



THE PERSISTENCE OF VICTIMIZATION OF THE RAPE VICTIMS IN CONTEMPORARY INDIA

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ABSTRACT

This paper explores the prevalence of rape crimes and the victimization experienced by rape survivors in contemporary India. It reveals the customs, mentality, laws, and practices surrounding rape, which harm survivors. India's traditions and cultural norms contribute to victim-blaming and stigmatization, perpetuating a culture of silence and perpetuating a cycle of violence. The prevailing mentality favors perpetrators over survivors, with victim-blaming attitudes, lack of empathy, and questioning survivors' credibility further obstructing the path to justice. The legal framework and practices related to rape in India pose significant challenges for survivors, with inadequate implementation of laws, delays in judicial proceedings, and a lack of sensitivity in the criminal justice system hindering their access to justice. The absence of comprehensive support systems and the limited availability of specialized services further exacerbate their difficulties. To combat rape crimes and support survivors, it is essential to foster a societal shift in attitudes, dismantle patriarchal norms, implement education and awareness programs, and implement legal reforms. By challenging regressive customs, altering mentalities, and overhauling legal frameworks, India can create a society where survivors are empowered, violence is condemned, and justice is served.

INTRODUCTION

Rape crimes and the victimization of survivors in India remain persistent challenges, raising concerns about the safety and well-being of the population, particularly women. Despite efforts to address this issue, deep-rooted customs, mentalities, laws, and practices continue to hinder survivors' efforts to seek justice. The prevailing mentality surrounding rape in India exhibits biases and prejudices, further compounding the challenges faced by survivors. Victim-blaming attitudes, skepticism towards survivors' accounts, and a lack of empathy further exacerbate the trauma experienced by survivors. The legal framework and practices related to rape in India pose significant obstacles for survivors. Implementation challenges, delays in judicial proceedings, and insensitivity within the criminal justice system often result in a lack of redress for survivors. The absence of comprehensive support systems and limited availability of specialized services further exacerbates the difficulties faced by survivors, leaving them without the necessary resources to heal and rebuild their lives.

To address these deeply entrenched issues, a comprehensive and multi-faceted approach is required. Efforts should focus on challenging regressive customs, dismantling patriarchal norms, and promoting gender equality. Education and awareness programs can play a crucial role in challenging prevailing stereotypes and fostering a more empathetic and supportive society. Legal reforms aimed at expediting rape trials, enhancing survivor support, and ensuring the effective implementation of existing laws are necessary steps toward achieving justice for survivors.

By addressing these systemic issues, India can aspire to become a society where survivors are respected, violence is condemned, and justice is served. By addressing these systemic issues, India can pave the way toward a safer and more equitable future for all citizens.

What is Rape?

Rape is sexual intercourse or penetration performed without consent in most jurisdictions. It can involve inserting a penis, manipulating a woman's body, or putting lips on her. It can be against her will, without her consent, obtained with consent, with consent obtained when she is in danger, with consent obtained when she is not of sound mind or intoxicated, or when she is under 18 years old. Sexual intercourse by a man with his wife under 15 is considered rape.

According to the Central Government Act Section 375 in The Indian Penal Code 1[375. Rape.—A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—

(First) — Against her will.

(Secondly) — Without her consent.

(Thirdly) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or hurt.

(Fourthly) — With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly) — With her consent, when, at the time of giving such consent, because of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age. Explanation.— Penetration is sufficient to constitute the sexual intercourse necessary to the offense of rape. (Exception) — Sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape.]

STATE AMENDMENT

RESEARCH METHODOLOGY

RESEARCH OBJECTIVE

- To assess the social impact of gender-based violence and victim shaming.
- To analyze awareness of the rape myth acceptance and abolition of the conservative mindset.
- To comprehend the reasons for reporting and nonreporting of the crime.
- Determine whether or not these women have supportive institutions and backgrounds.

TOOLS OF DATA COLLECTION:

The study was carried out qualitatively, as qualitative research is based on open-ended questions. It uniquely collects data. Unlike other methods which ask questions with only specific answers, qualitative research allows people to be themselves during the research process, and taking into consideration the sensitivity of the topic a mail survey and interview(telephonic and personal) were conducted and used as a method of data collection.

SAMPLE SIZE:

A total of 20 responses were received to the mail-out questions, and 4 personal interviews were conducted. In this study, a self-selecting sampling method was used based on the criteria that they identify themselves as women who have been shamed for being raped.

LIMITATIONS:

Due to time constraints, and the sensitivity of the topic, the current study focused on four women interviewees. A significant limitation of the mail survey was the possibility of biases, either in the lack of response from intended participants or the accuracy of the response due to poor recollection of the incident or shame.

THE PERSISTENCE OF RAPE CULTURE

Rape culture is a sociological setting in which rape is prevalent and normalized as a result of gender and sexuality-related cultural attitudes. Common practices associated with rape culture include victim blaming, slut-shaming, sexual objectification, condoning rape, denying widespread rape, refusing to accept the devastation caused by sexual violence or some combination of these. Rape culture is associated with slut-shaming and victim-blaming, in which rape victims are blamed for their rape. Victim blaming is part of a phenomenon known as 'Rape Myth Acceptance,' a term coined in the 1980s by researcher Martha Burt. Prejudiced, stereotyped, or false beliefs about rape, rape victims, and rapists are all examples of it. These beliefs can range from cheapening rape to denying widespread rape, labeling an accuser as a liar, claiming that the majority of rape accusations are false, refusing to acknowledge the harm caused by certain forms of sexual violence, or accepting that the victim "deserved it" because she was labeled as a low-character woman. Another source of victim blaming is a hazy understanding of what constitutes rape when the victim desires sex with the attacker. If a victim was in some way involved but refuses to agree to have sex and the offender persists, the circumstance is deemed rape; yet, others are more likely to blame the victim because he or she "was involved".

Various rape myths that encapsulate our society are:

Women should not go out alone at night since they are more likely to be raped outside, after dark, and by a stranger.

Women and girls sometimes 'play hard to get when it comes to sex, saying 'no' when they mean 'yes.'

If two people have had sex with each other before, it's always OK to have sex again.

Someone who has voluntarily consumed large amounts of drink or drugs should not then complain about being raped.

A man cannot help himself once sexually aroused. He has to have sex.

People often lie about being raped because they regret having sex with someone, for spite, or to gain attention.

When someone goes to their date's room on the first date, it indicates that they are open to having sex.

A victim must have "asked for it" by being seductive, drunk, irresponsible, intoxicated, and so forth.

PERSEVERE OF VICTIM-BLAMING

Culture and Tradition: The attachment of honor to a family or a community is linked with women's virginity and also contributes significantly to shaming or blaming the victim for bringing dishonor. Honor is a social construct that is essential to virginity control. In an honor-based patriarchal society, women and young girls are expected to remain virgins until they marry. Failure to meet this expectation may result in serious consequences, and all of this contributes to the victim's blaming and shaming. Much of India, like many "traditional" cultures, still believes that her chastity was violated. Viewing it as primarily a sexual violation, on the other hand, places the burden on women to protect the purity of their bodies. It implies that the following inquiry will be made: What was she doing out so late? What was she wearing? What made her put herself in that position? She was making the men around her uncomfortable. Rape is not a sexual act. It's about threatening women for daring to leave the private sphere, for being independent, for being themselves. It's a form of retaliation because women's purity and chastity must be protected. This attitude allows men to patrol, in some cases violently, to control women's hopes, lives, and bodies without being hindered by societal barriers. A woman is to blame for putting herself in a position that has traditionally been considered vulnerable.

Religiosity: Religion and the perception of rape are intertwined. Recognizing the rape myth was associated with higher levels of religiosity. More religious men believed that survivors of rapes should bear some of the blame and that they would have violated the boundaries or laws established by that religion, making them the bearer of such disaster. Mulliken (2005) discovered that participants who held more traditional gender roles and fundamentalist religious beliefs supported rape myths and had negative attitudes toward rape victims. When it comes to dating, religious people are less accepting. Acceptance of premarital sex has also been found to be negatively correlated with intrinsic religious orientation. Female premarital virginity is highly valued in the Christian, Jewish, and Muslim faiths. Furthermore, religiousness is associated with negative feelings towards sexual behaviors in general. This may lend credence to the expectation that religious people will make more negative rape judgments. Because the victim previously consented to this behavior, religious people may perceive the victim to be more interested in sexual intercourse.

Family members and friends: Family members, friends, and formal support providers are all likely to react negatively to survivors. Professionals' negative responses may be especially harmful to survivors. Everything contributes to the victim's silence. One of the reasons, according to survivors of sexual assault interviewed, is how their families react negatively to the devastating news. Anxiety levels are high among family members. If such cases become public, whether through the courts or otherwise, the family's social standing suffers. Depending on the circumstances, raped wives and daughters are frequently rejected by their husbands or parents. Many of these families unintentionally send their daughters and mothers into prostitution. If the victim survives the shock and remains in the family, she will be labeled as a 'bad' woman for the rest of her life because a woman is supposed to guard her chastity, and failure to do so is labeled as a "bad women" or dishonor to the family and community. This also provides men with an easy way out of accepting responsibility for their actions.

Justice System: To initiate legal action against the rapist, an FIR must be filed with the police, who must then apprehend the rapist and begin the investigation. However, due to a lack of evidence, the filing of a report can be denied. Victims avoid going to the police station because they are afraid of being questioned. Only the most heinous and brutal rapes are reported, and a large proportion of them are deemed "unfounded." Because of the humiliation they have experienced in police stations and hospitals, survivors from marginalized communities have a difficult time filing police complaints. When the case reaches the courts, they are subjected to humiliating medical tests and are intimidated and scared. "Rape is still constructed as women's shame," said Anjali Dave of TISS's School of Gender Studies. "There are too many social barriers for women to talk about it." If the rape victim files a complaint, the law requires her to go through a medico-legal examination to prove she was raped. This medico-legal examination adds to the victim's psychological and physical suffering. However, whether or not a woman has been raped is a matter for the justice system, not the physician. When the victim is expected to prove the sexual assault, her misery reaches a climax. It is expected of her to fight back tooth and nail while being raped and to demonstrate that she was outmatched by the rapist. In law, physical injuries sustained by the victim during the duel are regarded as shards of evidence of resistance. Otherwise, it is interpreted as consensual sexual contact, and the rapist is given the benefit of the doubt. Defense lawyers pose humiliating questions to the victim from the start to determine her resistance to the perpetrator. Failure to demonstrate the struggle to resist crime may result in the case being dismissed. The victim is sick of the perpetrator's feelings. To acquit the offender, the defense lawyer assassinates the victim's character by making disparaging remarks. Victimization reaches its apex when: a rape victim is sexually assaulted by the rapist and then verbally assaulted by the defense lawyer. The traditional view of women's natural character, which we will discuss later, is based on an evidence problem: the rape victim's testimony must be corroborated; "only rape complainants, along with children, accomplices, and witnesses in treason trials, are (treated as) notoriously untrustworthy witnesses."

Rapists get away with it by claiming that the woman consented, or that they thought she did. The victim is unlikely to persuade the public, the police, or the court that she did not consent to sexual intercourse unless she is severely injured or can demonstrate that she resisted the assault.

Stereotypes: From the very beginning, society established a set of rules and laws that it thought were beneficial to itself. These laws and rules have been passed down through generations, becoming stereotypes. Anyone who deviates from the structured stereotype is considered to be on the other end of the spectrum, and any harm they suffer is blamed on them. A woman, for example, must fit into a specific role, dress in a certain way, avoid wearing makeup in a certain way, and avoid making friends who do not adhere to society's standard of friendship. As a result, any harm or violence done to a woman is her fault when she breaks a stereotype or fails to follow the laws and rules imposed by society. And she is held accountable for the abuser's appearance. In many cases, the abuser is free because society views it as a punishment for breaking the rules that have been put in place.

CASE STUDIES OF THE VICTIMS COVERED

SOCIO- DEMOGRAPHIC PROFILE

GENDER: Any individual identifying as a female

AGE GROUP:

Present year of age -18-23 years

Age of being raped -12-22 years

GEOGRAPHICAL LOCATION: Residing in India

EDUCATIONAL AND PROFESSIONAL BACKGROUND:

The research sample was diverse, with a mix of women from both educationally and financially strong backgrounds, as well as women from a less educated and financially disadvantaged section of society.

The following cases were conducted through personal interviews (Exception: case 1, Victim committed suicide, sister narrated event.). The identities of those mentioned in the case have been changed.

CASE 1:

Arisha was a 12-year-old girl from Bihar's Shirghati village who fell in love with Harun, who was three years her senior. They went to the same school and lived in the same neighborhood. Harun was an upper-caste Muslim boy from a politically powerful family background, while Arisha was from a middle-class lower-caste family. They had been together for three years. Harun promised to propose to Arisha for "nikah" and began to sexually exploit her. Everything was fine until Arisha became pregnant with Harun's child. Harun reacted angrily to the news and refused to accept the child. He also attempted to malign Arisha's reputation by spreading derogatory rumors about her. Harun, who was politically powerful, kept Shamshad, Arisha's Arabic teacher, in the loop and blamed him for Arisha's pregnancy. Arisha's family, on the other hand, was disgusted with her and tortured her in various ways for bringing shame to the family. Arisha attempted suicide after hearing such rumors, defamations, and being tortured by her family and community. She attempted suicide several times using various methods. She poisoned herself, stabbed herself, and finally set herself on fire. Arisha had been severely injured but was still alive. Until her brother decided to inject her with a poisonous substance. The entire scene was portrayed as a suicide attempt. There was no FIR filed against Harun or Arisha's brother as it was all done to protect the the honor of the family (Ghar ki izzat ab kya thane me uchalange). Harun continued to spread rumors and attach the names of other boys after Arisha's death to portray Arisha as a "bad character woman." Arisha's family never even attempted to question Harun and his family. When asked her sister about the loss, she said that if Arisha hadn't committed suicide, they would have killed her. Arisha's real sister says, "Acha kiya khud Marr gai nai to hm katwa dete usse." Arisha's father became mentally ill as a result of the incident. He still looks for his daughter, as claimed by her sister. There was no effect on the rapist's health or condition (who promised to marry Arisha and then denied his involvement, maligned her reputation, tainted her character, and tortured her to the very extent that a 15-year-old girl tried to commit suicide). Harun's family believes that an ansari girl (lower caste, OBC) deserves such a fate. Harun's mother, who was well aware of Arisha and Harun's relationship, believes Arisha was attempting to enchant Harun because he was an upper caste, wealthy, and the family's only son. This entire scene had to come to an end because an ansari girl cannot marry a sheikh. Arisha, an unchaste girl, deserves this fate.

CASE 2:

Naseema married Saif at the age of 18 against her family's wishes. Saif was extremely sweet, religious, and sober before their marriage. Saif began to physically torture Naeema in a variety of ways after their marriage. Saif tied Naseema with a belt and sexually assaulted her after nine days of marriage, claiming to teach her how to respect him. Saif forbade Naseema from visiting her parent's home and began asking for a dowry. Naseema's mother-in-law supported everything that was happening to her and encouraged Saif to abuse and harass her. Saif not only sexually abuses Naseema, but also physically and verbally. After enough suffering, Naseema abandoned her in-laws and moved in with her family. However, after fifteen days, Naseema's mother ordered her to return to her in-laws because she had been against the marriage and she was responsible for the harm done to her. She taught Naseema to negotiate with her husband and to understand his wants and needs. She also stated that it is a sin not to meet one's husband's desires and that it is a woman's duty to meet her husband's wants and obscene phantom. And she returned her to Saif with a dowry of 25,000 rupees. Naseema is now pregnant and still a victim of Saif's abuse who usually keeps himself intoxicated with alcohol and drugs. "Why wouldn't she leave Saif and file for divorce?" I asked, and she replied that she has nowhere to go. Her family is unwilling to accept her because she went against their wishes regarding her marriage, and marriage is about compromises, which Naseema must deal with. There's no way out.

CASE 3:

Meghna, a 21-year-old Delhi resident, met Rishi through a dating app (Tinder). They decided to meet after several instances of chatting and video calling. Rishi invited Meghna to his friend's apartment on June 12, 2021. They spent their time together munching on popcorn and watching a movie, and Rishi then offered her a drink infused with intoxicants, which caused her to become confused, weak, and eventually pass out. Meghna awakens to find herself in a strange condition, with no clothes on and Rishi was nowhere to be found. When Rishi was called several times by Meghna, he responded that he was too turned on to stop, and Meghna had consented him to having sex in the heat of the moment, which she now can't recall because she was too drunk at the time. But Meghna continues to stand by her statement. She ended things with Rishi immediately after the incident, but she couldn't approach her family about the "date rape," claiming that the news would be extremely damaging to her family, and she partially blames herself for dating Rishi and going to his friend's apartment. She does not want to file a police report because she is afraid of being judged and shamed, and she does not want to tarnish her reputation.

CASE 4:

Ayushi was 13 years old and lived in Abu Dhabi. She became involved with a 19-year-old boy named Shivam, who brutally raped her for three years. Ayushi went on to say that he used to spit on her face, slap her, punch her, and tell her that she should be grateful for being treated like that because any other man would not even want to touch her because she is dark-skinned, fat, purely undesirable, and ugly. Ayushi resisted several times, from a firm "NO" to a slap on the face, and she even warned him about telling her family everything, to which Shivam replied, "Tum bacchi ho, koi tumhari baat nahi maane ga, tum ek gandi ladki ho." (You're just a kid; no one will believe you, and you'll be labeled a bad girl.) Ayushi didn't want to lose her freedom, so she put up with the harm that was being done to her. She was inexperienced and had no idea how to get out of the situation. She firmly cut ties with Shivam at the age of 16. Shivam began spreading derogatory rumors about Ayushi and began circulating her phone number. She was bullied at school and referred to as a "call girl." This caused Ayushi to become mentally disturbed, and she skipped school for a year, confronted her family about the situation, and began seeing a therapist. But nothing changed. Shivam would still come out of the school to terrorize her and intimidate her. Girls refused to shake hands with Ayushi because they considered her "impure." Finally, at the age of 17, Ayushi left her country and relocated to Mumbai, where she completed her education. She is now a professional who works with Iffa, Netflix, and Fireworks India.

ANALYSIS

The data analysis reveals several distressing patterns related to the unsupportive nature of family members, victim blaming, underreporting of cases, compromising norms, and the social consequences faced by survivors in India.

Unsupportive family members: The analysis emphasizes the negative role that family members play in exposing the victim to further exploitation. Many survivors are afraid of confronting the crime within the family for fear of dishonoring or shaming the family. This demonstrates a deep-seated societal pressure in which the family's reputation takes precedence over seeking justice for the survivor. The victim's vulnerability is exacerbated further by the victim's fear of losing their freedom or facing shame from family members.

Victim blaming: The persistence of victim blaming in all cases highlights a troubling trend. In Case 1, the victim is referred to as an "unchaste bad character woman" by her own family, whereas in Case 4, the victim's friends refer to her as "impure." This victim-blaming mindset assigns responsibility and blame to the survivor rather than the perpetrator. Such attitudes reinforce harmful stereotypes and contribute to a victim-blaming culture, discouraging survivors from coming forward and seeking justice.

Underreporting to protect family reputation: Underreporting of rape incidents to protect the family's reputation is a recurring theme in all investigated cases. Survivors are frequently under enormous pressure to remain silent about their ordeal, fearing the social ramifications and stigma associated with being a rape survivor. Underreporting contributes to a culture of silence and allows perpetrators to go unpunished, perpetuating a cycle of violence.

Compromising norms: According to the findings, survivors are frequently coerced into compromising their rights and well-being due to societal expectations. In Case 2, the victim decides to stay with the perpetrator to meet the societal expectation of marriage compromise. This norm reinforces unequal power dynamics, further victimizing the survivor and perpetuating a culture in which compromise is considered an acceptable solution even in cases of abuse.

Survivors' social consequences: The cases presented highlight the severe social consequences endured by survivors. In Case 4, the survivor is bullied, called names, and labeled a "call girl" because of a previous intimate relationship. In Case 1, the victim is tragically murdered to protect the family's honor. These cases highlight the enormous pressure and social backlash that survivors face, exacerbating their trauma and discouraging them from seeking justice.

Overall, the analysis paints a bleak picture of contemporary India's rape customs, mentalities, and practices. Victim-blaming attitudes, underreporting to protect family reputation, compromising norms, and the severe social consequences endured by survivors all contribute to a hostile environment for rape survivors. To address these issues, comprehensive societal transformation, legal reforms, and the establishment of support systems that prioritize survivors' rights and well-being over societal expectations and reputation concerns are required.

CONCLUSION

The factors surrounding rape crimes and the victimization of survivors in modern India reveal a deeply disturbing reality. The unsupportive nature of family members, persistent victim-blaming attitudes, underreporting to protect family reputation, compromising norms, and severe social consequences experienced by survivors all highlight the critical need for comprehensive change. Rape crimes and the victimization of survivors in India remain persistent challenges, raising concerns about the safety and well-being of the population, particularly women. Despite efforts to address this issue, deep-rooted customs, mentalities, laws, and practices continue to hinder survivors' efforts to seek justice. The prevailing mentality surrounding rape in India exhibits biases and prejudices, further compounding the challenges faced by survivors. Victim-blaming attitudes, skepticism towards survivors' accounts, and a lack of empathy further exacerbate the trauma experienced by survivors. The legal framework and practices related to rape in India pose significant obstacles for survivors. Implementation challenges, delays in judicial proceedings, and insensitivity within the criminal justice system often result in a lack of redress for survivors. The absence of

comprehensive support systems and limited availability of specialized services further exacerbates the difficulties faced by survivors, leaving them without the necessary resources to heal and rebuild their lives. To address these deeply entrenched issues, a comprehensive and multi-faceted approach is required. Efforts should focus on challenging regressive customs, dismantling patriarchal norms, and promoting gender equality. Education and awareness programs can play a crucial role in challenging prevailing stereotypes and fostering a more empathetic and supportive society. Legal reforms aimed at expediting rape trials, enhancing survivor support, and ensuring the effective implementation of existing laws are necessary steps toward achieving justice for survivors. By addressing these systemic issues, India can aspire to become a society where survivors are respected, violence is condemned, and justice is served. By addressing these systemic issues, India can pave the way toward a safer and more equitable future for all citizens, regardless of gender.

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