

## THE CRIME OF RAPE: CONCEPTUAL MODELS, MYTHS AND PLIGHTS OF SECONDARY VICTIMS IN NIGERIA

**Ignatius Uche NWANKWO (PhD)**

Department of Sociology/Anthropology,  
Nnamdi Azikiwe University, Awka, Anambra State  
Email: [iu.nwankwo@unizik.edu.ng](mailto:iu.nwankwo@unizik.edu.ng)

### **Abstract**

This review paper, anchored on social learning and social control theories set out to address three key issues pertinent to rape in Nigeria. First, the paper examined the broadening conceptual approaches to the crime of rape especially in contemporary times, which is now quite distinct from the former narrow definition as crime committed solely by men against women. To enhance further appreciation of the latest conceptual standpoint to rape, the myths surrounding it were also reviewed. In the process, correct positions or facts as applicable to rape were emphasized with a view to reduce false impressions or biases held by the public about rape both in Nigeria and elsewhere. The second thrust of the paper revolves around the worrisome prevalence of rape in Nigeria, its major forms and submissions on why men perpetrate the act of rape. Some of the reasons adduced in literature include rejection by women, rape as revenge mission, outburst of male chauvinism and psychological problems among others. The third and indeed very crucial commitment of the paper centered on the subject of secondary victims of rape and the neglect or plight they encounter in the Nigerian setting. Studies reviewed revealed that like primary victims, secondary victims also encounter traumatization and could indeed experience post traumatic stress syndrome (PTSD). This is in addition to stigmatization, loss of time and resources in attendance to self and the primary victim; as well as weak legal frameworks for protection of secondary victims of rape in Nigeria. It was recommended among others that public enlightenment and informal support groups should be instituted and strengthened to assist both primary and secondary victims of rape in Nigeria.

**Keywords:** rape, primary victims, secondary victims, myths of rape, traumatization

### **Introduction**

Etymologically, the word is derived from a Latin verb '*rapere*' meaning 'to seize or to take by force'. However, the meaning of rape has over the years been shaped by cultural and historical contexts, as well as prevailing sexual mores of a time. For instance, in the olden days, rape was solely conceived as a crime committed by men against women. However, in contemporary times, rape has been further broadly defined as a crime perpetrated by a person of any gender against a victim of any gender, and now contains stricter definitions of consent

(Boundless, 2017). Victims of rape are no longer restricted to women, but now include men, boys, girls and even babies (HM Crown Prosecution Service Incorporate, 2019).

The new approach to comprehending rape also broadens the instances in which a victim is unable to give valid consent. These instances now include temporary or permanent mental or physical incapacity, one who is unconscious, has an intellectual disability or is below the legal age of consent; as well as incapacity caused by the use of drugs or alcohol (Boundless, 2017).

Other relevant scholarly opinions and descriptions of rape include:

- a. Rape as a forcible, coerced, non-voluntary and nonconsensual sex (Bogart, 1991)
- b. Rape as an act of violence which uses sex as a weapon; motivated by aggression and by the desire to exert power and humiliate the victim (Easteal, 2011).
- c. Rape as a crime that principally affects women; prevalent in all states, cultures and contexts, whether in an armed conflict or peacetime (Erksson (2010),
- d. Rape is plainly morally abhorrent( Cowling, 2001),
- e. Rape is an unlawful sexual activity carried out forcibly against a person's will or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness or deception.
- f. It could also be seen as the abduction of a woman especially for sexual purposes

Bogart (1991) outlines five main categories which he termed the 'core domain of rape', which to him fully portray rape as a non-voluntary and nonconsensual affair that undermines the independence and liberty of the victim, and by which rape can be understood. The categories are:

- i. sex obtained by force or threat of force against the victim;
- ii. sex obtained by threats against a third party;
- iii. sex while the victim is incapacitated;
- iv. sex obtained by fraud
- v. sex involving a child.

### **Myths about Rape**

- a. Female victims of rape 'asked for it' while the male perpetrator 'didn't mean to' rape the female victim. Being a myth, the assertion is false, on both sides. The female victim never asked to be raped, whereas male perpetrators often deliberately plan their action.
- b. In most cases of rape, the offenders are usually strangers. The truth of the matter is that the majority of people who commit rape know their

victims and, in some cases, are religious leaders, teachers, and guardians, father, brother, relations, neighbours, friends, close acquaintances, co-workers or even strangers.. Therefore families, parents, guardians and care-givers should be mindful of those they welcome to their various homes.

- c. There are no rape cases within marriage setting. The truth is that rape can also occur within marriages relationships. This is termed spousal rape. Unfortunately, there is no law against spousal rape in Nigeria. Also, the penal code applicable in the Northern states of Nigeria and the Criminal Laws of Lagos both explicitly states that sexual intercourse by a man with his wife cannot be unlawful and thus does not constitute rape.
- d. All cases of rape are violent with remarkable physical injuries. The truth is that not all cases of rape or sexual assault involve violence, physical injury or live visible marks.
- e. Females are not perpetrators of rape. This is false; the truth is that there are more male perpetrators of rape than their female counterparts. However, females can also become perpetrators. Abuse/rape of men should be seen in the same light, they take many forms similar to the abuse women go through (Ani, Taiwo, and Isiugo-Abanihe 2019)
- f. Rape always involves the opposite sex, either a man rapes a woman or a woman rapes a man. This is false. The correct position is that rape can also occur in form of same sex - forced intercourse, whereby a man rapes a fellow man or a woman rapes a fellow woman
- g. Given the intense physical and emotional trauma encountered by victims of rape, they will promptly report and seek redress. This is false. Many of the victims of rape maintain a culture of silence and find it so difficult to share their experience due to shame, fear of reprisal attack on them or being stigmatized. They end up suffering in silence.

It is noteworthy that level of acceptance of rape myth differs across communities and even national boundaries. In a study by Fakunmoju, Abrefa-Gyan & Gutura etal (2021) on rape myth acceptance: gender and cross-national comparison across the United States, South Africa, Ghana and Nigeria, the result suggested that respondents in Nigeria were most likely to endorse rape myths while respondents in United States were the least likely to endorse rape myths. Respondents in South Africa were less likely than respondents in Ghana to endorse the myths that the female victim of rape “asked for it” and that the male perpetrator “didn’t mean to” rape the female victim. Although men are more likely than women to endorse rape myths, female respondents in Nigeria endorsed the myths “she asked for it” and “he didn’t mean to” rape her more than did male respondents in Nigeria.

### **Brief Overview of the Magnitude of Rape Problem in Nigeria**

Rape, although grossly under reported remains a major social problem encountered in every society in the global community. According to Erksson (2010), it is prevalent in all states, cultures and contexts, both during armed conflict and at peacetimes.

The World Population Review (2021) revealed that approximately 35% of women worldwide have experienced sexual harassment in their lifetime. In most countries with data available on rape, less than 40% of women who experience sexual violence seek help; less than 10% seek assistance from law enforcement. This is because many women who experience sexual violence seldom report or come forward about their incidences, exact rape numbers are difficult to obtain. World Population Review (WPR) (2021) reported that the country with the highest number of rape cases in the world is South Africa with 132.4 incidents per 100,000 people

In Nigeria's case, record of the prevalence rate of rape are not reliably available. Adebajo (2019), quoting the Nigerian Minister of Women Affairs and Social Development, Dame Pauline Tallen, reported that two million Nigerians are raped every year. He however admitted that there is no reliable public data to support or disprove the claim. He further noted that earlier in 2011, Caroline Ajie, a human rights lawyer, made a similar claim by estimating that "at least 2 million Nigerian girls experience sexual abuse annually and that only 28 per cent of rape cases are reported". Adebajo again underscored the fact that it is not clear what the estimate is based on (Adebajo, 2019).

The crime of rape in Nigeria is so prevalent (especially the sexual abuse and exploitation of minors, under-aged girls and women) that many citizens are agitated. According to Ezeilo & Oriye (2020), a National survey on torture in Nigeria carried out by Women's Aid Collective (WACOL), indicates that rape and sexual abuse, are amongst the forms of torture experienced by women. The survey puts the rate of women's rape and sexual abuse, at 65.4%. They equally reported that the National Crime and Safety Survey carried out by CLEEN Foundation in 2012 in all the 36 States of the Federation revealed that only 23% of rape incidents in Nigeria were reported to the Police. Thus, about 77% of rape cases were unreported (Ezeilo & Oriye, 2020).

To worsen matters, the COVID 19 lockdown era witnessed a surge on prevalence of incest and rape in Nigeria. For instance, in Anambra State, located in the Southeast area of Nigeria, Ujumadu (2020), reported in Vanguard Newspaper of occurrence of eighty (80) cases of rape during the 2020 Covid-19 lockdown.

### **Theoretical Thrust**

Two theories complement each other as the theoretical thrust of this paper. They are Social Learning theory and Social Control theory. Social learning theory argues that people adopt new behaviours through observational learning in their environments. This theory posits that media learning is a vicarious experience and “serves as a vehicle for learning appropriate and inappropriate forms of behaviour” (Allen et al., 1995, p. 262). Rape and pornography gratification resulting from impersonal and sometimes violent sexual behaviour via social media objectifies women through its portrayal of positive rewards (pleasure) from it. Like Edwin Sutherland’s Differential association theory, social learning theory examines the acts of deviance or crime, (in this instance the crime of rape) from the perspective that they are learned behaviours from others. Thus individuals who perpetrate rape actually manifest their socially acquired attribute.

On the other hand, social control theory (Hirschi, 1968) which contends that weak institutions such as certain types of families, the breakdown of local communities, and the breakdown of trust in the government and the police are all linked to incidence of higher crime rates (like rape) is also relevant to this study. Hirschi’s (1968) social control theory asserts that ties to family, school and other aspects of society serve to diminish an individual’s propensity for deviant behaviour. As such, social control theory posits that crime occurs when such bonds are weakened or are not well established. Control theorists argue that without such bonds, crime becomes an inevitable outcome (Lilly et al., 1995). There is no doubt that the bonds referred to in this theory are very weak in today’s Nigeria, hence the rise in the cases of rape and other crimes being recorded.

### **Reasons Why Men Rape Women**

#### **Rape as a response to rejection by women**

Previous studies suggest that one of the major reasons why male perpetrators of rape commit the crime is that they have been rejected by one or more women in the past. Accordingly, committing rape becomes both revenge and a strategy to ward off shame and boost his deflated psyche.

#### **Rape as an outward expression of power and imagined superiority of males over females**

In many cultures, there are social practices, usages, belief systems and social interpretations that make men feel superior and to lord over their female counterparts. Patriarchy tends to tilt toward this direction. However, whereas there are healthy paths to manifest such superiority especially through hard work and successes in life endeavours, some men commit the crime of rape as a

statement, aura or ego of superiority and domination in the sexual terrain. In other words, some men rape women in attempt to assert their power, show off masculinity and superiority over women.

### **Rape as protest or revenge**

Some men rape women as a revenge or protest to a similar action meted to their own daughter, sister or relations.

### **Psychological problems**

There are men have some psychological problems that affect their ways of thinking and relating to people. For such people, rape becomes a manifestation of underlying psychological problems.

### **Common Forms of Rape in Nigeria**

#### **Child Molestation and Associated Infantile Rape**

Child molestation involve sexual assaults on children and or infantile rape. It usually occurs within the victim's home environment. Perpetrators could be of any gender but usually someone the child deeply trusted; a friend, parents, close relative, teachers, choir leader, acquaintance and similar persons who resort to fondling the child's sexual organs or become a child rapist.

The forms and impact of child molestation could vary from culture to culture. However, in Nigeria, victims of child molestation are known to show signs of pain around their genitalia or anus. They often manifest severe emotional scar, lasting trauma, with associated sexual phobias in adulthood. Love making in adulthood could evoke painful memories of infantile rape.

#### **Date Rape**

This involves a date (friend) who secretly plans and executes rape unto an unsuspecting new friend. Often times, date rape is achieved through drugging of water, food or drinks that is served the victim. As a result, the victim may become very weak, unconscious, or intoxicated and thus unable to give valid consent. The victim may also be simply physically overpowered, which enables the perpetrator to have his way

#### **Intimate Partner Abuse/Rape**

This occurs when a woman who has been involved in a close relationship for long and often cohabiting an apartment with her partner is regularly abused/raped. Poverty and lack of personal shelter expose women to the risk of this form of rape. Many of women, who have been victims of intimate partner abuse, were unable to leave their partners because they have no other shelter to move into.

### **Group or Gang Rape**

This type of rape is when group of individuals have carnal knowledge of someone forcefully. Group rape is also referred to as gang rape and may happen to both sexes (male and female), though encountered more by females than the males.

### **Rape in captivity/Detention**

Rape could also occur in form of the abduction of a woman for sexual purposes. This may occur during war or conflict settings but could also be planned and executed even at peace times. Furthermore, women and men who are held in lawful custody are often raped by their co-detainees or by law officers who are assigned to protect them. Women have been raped even in internally displaced persons camps and similar rescue outfits in times of distress.

### **Who are Secondary Victims of Rape?**

Victimization is the act of singling someone out or a group of persons for cruel or unjust treatment. There are both primary victims (PV) and secondary victims (SV) in every incidence of rape. Primary victims (PV) of rapes, sexual assaults and sexual molestation are persons who had physical contact with the rapist. Such person(s) were actually raped and suffer direct effects from the rape episode. They include women, men, children, boys, girls, and babies who are raped by others persons. Such primary victims need to be adequately protected from the perpetrators of rape to prevent recurrence.

On the other hand, Fuller (2016) defined secondary victims as persons who though, are not primary victims of crime (rape), but have suffered some form of vicarious trauma as a result. The secondary victims (SV) of rape include other individuals who are biologically or socially related to primary victims, such as parents, siblings, co-workers, friends, a fiancé, dependants, customers, mentees etc. Secondary victims are usually persons considered as significant others in the victim's life; they are confidants who are held in high esteem and trusted by the primary victim. One's positions at work or in organized groups which are ultimately affected when such a person becomes a victim of rape could also be considered as secondary victims of the rape. Similarly, pupils or students could be defined as secondary victims of rape if their class teacher encounters rape situation. Indeed, the whole community or society at large could also constitute secondary victims of rape if many persons were traumatized on account of the rape incidence.

Christainsen, Bak and Eklit (2012) in their study of 107 secondary victims (SV) of rape had observed that like primary victims, SVs also encounter traumatization, and that up to one- quarter of them also experienced post traumatic stress syndrome (PTSD). Similarly, Fuller (2016) examined the

impact of child sexual assault on their parents and found that anger, guilt, overprotection and isolation from the children and the community were common response patterns of the parents. These findings are indications that SVs may need as much attention as PVs, and that the anticipated support from SVs to PVs may never be robust when they (SVs) are themselves overburdened by their own emotions and grief.

In the Nigerian setting, where under reporting, culture of silence and poor response to rape victims are the order of the day, the plight of SVs are often totally forgotten. Most often, they are not considered as deserving any forms of attention or treatment. This has a lot of health, social and psychological implications for this group of victims of rape whose number may actually outnumber the primary victims in our society

### **Plights of Secondary Victims of Rape in Nigeria**

The plights of secondary victims of rape in Nigeria could be summarized as follows;

- a. Lack of or weak penal codes to protect and compensate secondary victims, and to enable them seek redress in courts of competent jurisdiction for harms they suffer on account of rape of close associates or family members.
- b. Low awareness and or commitment on the part of health workers, social workers and psychologists on the need to trace all secondary victims 'of rape, and to extend professional services to them, as applicable to primary victims.
- c. Secondary victims of rape in Nigeria have had to contend with stigmatization, sudden negative popularity with social labels such as 'mother, father, sibling, friend or fiancé of the rape victim'
- d. They bear enormous economic burden arising from rape such as financing treatment for self and the primary victim, as well as costs of legal services associated with the case.
- e. Low level of enlightenment of both the primary and secondary victims, as well as the general public about applicable preliminary, short term and long term responses to matters of rape.
- f. Loss of valuable time and resources in attending to primary victims of rape (and self). Such time could have been invested in other commitments. Sometimes, the situation is such that clients, patients, mentees, students, customers, and clients are denied services which the secondary victim usually render, but are now unable to deliver such services due to devastation arising from his /her close ties to a rape primary victim.



### **Prospects of Mitigating Plights of Secondary Victims in Nigeria**

There are very bright prospects of mitigating pains of secondary victims of rape in Nigeria. Foremost steps/responses in this regard include sympathy and support for the victims (both primary and secondary), outrage at perpetrators, and an understandable concern for personal security, especially around women, girls and children.

Public enlightenment should be strengthened to enable secondary victims help themselves and to liaise with the public to give treatment and support to primary victims of rape. All segments of society; schools, media, religious and civil organizations among others must be fully sensitized and drive the process of continuous sensitization.

The role of informal support systems (friends-family-community and partner) focused interventions cannot be over emphasized. They should work as a team with health personnel, social workers and psychologists to support the primary victim's post incident care programme as well as secondary victims.

Above all, the character of pre- sexual assault relationship between the primary and secondary victims must not witness any weakening, otherwise, the primary victim may not cope with what will then become a 'dual tragedy of rape and break-up or loss of intimate relationship' with a friend, fiancée or family, all of whom in this context constitute the secondary victims.

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