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# Socio-Legal Exclusion of Rape Victims

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Why do rape victims feel 'ashamed' of being raped?

Why do most rape victims choose to remain silent?

Why are rapists able to videotape their crime and use it to blackmail the rape victim?

Why do some rape victims commit suicide?



# Partial Exclusion: Ideal Victim Test and Victim Blaming

Ideal victim test: Social tendency to qualify status of victimhood with certain factors ([Nils Christie](#))

→ An ideal victim is a woman who:

only leaves the house during the day,  
out of necessity,  
while 'modestly dressed' and  
preferably with a male guardian.

- Who was she with? What was she doing?  
What was she wearing? Why was she there to begin with?

→ TONU of Banani rape victims

- S. 155(4) Evidence Act 1872



# Total Exclusion: Denying Victimhood

- Male rape victims: refusal to acknowledge male on male rape (2,354 male rape victims, UN Multi Country Study, 2013 )
- Marital rape: irrevocable consent in marriage (60% men reported committing PV or SV against wives, BDHS Survey, 2009).
- Hijra community members/ transgender people: *'toder to kichui nai – toder shathe keo keno korte chabe?*
- Sex workers: *'toder abar kisher rape? Toder to kaj e eta'*



# Building an inclusive society for rape victims

- Legal exclusion: changing law
  - >Reform discriminatory rape laws.
- Social exclusion: changing mindsets
  - >We need to understand rape as simply being *sexual intercourse without valid consent*.
  - > Consent classes in Nairobi, Kenya reduced rape by 50%. (*No Means No Worldwide*)
  - >We need to recognise and challenge the ideal victim test every time we see it being applied by members of society.

Only then can we create a society where a rape victim does not feel 'ashamed' for being raped.

