

## **PSYCHOLOGICAL EFFECTS OF RAPE ON VICTIMS: EXPLORING AVAILABLE LEGAL FRAMEWORKS AND OTHER REMEDIES TO THE RESCUE IN NIGERIA**

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### **Abstract**

Rape is an unwholesome or forceful sexual intercourse meted against an individual irrespective of their gender without due consent of the victim. Although most Nigerians do not report the incidence of rape due to societal stigma attached to it, yet the psychological effects of rape on victims are quite substantial and long lasting. This review paper examined the major psychological effects of rape on victims like women, men, children and minors. Legal instruments for seeking redress for rape in Nigeria were equally reviewed and evaluated to encourage the public to take advantage of them in future.. Above all, the paper proffered far reaching remedies toward curtailing rape in the Nigerian society.

**Keywords:** Psychological Effect, Rape, Nigeria, Legal Implications, Remedies

### **Introduction**

Rape could be described an unlawful intercourse or any other sexual penetration of the vagina, anus, or mouth of another individual, with or without cohesion or force by a sex organ, other parts of the body or foreign object without the consent or approval of the victims. What separates sex or gesture of affection, from rape as sexual assault is a matter of consent. That is both people agreeing to what's happening by choice and having the freedom and ability to make their respective choice. People should understand that sex is all about consent and not by cohesion or force (otherwise it becomes rape).

Rape is a heinous and serious crime against humanity. It is not a mere sexual disorder, but rather a criminal offence. Indeed, most authorities no longer think of rape as primary sexual act. Rather, it is an act of brutality or aggression based on the need to debase others. Other features of rape include:

- It is an act involving physical, psychological and emotional violation in the form of a sexual act, inflicted on someone without their consent.
- It involves forcing or manipulating someone to witness or participate in any type of sexual act.
- As a sexual assault, rape can cause severe distress, emotional harm, trauma, and injuries
- It can take a long time for the victim of rape to recover from its implications. That is why the term “assault” is very relevant, hence reports of rape is taken as seriously as those of violent physical attacks.
- Assault by penetration is when a person penetrates another person’s vagina or anus with part of the body other than a penis, or by using an object without the person’s consent.
- Rapists often inflict more violence on their victims than it is necessary in order to achieve their immoral goals

### **Overview of Magnitude of the Problem of Rape in Nigeria and other States: Why Differences in National Incidence Rates?**

Rape cases constitute shocking reality in the Nigerian space. It appears that every day girls and boys, women and men are sexually being abused, even by persons known to the victims, who took undue advantage of such familiarity (Udekwe, 2013). In 2012 about 400 women marched through Osogbo in Osun State, Nigeria, campaigning against rampant cases of rape and creating awareness for women to support the eradication of rape in the state (Punch, 20th April, 2012).

Facts about rape in Nigeria as documented by the researchers suggest that:

- At least 4 women in 30 in Nigeria will be raped in her lifetime.
- Approximately 5 higher Institution female students in 25 are victims of rape.
- In 67 to 82% of all cases, the rapist is a friend or acquaintance of the victim.
- Rape by an acquaintance or close relation is as devastating as rape by a stranger.
- Five to 30% of rape victims contract sexually transmitted diseases such as Hepatitis B, Syphilis, Herpes and HIV/AIDS

Rape cases are not limited to Nigeria alone. Other countries of the world have their own peculiar side of the story too. For instance a Ugandan court sentenced a teenage girl for a six-hour jail term for killing her rapist father. The 58 years old man had been raping the daughter repeatedly from the time she was 13years old. Statistics has shown that in North America, there is a high probability of a woman being a victim of sexual assault during her life time. For instance, six

men riding in a bus in New Delhi, Indians Capital, raped and battered a 23-year-old female medical student and she died as a result of the fatal internal injuries. The death of this Indian rape victim sent shivers around the globe, exposing how the sad trend is affecting many societies and putting more women at risk (Sunday Sun, January 6, 2013). Between 2009/10 and 2011/12 there were an estimated 78,000 victims of rape per year in England and Wales comprising of 69,000 females and 9,000 males (National Mirror, 2014).

The exposure to various patriarchal structures and ideologies; differences in preventive, protective, and punitive policy responses to gender-based violence; repressive cultural and religious practices; reinforcement of demeaning stereotypes against women; and psychological assimilation of oppressive policy, values and beliefs may be responsible for cross-national differences in incidence of rape and acceptance of rape myths.

The cross-country differences in rape might suggest the need for formal and informal intervention in vulnerable countries. International transfer of effective policies and programmes for combating gender-based violence in protective countries might lead to considerable changes in vulnerable countries of the world and help to shift the focus from patriarchal to egalitarian views of women (Fakunmoju, Abrefa-Gyan&Gutura, 2021)

### **Role of Indecent dressing as a Cause of Rape in Nigeria**

Many scholars have found some relationship between indecent dressing among women and incidences of rape in Nigeria. Indecent dressing among women and girls refer to dressing that often exposes parts of one's body that ought to be covered from public view. This mode of dressing often attracts the opposite sex and causes them to have lustful thoughts that may eventually lead into raping women (Diara & Nweze, 2011). Indecent dressing engineers sexual desires in men, culminating in sexual seduction. Eze (2011) posited that it has become fashionable, particularly among the youthful female folks, to dress so half-nakedly that some parts of their body that are supposed to be 'hidden' are exposed to the public.

Ladies attract men by wearing sexy or transparent dresses (Okpara, 2005). This type of attire is particularly rampant among college and University students, and it has become a common mode of dressing for the masses in Nigeria. A survey by Ayogu (2011), sheds more light on this indecent dressing, arguing that some parents buy clothes for their children to wear with such negative inscriptions like 'I am a sexy girl', 'Hug me tight', 'Lovely babe', 'Sexy babe', 'Devil's advocate'. Expectedly, the wearing of these psychedelic and ludicrous dresses that advertise ladies' nudity, side by side the usual painting of their faces presents a very strong pull to rapists to carry on their vices.

## **Character of Rapists in Nigeria and Modes of Victim's Reactions to Rape Encounter**

Many rapists are highly neurotic and exhibit a high degree of inferiority complex and low self-esteem, who impulsively take what they want without concern for the feelings of the victim or guilt about their deed. Some others harbour deep-seated resentment or out-right hatred of women (misogynist). or outright hatred of men by women (misandry).

Oludayo & Udechukwu (2020) characterized rapists and their victim in Nigeria using Newspaper reports. They found out that females were reported more as victims of rape than males out of 331 rape reports covered in National dailies, although males were also victims of rape in Nigeria. They further noted that the law in Nigeria blinds its eyes against male victims of rape thus raising questions on how male victims of rape could seek justice when their victimhood is not recognized. Furthermore, there were more male perpetrators of rape than their female counterparts; however, females can also become perpetrators. They also found that victims of rape were mainly young adults and the middle aged. Conversely, the same cohort of victims also featured prominently as highest perpetrators of rape with the 5-year period.

Mode of Victims Reactions to Rape in Nigeria is such that oftentimes, people are afraid to report to the police about their rape. They are often worried about being stigmatized or feel that people might not believe their ordeal. In Nigeria many people, especially ladies do not usually report cases of rape to the Nigerian Police. They may complain that police personnel usually make sport of them. Accordingly there is this culture of silence associated with rape. Only limited number of rape cases is actually reported to appropriate authorities.

It is however noteworthy that rape is a crime in Nigeria which victims and their relations should report to the law enforcement agency to ensure that the culprit is adequately punished. Reporting rape to appropriate authorities also ensure that the person does not get an opportunity to do it again to some else in future.

### **Theoretical Framework**

This paper is anchored on Gender and Power theory of Connell (1987).The theory which is used to situate the structure and phenomenon of rape states to a large extent that women's experience are of power dominance. The theory states that the way male and female are perceived is based on gender differentials by culture. As described by the theorist, culture is the foundation of gender division of labour, roles and contributions of men and women. Cultures subjugate women by placing men in roles that make it easy for them to subjugate the women. These culturally defined lines have in the long run impacted on their experiences, Also chances women get in life is translated into

low social status in society, poverty and powerlessness. The theory explains why women are often victims of rape and why they are very powerless and ashamed to voice out this crime against them, instead they suffer in silence (Onyejekwe, 2008).

Feminists in recent times have perceived rape as an expression of male dominance over women, it is a skewed relationship that have regulated women to assume the status of people that should be oppressed and victimized, and that is the major reason why it is perceived that women (rape victims) do not get justice (McGrath,2009). Most cultures place women (rape victims) on a trial process whereby they are either called a gold digger, an accuser, a seducer or a wayward person.

The Nigerian culture and judiciary system is not exempted from these practices as a woman have to prove that she was a victim of rape by showing evidence, (most times these evidences are seamen and bruises on their bodies) (Onyejekwe, 2008). In a country like Nigeria, where there are no defined structure and clearly defined criminal law on rape, and enforcement is weak, has enabled the prevalence of rape to thrive as it in most cases the perpetrators are not punished (Imokuede, 2007, Onyejekwe; 2008; Muoghalu, 2012). Rape and Women's Sexual Health in Nigeria has defined these failures of the judiciary system as a general violation of women human rights. Quite often, the rapist's goal is not strictly sexual intercourse, but rather it is to attack, subordinate, humiliate, and degrade the victim.

### **Psychological Effects of Rape among Women in Nigeria**

1. A woman that was raped has been destroyed psychologically, physically, socially, and spiritually. The findings of Onyeneke (2008), who posited that rape is a social quagmire to economic development, a public health menace and a violation of women's fundamental human rights amplifies our position.
2. There is always a social stigma on the personality of women that was raped. People living within and around their environment will make them an object of discussion which may be in their favour by the way of empathizing, sympathizing or by scornfully making a ridicule of them.
3. A woman that was raped usually finds it so difficult to trust any man. Many of them ended up not getting married.
4. Most women that are victims of rape usually have hallucinatory experiences and delusion of persecution. When the traumatic experience becomes so severe, such women may develop posttraumatic stress disorder (PTSD). Manic disorder that is episodic may set in. When such women see men coming towards them, often take to their heels especially where appropriate psychological

therapies has not been given to such victims as prophylaxis for such disorders.

5. They may develop generalized excruciating hatred to all men, even when such men have good intention. Such women yearn for vengeance whenever men come around them.
6. The victims of rape may begin to have suicide ideation or may actually commit suicide if appropriate psychological measures are not taken.
7. Most of them actually develops inferiority complex before their peers, and they may suddenly have low self-esteem.
8. Virgins who want to keep their virginity until marriage, that were circumstantially raped may bear the guilt of being raped for the rest of their lives. They will never be happy throughout their lives.
9. The incidence of rape might not be unconnected to why substantial population of African women are gradually becoming single mothers because they can no longer tolerate the behaviour of some men in their localities, for their indecent or inappropriate relationship towards them.
10. Girls and women face traumatic experience which makes them vulnerable and susceptible to unending posttraumatic stress disorder (PTSD). A woman's ego is punctured by rape and the rapist may have succeeded in tampering with her physical, psychological and spiritual wellbeing
11. Most women victims do not recover from the psychological torture, they end up becoming disoriented in life, and some usually develop lack of focus and concentration in pursuing their life goals as students or working class.

### **Psychological Effects of Rape on Men and Boys in Nigeria**

1. The men or boys that were raped may end up trusting no woman in their live time. Some of them may also end up becoming misogynist.
2. Some of them usually develop psychosocial syndrome of shame and doubt of who they really are. In the quest of who they really are may lure them in the direction of compensating themselves for a gay status.
3. Serial killers responsible for death of women and girls are usually men that were abused or raped when they were young.
4. Some of them that may marry in their life time will not marry because of love for their partners, but rather they assume the status of married men to please their families or to continue the family procreation.
5. Married men that were raped may believe that having sex with their wives are not obligatory but rather a privilege.

6. Typically, after-effects for the victims of rape include; rage, guilt, depression, loss of self-esteem, shame, sexual adjustment problems, and in many cases a lasting mistrust of male-female relationships.
7. The consequences of rape are enormous that most women continue to report fear, anxiety and sexual dysfunction a year and a half or more after being raped.
8. Even years later, rape survivors are more likely to suffer from depression, alcohol or drug abuse, and other emotional/traumatic situations.

### **Psychological Effects of Rape among Children and Minors in Nigeria**

1. Children that were raped usually grow up trusting no one and even the members of their families.
2. Such children may exhibit aggressive and violent tendencies at their adulthood.
3. They will develop so much dislike for their immediate environment and their mind will be yearning for vengeance at any slight provocation.
4. Such children may grow up to become sexual masochists.
5. Such children may also grow up to develop strong resentment and hatred for the opposite sex.
6. They may blame the world around them for being selfish and hostile for their earthly existence.
7. It will grossly affect their academic performance and they may develop a lukewarm attitude to education.

### **Legal Instruments Available to Nigerians to Seek Redress for Rape**

In Nigeria apart from FCT only women are capable of being raped. Sexual assault is similar to rape, but it is not rape. Sexual assault is any form of sexual contact or behaviour that occurs without the explicit of the recipient.

They are five specific laws that deal with rape.

1. **The Criminal Code:** - this is applicable in all the Southern states of Nigeria.
2. **The Penal Code:** - This is applicable in all the Northern states of Nigeria.
3. **The Criminal Laws of Lagos:-** this is applicable only in Lagos State
4. **The Violence against Persons Prohibition Act-** this is applicable in only the FCT Abuja.
5. **The Child Right Act:** - this is only applicable in the states which have domesticated it.

**1. Criminal Code (CC):** Under the CC, rape is when any person has sexual intercourse with a woman or girl, without her consent or incorrectly obtained consent. Consent can be incorrectly obtained where it is obtained;

- By force/threat/intimidation
- By means of false and fraudulent representation as to the nature of the act.
- By person impersonating a married woman's husband in order to have sex.

Under the CC sexual intercourse with under aged girls or people with unsound mind are the offence of defilement, and so technically a person could be charged for rape and defilement.

**2. Penal Code (PC):** Under the PC, rape is when a man has sexual intercourse with a woman against her will, without her consent, or with incorrectly obtained consent where it is obtained;

- By putting her in fear of death or hurt.
- By a person impersonating a married woman's husband in order to have sex.

Furthermore under the penal code, sex with a girl under 14 years of age or who is of unsound mind is rape, irrespective of whether there is consent. Also the penal code explicitly states that sexual intercourse by a man with his wife is not rape.

**3. Criminal Laws of Lagos (CLL):** Under the criminal laws of Lagos, rape is when a man has sexual intercourse with a woman or girl without her consent, or with incorrectly obtained consent. Consent can be incorrectly obtained where it is obtained:

- By force, impersonation threat or intimidation of any kind
- By means of false and fraudulent representation as to the nature of the act.

As with the Penal code, the criminal laws of Lagos explicitly states that sexual intercourse by a man with his wife cannot be unlawful, and therefore a man cannot rape his wife.

It is important to note here that in all the three laws, rape can only occur when the vagina of the woman is penetrated. However, this does not mean that anal unlawful sexual intercourse is allowed. This is a crime covered under different description in each of the legislations. The penalty for rape across all the laws is life imprisonment (however, this is not a mandatory sentence in all of them).



**4. Violence against Person Prohibition Act (VAPPA).** The VAPPA defines rape as when a person intentionally penetrates the vagina, anus or mouth of another person with any other parts of his/her body or anything else without consent, or with incorrectly obtained consent. Consent can be incorrectly obtained where it is obtained:

- ✓ By force/threat/intimidation by means of false and fraudulent representation as to the nature of the act.
- ✓ By the use of substance capable of taking away the will of that person.
- ✓ By a person impersonating a married woman's husband in order to have sex.

As you can see, the VAPPA seem like a very progressive piece of legislation. Unfortunately, the law is only applicable in the FCT, Abuja. It does not apply in other states of the federation.

**5. Child Right Act (CRA).** The CRA provides that sex with a child is rape and anyone who has sexual intercourse with a child is liable to imprisonment for life upon conviction. Persons raped or sexually assaulted, ought to report and should not suffer in silence.

#### **Other Remedies that could be adopted to Curb Rape in Nigeria**

- a. Our girl children and women should be given a good orientation on how to dress decently before coming out in the public.
- b. The Federal Government should promulgate a law prohibiting indecent dressing in our public space. The Government should establish a mobile court to try people arrested for indecent dressing. If they are found guilty, they should be fined and it will serve as a deterrent to such behaviour among possible victims in future.
- c. Decent way of dressing should be inculcated in the various school curriculums from primary to tertiary Institutions.
- d. Our religious Institutions should resurrect or re-awake the long aged moral instructions that teach children how to behave at home and outside their homes. Decent way of dressing and respect to their elders among other religious injunctions should inculcate in their superego.
- e. Parents should try as much as possible to be role model to their children by dressing well at all times.
- f. Teachers and Lecturers in nursery, primary, secondary and tertiary institutions should endeavour to behave well, dress well and show good examples to their pupils and students.
- g. A rape of individuals from 15 years of age and above should be made to attract not less than fifteen years imprisonment or correctional incarceration in our correctional centres.
- h. Adults raping of children between the ages of 9 to 14 years should attract a prison or correctional incarceration of life jail.

- i. Adults raping of children from 0 to 8years should be made to attract a death penalty.
- j. Our girls and boys should be trained on how to defend themselves. They should be trained on martial arts like kung fu, Karate and taekwondo for the purpose of defending themselves when they are confronted with the rapists in their various neighbourhoods. The martial arts are common among the Asian Countries and our people should embrace them to defend themselves when the need arises.
- k. Finally, the primary victims (PV) of rape should as a matter of urgency consult Clinical Psychologists in order to prevent further psychological damage to their wellbeing. There is no doubt that the victims of rape pass through debilitating traumatic experiences after the incidence of rape.

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