

# Increasing Trend in Rape cases in Asian Subcontinent: A Review

Prof. Vijay P. Gupta<sup>1</sup> and Dhan B. Shrestha<sup>2</sup>

<sup>1</sup>Professor and Head, Forensic Medicine, Nepalese Army Institute of Health Sciences- College of Medicine (NAIHS-COM), Kathmandu, Nepal.

<sup>2</sup>Intern at Shree Birendra Hospital, Swayambhu, Kathmandu, Nepal.

E-mail: [gbengadada@unimaid.edu.ng](mailto:gbengadada@unimaid.edu.ng)

## ABSTRACT

Sexual offences are the fastest growing, most common, and under reported crime against women. Sexual abuses include a spectrum of crimes, namely, rape, sexual assault, abuse of disabled or even normal children, adultery, sodomy, fornication, trafficking, etc. The definition of rape differs in different countries. Marital rape is not considered as a crime in the Indian subcontinent. Crimes such as rape lead to physical, reproductive, mental, and social trauma and stigma. The objective of this article is to analyze the factors responsible for the increasing trend of rape cases in the Indian subcontinent.

Rape is a result of interplay of socioeconomic, judicial, legislation, and mass media exposure. Some of the other factors among perpetrators could be exaggerated masculinity, antisocial, impulsive personality, and ignorance about impact of legal implications of breaking the laws concerning rape. Legislation alone does not stop violence against women. Sexual assault can occur anywhere but females are most at risk at the places like their homes, public streets, offices, etc. which provides perpetrators an opportunity to commit attacks.

Women and girls are at more risk of rape due to a lack of adequate parental care, mostly within poor socio-economic backgrounds. Physical, socio-cultural, psychological, religious isolation, and lack of public rest-room facilities also puts women at risk of such crimes. Alcohol and drug abuse also contributes to sexual violence. There are increased number of protests and awareness programs being organized by NGOs and victim groups.

To reduce and prevent the gender-based violence and sexual offence against women, women's rights activists may work with men- and boys-

groups. Health policies and school-based programs aiming to reduce violence and to promote healthier lifestyles have shown success across all age groups. This review found the instances of rape increasing and likely contributing factors including poor legislation, poverty and insecurity.

(Keywords: sexual violence, rape, India, law enforcement, gender specific violence)

## INTRODUCTION

Significant number of females are abused in either one or more of sexual offences in their lifetimes, most of which are from close acquaintances<sup>1-3</sup>. Rape is the fastest growing segment of serious violent crime around the globe<sup>4-6</sup>. Worldwide, one-in-three women experience physical and/or sexual violence by a partner or sexual violence by a non-partner in their lifetime<sup>7</sup>. Rape is defined as penile and non-penile penetration in bodily orifices of a woman by a man, without the consent of the woman or forcing her to do so with another person, or applying oral sex without the consent or will of the women<sup>8</sup>. The legal definition of rape differs slightly per different countries' legislation. In the Indian subcontinent, for example, marital rape is not considered as a crime<sup>8</sup>.

Sexual offences are universal and prevalent in every society. Rape has wide dimension of impact including physical, reproductive, mental and social dysfunction<sup>9-12</sup>. Rape victims have to face absurd questions and examinations in the court or by a doctor to prove the incident (often an encounter which the victim is trying to forget)<sup>4,13</sup>. Victims also have to face difficulties in registering a case and its prosecution by law due to frequent flaws of local police departments<sup>14</sup>. Besides the sociocultural consequences of these

crimes, a significant number of rape cases go unreported<sup>6,14,15</sup>.

The prevalence of sexual violence in India from 2005-06 was 8.5%<sup>16,17</sup>. The number of reported rapes for the 14-50 age group in 2001 was 14,040 which increased to 21,655 in 2012 with an increment rate from 2001-2012 of 54.2%<sup>17</sup>. Reported rape cases are still significantly lower in the Indian subcontinent than in other western, African and European nations.<sup>5</sup> In 2013, in India total reported rape cases were 33,707 (5.7%).<sup>18</sup> Though there is marginal increase in other sexual offences against women by 2.5%, cases of rape have fallen by 5.7% — coming down from 36,735 in 2014 to 34,651 in 2015.<sup>19</sup>

The objective of this article is to analyze the factors for long term trends of rape cases in the Indian subcontinent.

## METHODOLOGY

The articles related to rape in Indian subcontinent were rigorously searched. In Pub-Med there were 122 articles published in Indian journals on this topic. We reviewed those concerned with causes and consequences of rape. In addition, related cross references of the articles were also reviewed in preparing and presenting this paper.

## DISCUSSIONS

Rape is consequence of interplay of socioeconomic, demographic, police and judicial sectors, legislation, and mass media exposure<sup>20</sup>. Violent rapist males tend to have exaggerated masculinity, antisocial, impulsive personality, and ignorance about the impact of their actions and the laws that protect women<sup>9,21</sup>. International Men and Gender Equality Survey (IMAGES) on gender attitudes showed 68% among surveyed Indian men (n=810) agreed that women should tolerate violence to keep their families together. This clearly shows the cultural biases men have against women. As a result, legislation alone is unlikely to stop violence against women<sup>3,22,23</sup>.

Rape and sexual assault occurs in different scenarios which may predispose females at risk and may provide perpetrators an opportunity to commit the offenses such as private homes, streets and offices, or unique group dynamics like communal riots, battles between caste or religious

groups where a woman's body is used as a tool of revenge<sup>3,24</sup>.

Though rape is equally common in all social classes of people, poor women and girls are at more risk of rape due to their risky occupations, through the risk of sexual coercion to find and maintain jobs, or through poor parental care of girls being inability to afford child care<sup>6,9,25,26</sup>. With These physical, socio-cultural, psychological, religious isolation, migration and disability related risks facilitate increased incidences of sexual offences and rape<sup>9,12,25</sup>. With migration, during adolescence, parental violence often influences rape<sup>27</sup>. Rape in children is common given their inability to fight back and their fear of accusing the perpetrator especially when by known to victim<sup>8,10,11,25,26,28,29</sup>.

Unconstitutional and informal law-making bodies prevailing in different parts of the region are governed and dominating by males, can disregard the suffering of women, and bring level of misogyny that stops women from building capabilities, economic careers, and acquiring some independence from male figures. This also predisposes sexual assault of a female by limiting their rights<sup>3,30</sup>. Studies and reports show poor women from remote areas, Dalits, low educated and poorly represented women and girls<sup>31</sup> are more at risk of rape and sexual assaults<sup>32-34</sup>.

Imbalance in sex ratio due to the preference of male babies also influence increasing violence and rape against females<sup>35</sup>. Rape is still used to punish women who marry into different castes in rural India like Dalit and foreign women. Rape is common in other Asian countries like Pakistan, Afghanistan, Bangladesh, Sri Lanka, and Nepal due to poor legislative protections and socio-cultural patriarchal thought which promote misogyny and enable male perpetrators by making they feel above the law. Also in women's welfare, governing bodies like local police can sometimes be involved in rape and sexual assault, avoiding the reporting of such crimes, and facilitating the acquittal of rapists<sup>36-39</sup>.

It is a current controversy as to whether movies, pornography, or other violent media have a direct influence on sexual assault and rape, as some studies have shown correlation while others contradict this notion<sup>14,40,41</sup>. Bollywood films have a strong cultural influence – these typically have very sexist plots, which can be interpreted by some to show that if you push women long

enough eventually they will succumb to your advances<sup>9</sup>. A lack of public toilets also may put India's women at risk of assault, as they often have to go out to an open field in darkness to relieve themselves<sup>42,43</sup>.

Rape victims often have to face difficulties in registering and prosecute a case, due to poor legislation and the limited punishment and sentences given to rapists compared to other offences<sup>14,21,25,37,39,40,44,45</sup>. Due to inadequate employment, trafficking of women and girls by criminal organization for sexual purposes is the flip-side of globalization, leading to increasing sexual exploitation and sexual offences as well<sup>9,46</sup>. Nepal and India acts as a source country to run the global brothel and prostitution industries, which influences the rising trends of rape<sup>9,26,46,47</sup>.

To reduce and prevent the gender-based violence and sexual offence against women, women's rights partners may work with men and boys to change societal biases<sup>48</sup>. Around the globe, men who faced sexual violence or neglect as children are more likely to report perpetrating sexual violence. Among Indian men who were sexually abused in childhood, 34% of those report sexual violence perpetration, compared to 22% of those who were not<sup>47</sup>.

Alcohol and substance abuse is one among many inter-linked factors contributing to sexual violence, but alcohol use alone cannot be said to cause sexual violence<sup>9,47,49</sup>. While demographic trends related to sexual violence are visible in some studies, the data do not support the notion that perpetration of rape is significantly related to education level, employment status, or age<sup>47</sup>.

Men who hold attitudes of male privilege and entitlement are consistently more likely to perpetrate rape<sup>47</sup>. Policies and programs aiming to prevent violence must place greater emphasis on setting a non-violent life course among young children and adolescents being likelihood of perpetrating sexual violence by men occur during young age. Health policies and school-based programs aiming to reduce violence and to prompt healthier, more non-violent lifestyles have shown success in multiple age groups<sup>47,50</sup>.

Recently, the reported number of rapes is increasing and this may be due to increased numbers of rapes occurring with an increase in population and/or due to a ongoing awareness raising programs about rape laws, and a

subsequent increase in reporting by victims. In the Philippines three out of four rape incidents are reported.<sup>28</sup>

## CONCLUSIONS

We can conclude, reported rape is increasing in south Asian countries due to various factors like actual increase in crime rates due to male psychology and other adverse situations of women like poverty and isolation. Public awareness about crime and increased reporting may also be a factor. Poor socioeconomic conditions and unemployment increase the opportunity for rapists to take advantage of the disadvantages of women.

There is a need to re-orient law enforcement personnel and the general public through educational conferences, seminars, and workshops about women's issues. Proper implementation of the law and investigation of sexual crimes should be started immediately to prevent the escape of culprits and to create a deterrent effect within law enforcement.

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