
A STUDY ON THE LESSER-KNOWN ISSUE OF SEXUAL VIOLENCE AGAINST MEN AND THE URGENT NEED FOR A REFORM IN INDIA'S SEXUAL-CRIME LEGISLATIONS.

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ABSTRACT

When the word 'rape' is mentioned in a conversation, regardless of place, time and tone of the conversation, the victim is the image of a woman and the perpetrator is that of a man, we might imagine them with or without features, voice or voiceless, sane, or insane, literate, or illiterate but the end result has always been the same, the image of a woman as the victim and a man as the criminal. Now, what is we reverse their roles?

Does it feel wrong? Misplaced? Or does it feel like something that simply is not supposed to happen...

Sexual violence against men is topic that has never enjoyed the same levels of attention as its other counterparts, needless to say, its lack of awareness has resulted in the denial of justice/acknowledgement to many men who have been subject to the heinous crime of sexual violence.

This paper works to analyse the reason for the neglect that male victims of sexual violence have suffered over the years, the statistics related to such crimes around the world, a look at the various international legislation their provisions or the lack thereof towards male victims, the Indian perspective of the issue and the measures that can be undertaken to ensure that the woes of men are being given a listening ear to.

The paper will look at the various instance where sexual violence against men may take place, the paper will not constrain itself to one type of sexual crime due to the lack of sufficient data. The jurisdiction will be international (with special emphasis to India) due to the fact that this is a global issue.

Chapter-1

Introduction to The Research Paper.

1.1 Abstract of the Research Paper:

Introduction to Research Paper:

When people talk about men being victims of sexual crimes or domestic violence, some of us may think ‘Long gone are the days when only women and children were being sexually victimized.’ However, men have been victims of various sexual crimes since time immemorial but their victimization simply has not been given the same level of attention that other genders have been given. In recent times, there has been a fortunate increase in the awareness of queer groups and other genders being affected by such sexual crimes, however, the same cannot be said of the male gender.

The overarching social stigma of masculinity and similar societal traits have doomed male victims of sexual exploitation to obscurity.

This paper works to analyse the reason for the neglect that male victims of sexual violence have suffered over the years, the statistics related to such crimes around the world, a look at the various international legislation their provisions or the lack thereof towards male victims, the Indian perspective of the issue and the measures that can be undertaken to ensure that the woes of men are being given a listening ear to.

Scope:

The paper will look at the various instance where sexual violence against men may take place, the paper will not constrain itself to one type of sexual crime due to the lack of sufficient data. The jurisdiction will be international (with special emphasis to India) due to the fact that this is a global issue.

Research Question:

1. What are the reasons/factors that have led to male sexual violence not being given enough attention to?

2. What is the statistical position of male sexual violence on a global scale?
3. What are the remedies available to male victims of sexual crimes in an Indian and international framework?
4. What are the measures that can be taken to ensure an increased awareness amongst people with respect to male sexual violence?

Research Objectives:

1. To ascertain the reasons/factors that have led to male sexual violence not enjoying proper awareness?
2. To ascertain the statistical position of male sexual violence on a global scale.
3. To ascertain the remedies available to male victims of sexual crimes in an Indian and international framework.
4. To ascertain the measures that can be taken to ensure an increased awareness amongst people with respect to male sexual violence.

Research Problem:

Male victims of sexual violence have not been given the same levels of attention as their female counterpart due to various factors such as social stigma, overarching idea of masculinity and absence of proper redressal mechanisms. This gravity of the issue has been severely downplayed in recent times with male victims being poorly addressed to.

Hypothesis:

For this paper, I hypothesis that reasons for low awareness amongst people or their general disregard to male sexual victims is the social stigma of masculinity and the general bias that the media practices when covering victimization of children and women during time of armed conflict. Further the absence of gender-neutral sexual crime legislations has resulted in the lessening of awareness that must be given to male-victims.

Chapter-2

A Study on Male Sexual Violence and its Lack of Awareness

2.1 Factors that have led to a lack/absence of awareness:

Skimming through the internet about ‘male rape’ and its lack of awareness thereof would let one know that in the America as of 2010, 1.4% of men, an approximate of 1,581,000 men had been subject of rape, while 1 in 5 men have been subject to sexual violence other than rape.¹ Interestingly though, such victims were usually victimized by stranger, this is a trend not usually seen in female rape cases where 38% of all victims knew the offender intimately while in case of male rape the numbers is only 3%².

One of the most basic reasons that experts tend to associate low reporting rates by men is due to the societal notion about masculinity and the image that men are ‘invulnerable’ and can take care of themselves, shockingly, it so happens that most counselling organization do not have the resources to treat victims of male rape.³

“If you’re sexually assaulted, there’s this idea that you’re no longer a man.”

- Neil Irvin, executive director of the organization Men Can Stop Rape.

2.1.1 Lack of Legal Recognition:

American and United Kingdom:

One of the biggest factors towards such low awareness has been credited to the largely inconsistent international legislations in this regard, the UK did not have a dedicated male rape legislation until 1994 (which shockingly carries a lesser charge than female rape), literatures further point out that most states do not recognize a man as ‘raped’ if the same was perpetrated by a woman, this is in contrast with US’s legal definition were ‘penetration’ can be done by any part of the body.⁴ In the same literature it has been further suggested that legal recognition

¹ **Table 2.2** of The National Intimate Partner and Sexual Violence Survey, 2010 Summary Report.

² Page 10 of ‘*Criminal Victimization, 2005*’ paper released by U.S. Department of Justice, June 16, 2011.

³ Roni Caryn Rabin, *Men Struggle for Rape Awareness*, The New York Times (Jan. 23, 2012, 19:15), <https://www.nytimes.com/2012/01/24/health/as-victims-men-struggle-for-rape-awareness.html>

⁴ L. Hammond, *Perceptions of male rape and sexual assault in a male sample from the United Kingdom: Barriers to reporting and the impacts of victimization* 14, J. Investig. Psychol. Offender Profiling 133, 135-135 (2017).

has resulted in greater awareness of male rape, non-recognition does not provide consistent acknowledgement but it helps in reinforcing the stigma that men can't be raped.⁵

Other literatures have pointed out the lack of inclusion of various scenarios of rape in legal definition of male rape, for example the United Kingdom legislation only includes 'penile penetration' which rules out digital rape and rape initiated by women.⁶

Moreover, the United Kingdom law 'Sexual Offences Act (2003)', a very gender-specific legislation by whose wordings women simply cannot be convicted for rape⁷, a 1982 paper has suggested that women can indeed rape men but the legislation of many countries have been silent about it.

India:

Even though it has been recognized several times that rape is essentially a non-consensual sexual act, the Indian definition is extremely gender-specific.⁸

Section 375⁹ of the Indian Penal Code start with the words 'A man is said to commit "rape" if he-'. The need for gender-inclusive sexual crime legislation has been a topic that has gained little traction over the years but has not led to a movement that is worthy of inducing change.

Another literature suggests that the lack of such gender-neutral sexual-crime legislations is due to the low number of crime-reporting by male victims, due to this the consequence of male rape is not understood by the legislators.¹⁰

Gender-neutral activists had a moment to celebrate in December of 2018 when the honourable Delhi High Court affirmed the application of section 354¹¹ of the IPC to transgender persons.¹²

⁵ *Id.*

⁶ Javaid A, *Male Rape in Law and the Courtroom*, 20 Web J CLI 1, 1-2 (2014).

⁷ Sarrel P.M., *Sexual Molestation of men by women* 11 Arch. Sex. Behav. 117, 120-122 (1982).

⁸ Subuhi Safvi, *Men can be raped, and women can rape: Why Indian laws need to change for a more equal society*, dailyo (Oct. 23, 2018, 16:35 IST), <https://www.dailyo.in/variety/rape-laws-sexual-assault-section-377-sodomy-men-victims-of-rape-asia-argento-rahul-raj-singh-metoo-27360>

⁹ The Indian Penal Code, Sec. 375, No. 45, Imperial Legislative Council, 1860 (Indian).

¹⁰ Lowe M. *The unheard victims: Male survivors of sexual abuse* 28 The Psychologist 118, 120-122 (2015).

¹¹ The Indian Penal Code, Sec. 354, No. 45, Imperial Legislative Council, 1860 (Indian).

¹² Apoorva Mandhani, *Delhi HC Affirms Application Of IPC Sexual Harassment Provision To Transgenders*, livelaw (Dec. 24, 2018, 17:25 IST), <https://www.livelaw.in/delhi-hc-affirms-application-of-ipc-sexual-harassment-provision-to-transgenders-read-order/>

However the court has been silent on the application of 375 and 377 to such persons.¹³

2.2 Lack of Reporting and seeking help by Victims:

2.2.1 The over-arching identity crisis of men:

One of largest reasons to underreporting/non-reporting by male victims of rape crimes is due to the social status of being 'masculine,' while for females underreporting behaviour is due to fear of retaliation by the perpetrator.¹⁴ When it comes to men this factor is usually due to a harm to their 'masculine identity' that is attached by society or the fear of being perceived as 'gay' and the social stigma that male rape only occurs between homosexuals, it has further been reported as a crime of 'power' rather than a crime of sexual needs.¹⁵

The paper (Sarce M, 1997) calls for an immediate sensitization of male rape back in the year 1997,¹⁶ one need not explain the state of male rape as been by today's standards.

It has been reported in various literatures that male victims struggle to make sense and cannot identify with themselves after suffering a sexual violence, the general masculine stigma led to men struggling to open or seek help, the papers further suggested that risk of secondary victimisation is high amongst male victims.¹⁷

Forensic experts have reported that in case of male-on-male rapes, only 10% or fewer of such assaults are reported to the authorities and it is very rare for a physician to encounter cases of male rape.¹⁸

2.2.3 Barriers to help-seeking by male victims:

A report titled 'Male survivors of sexual violence and abuse (SVA)' published by the Ministry of Social Development, Wellington, New Zealand, would given us a great idea about the

¹³ Dr. Amit Patil, Adult Male Victims of Rape: Need of Legal Recognition in India 29 J Forensic Leg Med. 50, 54-55 (2020).

¹⁴ R. Sable, *Barriers to Reporting Sexual Assault for Women and Men: Perspectives of College Students* 55 J. Am. Coll. Health 157, 160-161 (2006).

¹⁵ Nathan W. Pino, *Gender Differences in Rape Reporting* 40 Sex Roles 979, 988-989 (1999).

¹⁶ Scarce M, *Same-sex rape of male college students* 45 J. Am. Coll. Health 171, 173-174 (1997).

¹⁷ Darren Langdridge, *Male survivors' experience of sexual assault and support: A scoping review* 70 Aggress Violent Behav. 1, 7-9 (2023).

¹⁸ Iain A McLean, *Forensic Medical Aspects of Male-on-Male Rape and Sexual Assault in Greater Manchester* 44 Med. Sci. Law. 1, 2-3 (2004).

various barriers male victims face when attempting to seek help.

1. **Gendered societal norms and myths being a barrier for seeking help:** Victims have reported that such as ‘men must be strong and stoic’ and the general sense of masculinity has led them being reluctant about seeking help.
2. **Poor quality of formal and informal help-mechanisms:** Even if victims were to seek help, the quality of services rendered to them were very poor and such workers were ill equipped to deal with such issues.
3. **Complex psychological issues related to male rape:** The nature of trauma suffered by victims were too complex to be handled by the service workers, most places did not have specialist workers to deal with such issues.
4. **Lack of visibility of such specialist workers:** It has been reported that specialist workers are indeed successful in dealing with male victims, however they are not as visible as other help-delivery services.¹⁹

Moreover, there are certain factors that aggravate non-disclosure, factors such as, male rape myth acceptance, conforming to masculine norms, uninformed attitude towards homosexual men, emotion-suppression activities, trauma reaction and stigma level.²⁰ Out of the above stated factors, ‘Male Rape Myth Acceptance’ has been a contemporary issue that has plagued help-seeking and reporting amongst male victims.

2.3 Male Rape Myth Acceptance:

‘Rape Myth Acceptance’ is a phenomenon generally seen in female rape victims, it is described as the attitude that society has towards victims that lead to normalization of rape or victim blaming, they are views that are generally false but widespread, worst of all they try to justify the actions of the perpetrator, rape myth is a very dangerous phenomenon as it leads to normalization and further perpetration of rape as a crime.²¹

¹⁹ ‘Male survivors of sexual violence and abuse (SVA)’ published by the Ministry of Social Development, Wellington, New Zealand, published in February 2023.

²⁰ Timothy J, ‘Barriers to Disclosure of Sexual Victimization Experiences Among Men’ Thesis and Dissertations University of Wisconsin Milwaukee, August 2017.

²¹ Rosemary Iconis, *Rape Myth Acceptance In College Students: A Literature Review* 1 CIER. 47, 47-48 (2008).

Rape myths generally stem out from the negative views held towards women, it is also due to positive correlation with masculine traits and general sexist attitude towards male-female relations.²²

When it comes to myth from the perspective of men, it usually takes place due to the sexual orientation of the said victim, for example gay men are more likely to be affected by the myth than heterosexual men, moreover, the portion of society that believes that men must be masculine and physically strong end up blaming the male victim for the rape being carried out against him, hence for men, sexual orientation and societal norms have led to negative correlation with male rape victims.²³

Moreover, there are varied beliefs of faith and religion that homosexual men are being raped as a punishment for their deviant lifestyle which is another form of myth created as a result of conservative thinking of society.²⁴

Now that the paper has provided the reader with a general idea of what leads to the decreased awareness of male rape and similar cases of sexual violence, in the following chapter a discussion using statistical data will ensue.

²² Jhodi-Ann M. Bowie, *Rape Myth Acceptance: Clinical Implications for Victims and the Role of Sexist Attitudes, Conformity to Gender Norms, and Closeness to a Rape Victim*, Counselling and Psychological Services Dissertations published by Georgian State University, 2018.

²³ Randi Spiker, *Male rape myth - The role of gender conformity in men's perceptions of male rape* 26 Mod. Psychol. Stud.1, 6-7 (2022).

²⁴ Anthony D. Murphy, *Development, and validation of the Male Rape Myth Acceptance Scale (MRMAS)* 7 Heliyon. 1, 3-4 (2021).

Chapter-3

The Need for Gender-Neutral Sexual Crime Legislation

3.1 The Absence of Gender-Neutral Sexual Crime laws in India and its effects:

As it has been discussed above, India despite being a country that has made ground-breaking advancements in laws has failed to include gender-neutral legislations especially in sexual crimes and crimes such as rape.

The wordings and definition of current rape laws in our country could deter male victims from seeking legal remedies, redressals, or even psychological help as the absence of such laws would ultimately stagnate the ideology that society has towards male rape.

3.1.1 Sexual Crime Legislations in India:

The wording of Art 14²⁵ and 15²⁶ of the constitution when read together makes it clear that no person can be denied equality before the law on grounds of their sex. But as discussed above section 375²⁷ and 376²⁸ have gender-specific definition and penalties for rape which is against the intention enumerated under the constitution, it has been argued that gender neutral definition can lead to widespread acceptance of the fact that men can also be victims to such sexual offences, the offence of male rape is not an 'exceptional' or 'freak' occurrence, it is surprisingly common.²⁹

3.1.2 State of Male Victims in India:

A survey among a small group of men in India revealed that 16.1% of the said group of men were forced into performing sexual acts by an adult woman and 2.1% were forced by a adult

²⁵ 14. Equality before law. —The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

²⁶ 15. **Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.** — (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them

²⁷ The Indian Penal Code, Sec. 375, No. 45, Imperial Legislative Council, 1860 (Indian).

²⁸ The Indian Penal Code, Sec. 376, No. 45, Imperial Legislative Council, 1860 (Indian).

²⁹ Isha Sharma, *Should Sexual Offences be Gender Neutral?* 11 Pen Accliams. 1, 1-2 (2020).

male.³⁰ Moreover it is important to note that most male victims do not report the crimes due to social stigma attached with them.

3.2 Arguments Against Gender-Neutral Rape Laws:

3.2.1 Male rape is a freak occurrence:

Advocates against Gender-neutral laws have even gone as far as deeming the crime as a 'rare or freak' occurrence that simply is not significant enough to bring about a change in legislations.

"There are no instances of women raping men." (TNN, 2012)

–Vrinda Grover, Times of India³¹

It is however, clear from our above discussions that rape against men is quite a common offence, in US alone at least 24.8% of men have experienced sexual violence of some form,³² while over half of male victims (52.4%) reported being raped by an acquaintance and 15.1% by strangers.³³

Another study revealed that 25.1% of victims reported non-consensual sex by a female and 23.5% reported an attempt by female to engage them in sexual activity.³⁴

Sexual crimes against men are prevalent on a world-wide scale to be termed as 'freak or rare' occurrences.

3.2.2 Can be Misused:

Another set of advocates believe that men would use this to further marginalize woman by maliciously reporting crimes against them. This argument does not make much sense as it clear

³⁰ *Id.*

³¹ TNN, *Cabinet nod to make rape gender-neutral riles women's groups*, Times of India (Jul. 20, 2012, 05:00 IST), <https://timesofindia.indiatimes.com/india/cabinet-nod-to-make-rape-gender-neutral-riles-womens-groups/articleshow/15049606.cms>

³² Smith, S. G. *The National Intimate Partner and Sexual Violence Survey: 2015 data brief*, published by Centres for Disease Control and Prevention. (2018).

³³ M.C. Black, *The National Intimate Partner, and Sexual Violence Survey (NISVS): 2010 Summary Report*.

³⁴ B. Krahe, *Men's reports of nonconsensual sexual interactions with women: Prevalence and impact* 32 Arch. Sex. Behav. 165, 166-167 (2003).

from our above discussions that men are reluctant to seek help or even report their crimes, 90-95% of male victims do not report their crimes.³⁵

³⁵ Jai Vipra, A Case For Gender-Neutral Rape Laws, CSS Working Paper (286), 2013.

Chapter-4

Conclusion and Suggestion

4.1 Conclusion:

In this paper, the author has discussed upon the plight of male sexual crime victims, the reason for low awareness amongst society with respect to such crimes, the need for gender neutral laws and the effects that their absence brings to society.

Given below are the answers to the research questions:

1. What are the reasons/factors that have led to male sexual violence not being given enough attention to?

The overarching social ideas regarding masculinity and ‘men can protect themselves’ is one of the greatest factors that have deterred men from reporting or seeking help for their victimization, moreover, the lack of gender-neutral laws would eventually mean that such crimes are not recognized in society. There is a great presence of awareness amongst countries which have such gender-neutral laws.

2. What is the statistical position of male sexual violence on a global scale?

Over a quarter of (25.4%) of American men have experienced sexual violence of some form in their lifetime. It is saddening when one realizes that reliable data is simply not available in the Indian context and once again indicates the need to raise awareness regarding male victims of rape.

3. What are the remedies available to male victims of sexual crimes in an Indian and international framework?

There are no remedies as of now in India for male victims of sexual crimes due to the gender-specific wording of the legislations. Internationally, one can approach the honourable International Criminal Court, but only for ‘conflict related sexual crimes’, however we can take a moment of respite as the ICC ‘Elements of Crime’ have defined rape in a gender-neutral manner, ensuring that rape does not apply exclusively to women

and children.³⁶

4. What are the measures that can be taken to ensure an increased awareness amongst people with respect to male sexual violence?

The most effective manner to increase awareness about male sexual violence is to establish gender-neutral legislations and educate the population to remove the stigma of masculinity. The state must ensure that specialized recovery mechanism for male victims is also established to ensure that they have proper help-seeking mechanisms which would lead to an increase in awareness.

4.2 Suggestions:

Men being subjects of rape and sexual violence is something generally unheard of but is without doubt a prevalent global and national issue, due to its lack of awareness and aggressive opposition by feminists who believe that gender neutral laws are not necessary, the plight of male victims goes unheard. Men are torn between the social stigma such as ‘if you are raped you are no longer a man’ and ‘male rape is a freak occurrence.’ Male rape is indeed a common occurrence and needs immediate attention of both national and international law.

³⁶ Tanja Altunjan, *The International Criminal Court and Sexual Violence: Between Aspirations and Reality* 22 Ger. Law J. 878, 879-880 (2021).

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