rape activity and the consequences of the rape activity determines whether the effect on the victim will be long lasting, severe or otherwise⁵².

3.12 Some of the psychological effect following a rape attack are Anxiety and Fear⁵³. According to the study of the American journal of Orthopsychiatry of the reaction of rape victims, 96% of women said they were scared, shaking and trembling after the attack⁵⁴. After even more time passed, the previous symptoms decreased while the level of depression exhaustion and restlessness increased⁵⁵. Kilpatrick, a distinguished psychologist stated that survivors of rape have very high levels of anxiety and phobia related anxiety⁵⁶ which includes: feelings of dread, feeling nervous, feeling tense or unease, having panic attacks, having an irrational response to certain stimuli, having avoidance and /or escape response.

⁵¹ (1999) ISCR 330

⁵² Resick P. A. “The Psychological impact of Rape” *Journal of interpersonal violence* 8 (2) 223-255. 2016.

⁵³ Steketee G. & Foa, E. B “Rape Victims” Post traumatic stress response: A review of the Literature “*Journal of Anxiety Disorders* 1 (1) 69-86. January 1987 doi: 10.1016/0887.6185 (87) 90024.7

⁵⁴ Kilpatrick, D. G et al “The Aftermath or rape, Recant empirical findings” *American journal of Orthopsychiatry* 49(4) 658-669.

⁵⁵ *I bid*

⁵⁶ *I bid*

- 3.13 Some survivors of rape develop hyper-sexuality by attempting to have a lot of sex even in cases where they do not do so before the rape in order to cope with the heinous rape experience⁵⁷.
- 3.14 Generally, most survivors of rape develop what is called Post-Traumatic Stress Disorder or Rape Trauma Syndrome. Rape Trauma Syndrome (RTS) is the psychological trauma experienced by a rape survivor that includes disruptions to normal physical, emotional, cognitive and interpersonal behaviour. The common Symptoms of Rape Trauma Syndrome includes anxiety, shock (including disorientation), crying, mood swings, feelings of helplessness, withdrawal, rationalization or denying of the event, sexual dysfunctions⁵⁸, flash back and nightmares, trouble concentrating, anger or rage, shame or self-blame, depression, suicidal thoughts or ideation, phobias. The Nigerian courts are called upon to adopt a more liberal and progressive approach towards admitting expert testimony that Rape victim suffered post-traumatic stress Disorder as held in the US case of **STATE vs. ALLEWACT**⁵⁹.
- 3.15 Depression is common amongst women who were raped as women who were raped were found to be more depressed than women who were not raped⁶⁰.
- 3.16 Self-blame is strongly characterized with rape victims and is a strong psychological effect that has both short term and long term effects on rape victims. There are two types of self-blame; the behavioral self-blame and the characterological self-blame. Rape survivors who experience self-blame feel that they would have done something differently and therefore feel at fault and continue to blame themselves while survivors who experience characterological self-blame feel that there is something inherently wrong with them which caused them to desire to be raped.

⁵⁷ Schwartz et al: "Post Traumatic Stress, Sexual Trauma and Dissociative Disorder: Issues Related to Intimacy and Sexuality". U.S. Department of Justice. NCJRS Virtual library <https://www.OJP.gov/abstract.p....> Accessed 5/9/2024 .

⁵⁸ Mohammed GF Sexual violence against females and impact on their sexual function. *Egypt T. Forensic Sci.* (2015); 5 (3), 96-102

⁵⁹ 308 MD. 89, 517 A. 2d 741 (1986)

⁶⁰ Mballo, N. et al "Risk factors for PTSD and depression in female survivors of Rape" *Psychol Trauma* May, 9 (3) 301- 308- 2017

- 3.17 Rape makes survivors to be shameful. Tangney, a leading researcher on psychological causes of shame lists five ways shame can be destructive⁶¹ which includes lack of motivation to seek care, lack of empathy, isolation, anger, aggression. Tangney states that the link of shame and anger in one's daily life motivates them to seek for revenge on others in their interactions. Above all shame is connected to psychological problems such as eating disorders, substance abuse, anxiety, depression and other mental disorders and problematic behaviour.
- 3.18 Due to the secretive nature of the Nigerian society and indeed most African societies not to report rape cases or to withdraw them at the police stage or in the court, the victims suffer double jeopardy psychologically in seeing their victim walking about freely without being punished while the suffer the innate hurt that carry with it a lot of psychological effects and deprivations.

4.0 CONCLUSION

- 4.1 Rape is real and devastating in Nigeria and across the globe. Nigeria rape environment is chaotic with cultural labels and stereotypes making rape victims not to report to police and some of those cases that come to court are withdrawn or settled out of court. The reason is not far-fetched as the Nigerian society and indeed most African countries are shrouded in secrecy over an evil condition such as rape happening to their child and they hide it. Labeling the female child or letting the society know she was once raped may bring a lot of complicated problems such as shame, labeling of a raped daughter, disgrace to the family and most importantly prevent the female daughter from getting married. Situations like these makes the rapist to go scout free and the pains of this freedom of the rapist resonates in the inner self of the victim in perpetuity causing multiples psychological problems for the victims.
- 4.2 It is recommended that more advocacy be done in letting victims of rape to speak out, report to police and pursue their case to its logical end in the courts. More work is also recommended on the psychological effects of rape on the academic performance of secondary school students.

⁶¹ Tangney, J. *et al* Shame and Guilt. The Guilford press ISBN 1- 57230-987-3, 2002