

**SILENCE OF MALE RAPE VICTIMS: AN ANALYSIS OF THE LEGAL AND
INSTITUTIONAL FRAMEWORK OF MALE RAPE IN NIGERIA**

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UNIVERSITY OF BENIN
BENIN CITY**

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
UNIVERSITY OF BENIN, BENIN CITY, IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS
(LL.B)**

DECEMBER 2023

CERTIFICATION

This is to certify that **Onome Shirley OBAHOR**, with Matriculation Number **LAW1704757**, duly carried out this essay with reference to the works of other individuals, which have been duly acknowledged. This entire work is the product of my research and this project has neither in whole nor in part been presented for another degree elsewhere.

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APPROVAL

We certify that this essay was completed by **Onome Shirley OBAHOR** with Matriculation Number **LAW1704757** in partial fulfilment of the requirement for the award of the Bachelor of Laws Degree (LL.B).

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DEDICATION

I dedicate this work to God Almighty, for the grace and strength to carry out this research and for seeing me through all the difficulties encountered in the course of completing this project.

Also, to my superwoman and best friend Akpimogi Queen for all the encouragement and unwavering support throughout the pursuit of this degree and to Mr Morgan Obahor for every support rendered in the course of this degree.

Lastly, I dedicate this work to every adult male and male child out there who has been sexually violated or raped and exploited, who have had to go through the terror and pain in silence and alone.

ACKNOWLEDGEMENT

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I want to thank the entire staff of the Faculty of Law, University of Benin for providing a comfortable and conducive learning environment and for carrying out their duty of instilling knowledge diligently throughout my stay in UNIBEN. I sincerely appreciate the efforts put together to achieve this degree.

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ABBREVIATION

- AIDS - Acquired Immunodeficiency Syndrome
- CEDAW - Convention on the Elimination of all forms of Discrimination Against Women -
- CFRN - Constitution of the Federal Republic of Nigeria
- CSO - Civil Society Organization
- HIV - Human Immunodeficiency Virus
- NGO - Non-governmental Organization
- PTSD - Post Traumatic Stress Disorder
- SARC - Sexual Assault Referral Center
- STI - Sexually Transmitted Infection
- UNICEF - United Nations International Children's Emergency Fund
- VAPPA - Violence Against People Prohibition Act
- WACOL - Women's Aid Collective

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ABSTRACT

The offence of rape is a highly reprehensible and distressing social issue which have serious consequences for victims and society as a whole. It is a crime that is not limited to any gender and anyone can be both a perpetrator and a victim. While male victims have been mostly marginalized and silenced, this research delves into the phenomenon of male rape and explores the factors contributing to their silence and underreporting. This project focuses on the legal and institutional frameworks of male rape in Nigeria while considering the barriers this has created for male rape victims in Nigeria by exploring how the Nigerian laws address rape and male rape and the social stereotypes surrounding male masculinity and its effect on male victims of rape. It also seeks a review and reform of the laws guiding the offence of rape in Nigeria. It aims to provide recommendations for how society can better support male survivors and break the silence around male rape by creating platforms and enacting rape laws that ensure justice and help for male rape survivors.

CHAPTER ONE

1.0 General Introduction

The recognition and criminalization of male rape is an important issue that has gained more attention in recent years. Laws in many jurisdictions have historically focused on female victims¹ but there is a growing understanding that male victims should be equally protected under the law. Legal reforms and increased awareness are steps towards addressing this issue and ensuring justice for all survivors of male rape.

This chapter explores the issue at hand and examines the potential steps involved in researching this literature. It delves into the problem, and its significance, and outlines the methodology and approach that will be used to investigate and analyze relevant literature. It may also discuss the challenges, limitations, and ethical considerations that researchers need to address in the pursuit of this study.

1.1 Background to the Study

There is a common notion amongst Nigerians that male rape is an impossible incident and it is perceived as unrealistic or rather ridiculous². Even the laws guiding the offence of rape seem to be in support of this notion and this is shown in the explicitly worded paragraphs depicting that only females could be raped. For example, *section 357 of the Criminal Code* and *Section 282 Penal Code* give a clear picture of what rape is and the ingredients for proof of rape and they excluded the male

¹ Magdalene Nwanyiuzor Dike and A.K Anya, 'Foundation on Framework for Male and Female Rape Legislations in Nigeria: Delta State as a Case Study' *K I U Journal of Humanities* [2023] 8(1) 149

² Odimegwu Onwumere, 'Rape of Men, Under Reported Sexual Abuse' *Thisday Newspaper* (Lagos, 19 August, 2016)<<https://www.thisdaylive.com/index.php/2016/08/19/rape-of-men-under-reported-sexual-abuse>>accessed 29 September 2023

counterparts and refused to see a possibility that a male could be the victim of such crime. However, male rape as much as female rape is very much prevalent in society³.

Numerous cases of male rape have gone unreported, studies have shown that approximately 90% to 95% of male rape incidences are not reported.⁴ This crime could be said to be one of the most discredited, underrated and underreported crimes as male victims face peculiar barriers to disclosing it and/or seeking justice⁵. Researchers and writers tend to focus more on female victims and neglect the need to look into the male victims' cases⁶. The statistics of researchers on female rape victims are comparatively higher than that of male rape victims⁷.

The neglect of the male victims of rape on the part of society and law and the law tend to push these gentlemen into silence rather than seeking help or justice for themselves which also limits their access to justice as guaranteed under the *Constitution of the Federal Republic of Nigeria 1999 (as amended)*⁸. They are paid little or no attention and even if they choose to follow the legal route of redress, there is still not enough backing to support their claims as the law itself is one big limitation to the voice of male victims of rape.⁹ Although the enactment of the *Violence Against People (Prohibition) Act 2015*¹⁰ was a bit of a step up from this situation, however, it has not been domesticated by some states.

³ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

⁴ Bruce D mad J Charles Wadsworth, 'Delivery of Rape-related Services in CMHSS: An Initial Study' *Journal of Community Psychology* [1983] 11(3)236-240

⁵ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

⁶ *ibid*

⁷ *ibid*

⁸ s. 34

⁹ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

¹⁰ s. 1

Society itself has little or no help as we come from a society that would rather clamour for male dominance over females than give males a voice to speak and seek help when they are in trouble¹¹. They are trained as well as advised to “man up” or “be man enough” to handle their problems without bothering anyone thereby emanating in the stereotype that men who speak up when they are hurt or in trouble are weak. And of course, no man wants to be seen as weak¹².

Therefore, there is a need for a review and a reform of these legal lacunas on the offence of rape that makes it unfavourable and biased against the male victims of rape, and also a societal awareness strived at creating a tolerable society for male victims of rape by encouraging them to speak up and provide them with the help they require.

1.2 Statement of Problem

The rate of male rape victims has increased in recent times and most of the incident goes unreported as there is not enough support for male victims of rape¹³. The existing legal definition of rape in Nigeria as contained in the *Criminal Code*¹⁴ and the *Penal Code*¹⁵ is gendered; recognizing men as perpetrators and women as victims which has resulted in a gap in the legal protection of male victims of rape. These two statutes, which serve as primary legislation in the prosecution of rape cases in Nigeria, require updates to explicitly address male rape as well. Currently, the only legislations on rape in Nigeria that is gender neutral are the VAPP Act¹⁶, which has not been

¹¹ Falana Abolade and Falana Tolulope, ‘The Socio-Legal Attitude Towards Rape Victims in Nigeria During COVID-19 Pandemic’ *International Journal of Innovative Research in Social Sciences and Strategic Management Techniques* [2012] 9(1)22

¹² Jessica A Turchik and Katie M Edwards, ‘Myths about Male Rape: A literature Review’ *Psychology of Men and Masculinity* [2012]13(2)211-266

¹³ Falana Abolade and Falana Tolulope (n 11)

¹⁴ s.357

¹⁵ s.282

¹⁶ s.1

adopted by all Nigerian states, along with the recently amended *Criminal Law of Edo State 2022*¹⁷ and *section 261 of the Criminal Law of Lagos State 2011* sharing the same provision with *section 1 VAPPA*. It is imperative to amend all rape legislation in Nigeria to explicitly address male rape cases.

There are a lot of statutes and platforms created to protect the female gender (for example CEDAW, Women at Risk International Foundation, Media Concern Initiative for Women and Children); both women and children which encourages them to speak up and get help if they are in trouble, this is not so for the male counterpart as they are paid little or no attention or even given a voice to speak up if they have to, it is vital to note that some of the foundations set up to help victims of rape are gender neutral, however, a study showed that male victims are given little or no attention and their cases treated with levity¹⁸. The societal stereotype of male masculinity would rather have them shut up or even shut them up if they try to speak up about their struggles¹⁹.

Furthermore, from a very young age, male children are trained to be tough and unyielding and to put on a mask of strength and dominance. This means that they have been psychologically built up not to show weakness, this further enhances their shame whenever they are overpowered and raped and it tramples on their confidence to speak up about their experiences. The perpetuation of societal attitudes and stereotypes related to masculinity further compounds this problem by creating a stumbling block for male survivors of rape to openly disclose their traumatic experiences²⁰.

¹⁷ s.211(1)

¹⁸ Michael Nelson, 'Traditional Gender Roles: The Culture of Toxic Masculinity and the Effect on Male Rape Victims' (Masters Theses Bridgewater State University 2019) <<https://vc.bridgew.edu/theses/71>> accessed 29 September 2023.

¹⁹ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

²⁰ *ibid*

There are a lot of harmful myths and misconceptions about male rape which undermines the ability of victims to seek the help and support they need. The silence of these victims further makes the problem worse because it hinders the development of adequate prevention and intervention strategies²¹.

1.3 Aims and Objectives

This study aims to shed light on the concept of male rape and explore the factors aiding the silence of the victims with the ultimate goal of advocating for a more compassionate and inclusive response to their needs.

The objectives of the study are:

1. To examine the prevalence of male rape and the factors contributing to underreporting.
2. To consider the causes and effects of rape on male victims.
3. To examine the legal and institutional framework of male rape in Nigeria.
4. To examine the availability and adequacy of support services appropriate for male victims of rape.

1.4 Scope and Limitations of the Study

This study focuses on male rape victims and survivors in Nigeria; however, references may be made to other regions from time to time.

It will examine the legal and institutional framework in Nigeria that addresses the offence of rape and its impact on male victims.

²¹ ibid

This study may also include the analysis of existing laws, literature and programs related to male survivors of rape.

1.5 Significance of the Study

This research seeks to fill a critical gap in the existing literature by highlighting the social and legal loopholes in the offence of rape.

It also seeks to create an awareness about the existence and prevalence of male rape and explore the reasons for the silence of victims and understand the barriers they face to speaking up and its effect on society.

In conclusion, this research can create a pathway to addressing the prevalent issue of male rape and formulating better policies and measures for the effective control and prosecution of male rape in Nigeria.

1.6 Research Methodology

The doctrinal research methodology will be employed in this research. This involves the use of primary and secondary materials which are central to this research and it includes statutes, law reports, textbooks, articles, journals, newspaper reports, treaties and other international legal materials.

1.7 Chapter Analysis

Chapter one gives an introduction to the topic by highlighting the background to the study, statement of the problem aims and objectives of the study, scopes and limitations of the study, significance of the study, research methodology and chapter analysis.

Chapter two gives the conceptual theoretical frameworks and literature review of the research topic

Chapter three addresses the legal and societal framework of rape in Nigeria and some other regions by highlighting the deficiency of such and how it contributes to the silence of male rape victims.

Chapter four explores the effect of the legal and societal barriers on the victims and the society.

Chapter five captures a summary of findings, recommendations, contributions to knowledge and conclusion of the research topic.

In conclusion, the chapters of this research topic provide us with an introduction to the topic, the conceptual theoretical frameworks, legal and societal deficiencies leading to the silence of male rape victims, its effect on victims and society, recommendations and conclusion.

CHAPTER TWO

2.0 Introduction

Rape is a form of sexual assault or violence. In common parlance, the term ‘rape’ has traditionally been associated with the forceful and non-consensual sexual intercourse initiated by a man with a woman, however, the definition of rape and its penalty differs depending on the jurisdiction or region¹. An exploration of the diverse interpretations of rape discloses that its definition is a significant factor contributing to the disadvantages experienced by male victims of the crime². It is pertinent to note however that rape contrary to popular belief rape can affect any individual regardless of their gender³.

2.1 What is Rape

Rape is defined in most jurisdictions as the penetration of the vagina by a man without the woman’s consent or other forms of sexual penetration committed by a perpetrator against a victim without their consent.

Rape is a form of sexual violence or assault that involves forceful or non-consensual sexual intercourse. It is an unlawful sexual activity that often involves sexual intercourse against the will of the victim. Sexual intercourse takes place through the use of coercion, or threat or when it involves someone unable to provide legal consent because of certain impairments such as being a minor,

¹ Hadiza O Okunrobo, Adesuwa Akhigbe and David Iyasere, ‘Rape: What About Musa, Femi and Chike’ *University of Benin Law Journal* [2022] 21(1) 31-48

² *ibid*

³ Jessica A Turchik and Katie M Edwards, ‘Myths about Male Rape: A literature Review’ *Psychology of Men and Masculinity* [2012] 13(2)211-266

having a mental illness, mental impairment, intoxication, unconsciousness or deception⁴. The word rape can be defined as forcefully and abusively having violent sexual intercourse without the consent of the victim.

Rape has also been defined as any form of sexual intercourse or connection that has a penetration of an object such as a penis, stick, finger or vibrator.

The Cambridge Dictionary defines rape as; ‘to force someone to have sex when they are unwilling, using violence or threatening behaviours’.

Rape was defined in the case of *Posu v State*⁵ as the unlawful carnal knowledge of a woman or girl without her consent, or with her consent if the consent is obtained by force or employing threats or intimidation of any kind or by fear of harm or employing false and fraudulent representation as to the nature of the act.

2.2 Definition of Rape under Nigerian Laws

In Nigeria, there are several statutes which provide for the offence of rape. The *Criminal Code*⁶ is in the states that make up the southern region of Nigeria while the *Penal Code*⁷ is used in the states that make up the Northern part of Nigeria. Thus, rape is defined under Section 357 of the *Criminal Code*:

‘Any person who has unlawful carnal knowledge of a woman or girl without her consent, if the consent is obtained by force or using threats or intimidation of any kind or by fear of harm or using

⁴ US Department of Justice Archives, ‘*An Updated Definition of Rape*’ (January 2012) <<https://www.justice.gov/archives/ovw/blog/updated-definition-rape>> accessed September 30, 2023

⁵ (2011) 3 NWLR (Pt. 1234) 393

⁶ Cap C38 LFN 2004

⁷ Cap 53 LFN 2004

false and fraudulent representation as to the nature of the act, or in the case of a married woman, by personating her husband is guilty of an offence which is called rape.

In the Northern part of Nigeria, rape is defined under Section 282 of the *Penal Code* as:

“A man is said to commit rape who has sexual intercourse with a woman in any of the following circumstances:

- (a) against Her will;
- (b) obtained by putting her in fear of death or of hurt;
- (c) 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 the man to whom she is or believes herself to be lawfully married;
- (d) With or without her consent when she is under fourteen years of age or of unsound mind.”

The complaint laid against these two statutes on the provisions of rape is that they permit marital rape and they contain gender-biased clauses. The two definitions show that in Nigeria, rape was traditionally perceived as a crime committed solely by men against women. However, certain states have independently taken significant steps to amend their criminal laws, aiming to move away from the gender bias that was previously entrenched in the *Criminal Code* for example *section 261* of the *Criminal Laws of Lagos State* defines rape as:

‘Any person who penetrates sexually the anus, vagina, mouth or any other opening in the body of another person with a part of his body or anything else, without the consent of the person is guilty of a felony and liable to imprisonment for life’

section 265 of the same act provides that:

‘(1) any person who causes another to engage in sexual activity without that other person’s consent is liable to imprisonment for five years

(2) where the sexual activity involved sexual penetration, the offender is guilty of a felony and liable to imprisonment for life

Similarly, *section 211* of the *Criminal Laws of Edo State* provides that:

‘(1) A person who performs any act of sexual intercourse on another person without his or her consent commits the offence of rape

(2) “Without his or her consent” in subsection (1) means the other person-

(a) does not consent to sexual intercourse;

(b) gives consent where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or using false or fraudulent representation as to the nature of the act;

(c) consents to sexual intercourse because the assailant posed as his or her spouse or sexual partner;

d) is administered any substance capable of taking away his or her will; or

(e) is below the age of eighteen (18) years.’

Section 220 of the same law further provides that

(1) Any person who causes another person or persons to engage in a sexual activity without that other person’s consent commits a felony and is liable on conviction to imprisonment for five (5) years

(2) Where the sexual activity caused involves sexual intercourse, the offender commits a felony and is liable on conviction to imprisonment for life.

These amendments by these states marked a shift from the gender-biased nature of the criminal code.

The enactment of the *Violence Against People's (Prohibition) Act 2015* was another positive shift in this perspective. *Section 1* of this act defines rape as:

a person commits the offence of rape if;

(a) He or she intentionally penetrates the vagina, anus, or mouth of another person with any other part of his body or anything else;

(b) The other person does not consent to the penetration; or

(c) The consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or using false or fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.'

This Act includes provisions that are gender-neutral in their wording and application. The problem with this Act is that it has not been domesticated in some states, so they are still governed by the *Criminal Code Act* or *Penal Code* and the criminal code laws or Penal Code Law of their various states.

Another legislation that provides for the offence of rape in Nigeria is the *Childs Right Act* which was enacted to protect the rights of children. *Section 31* of this act provides that

'(1) No person shall have sexual intercourse with a child.

(2) A person who contravenes the provision of Subsection (1) of this section commits an offence of rape and is liable on conviction to imprisonment for life.

(3) Where a person is charged with an offence under this section, it is immaterial that-

(a) the offender believed the person to be of or above the age of eighteen years; or

(b) the sexual intercourse was with the consent of the child.’

An exploration of the various definitions of rape within Nigerian legal frameworks underscores the growing recognition of the gender bias inherent in the older rape statutes, endeavours are being made to shift away from this stance, particularly in response to the rising occurrence of alternative forms of rape, particularly cases involving male victims.

2.3 Definition of rape under other common law jurisdictions

In India, rape is defined as the act of non-consensual penile penetration or the insertion of any foreign object into a woman or girl's vagina, as stipulated in *Section 375 (9)* of the *Indian Penal Code*. This section characterizes rape as "sexual intercourse with a woman against her will, without her consent, through coercion, misrepresentation, fraud, or when she is intoxicated, duped, or of unsound mental health, or if she is under 18 years of age."

This definition retains the traditional definition of rape which characterizes rape offenders to be male and victims to be females.

Consequently, the definition solely addresses rape cases involving women, with no provisions for male victims. This indicates that India lacks specific laws for male-on-male or female-on-male rape cases. At most, such cases may be addressed under *Section 377 (10)* of the *Indian Penal Code* which is modeled after the *Buggery Act of 1533* and criminalizes unnatural sexual acts.

It is important to note that while there is the *Protection of Children from Sexual Offences (POCSO) Act* for cases involving the sexual assault of male children, no equivalent provision exists for adult male victims.

In the UK, significant changes to rape laws were initiated with the *Criminal Justice and Public Order Act of 1994*⁸ which eliminated the term "buggery" from the statute and introduced the concept of "non-consensual anal as well as vaginal penile penetration." This act marked the first step towards recognizing male rape in the UK legal system. Subsequently, *Section 1* of the *Sexual Offences Act, 2003* (England and Wales) further redefined rape to encompass non-consensual penetration through the mouth, vaginal and anus. However, the definition still hinges on penile penetration, resulting in the UK's rape laws remaining non-gender-neutral, as women cannot be held accountable for raping men based on the current definition. This issue could have been resolved if *Section 4(1)* of the Act, which deals with situations where someone is compelled to participate in sexual activity without their consent, did not specify in *subsection 4* that this activity had to involve the victim being penetrated by a penis. In the current UK legislation, only males can be legally considered as perpetrators of rape, and "penetration" specifically refers to using a penis. This means that male rape victims who are coerced to penetrate someone else are unable to seek justice. Additionally, an individual might be exempt from this provision if they reasonably believed the victim had consented to the act.

In the United States of America, there is no federal or uniform rape law. The legal definition of rape differs from one state to another, and in many states, the term "rape" has been replaced with other offences such as "sexual assault," "criminal sexual conduct," "sexual abuse," and "sexual battery". To define rape, reference is often made to the definition adopted by the US Armed Forces and

⁸ section 142

frequently cited by most writers. In *Article 120 of the Uniform Code of Military Justice*, rape is described as follows:

‘Any person subject to this chapter who engages in a sexual act with another person by:

- (1) Using unlawful force against that other person.
- (2) Using force that may cause death or serious bodily harm to any person.
- (3) Threatening or instilling fear in that other person that they will be subjected to death, serious bodily harm, or kidnapping.
- (4) Rendering that the other person is unconscious initially.
- (5) Administering to that other person, by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or similar substance, thereby significantly impairing that other person's ability to assess or control their conduct, is guilty of rape and shall be punished as a court-martial may direct.

The term “sexual act” was defined to mean contact involving the penis with the vulva, anus, or mouth which included penetration, however slight, with the intent to abuse, humiliate, harass, or degrade a person or to arouse sexual desire.

In Scotland, the *Sexual Offences (Scotland) Act, 2009* redefined rape as the intentional or reckless penetration of the penis into the vagina, anus, or mouth of another person without their consent or reasonable belief in consent. This change made the definition gender-neutral, replacing "women" with "person" to include males.

Similar changes were made in Northern Ireland, where the definition of rape was expanded to be gender-neutral, recognizing male victims as well. The *Criminal Justice (Northern Ireland) Order*,

2003 and the *Sexual Offences (Northern Ireland) Order, 2008* extended this definition to include oral rape.

It's essential to note that some countries are actively taking steps to modernize their legal frameworks, aiming to encompass various forms of sexual assault and expand the definition of what constitutes rape. These changes involve broadening the understanding of what actions can be considered rape, recognizing that sexual assault can take various forms beyond traditional definitions, and working to provide justice and protection for a wider range of victims. Such legal updates are crucial in adapting to evolving societal norms and addressing previously overlooked aspects of sexual violence.

2.4 Types of Rape

2.4.1 Acquaintance Rape or Date Rape

It is called acquaintance rape because both individuals are familiar with each other. It involves sexual engagement between individuals who know each other or are already in a relationship. This form of rape entails non-consensual intercourse with someone known to the survivor, constituting a violation of the survivor's body. The perpetrator could be either an acquaintance or someone the survivor has been dating.

2.4.2 Gang Rape

When a group of people collaboratively sexually assaults a lone victim, it is termed as gang rape. This abhorrent crime involves multiple perpetrators working together to subject the victim to non-consensual sexual acts. It involves a coordinated and often brutal attack where the victim is forced into non-consensual sexual acts by a group of perpetrators.

2.4.3 Marital Rape

Marital rape is a form of sexual assault that takes place within a marriage, where one spouse is coerced into engaging in sexual activity against their will and without their consent. It's important to note that in Nigeria, the Criminal Code and the Penal Code have regulations regarding this, but they lack protection for victims and provide that sex between husband and wife cannot be rape.

2.4.4 Statutory Rape

Statutory rape, although it may seem consensual, occurs when an adult engages in sexual intercourse with an individual under the legal age of consent. Given that minors lack the legal ability to consent to such activities, this action is classified as rape with strict criminal liability.

2.4.5 Power Rape

Power rape revolves around the perpetrator's overwhelming compulsion to capture, conquer, and exercise absolute control over their victim. In such cases, it's not solely about sexual gratification but rather a deep-seated need to assert dominance and superiority. The perpetrator seeks to instill fear and helplessness in their victim, making them feel powerless in the face of the assailant's forceful actions. This type of sexual assault is driven by the rapist's intense need for power and control, leading them to force their victim into submission against their will.

2.4.6 Anger or Retaliatory Rape

Anger or retaliatory rape is a type of rape characterized by the perpetrator's expression of intense hatred and fury towards the victim. In this form of rape, the assailant's motivations are primarily rooted in a desire for vengeance or retribution. The act is driven by a deeply hostile and resentful mindset, making it a particularly disturbing and aggressive form of sexual violence.

2.4.7 Sadistic Rape

Sadistic rape is characterized by the assailant's fixation on causing extreme suffering for the victim. It involves compelling the victims to participate in horrific role-play scenarios which can include acts of mutilation, torture or inflicting severe physical and psychological pain on the victim to get them excited.

2.5 Who is a Victim of Rape

The *United Nations Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power* defines victim as

‘Persons who individually or collectively have suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that violate criminal laws operative within any state...’

Victim of rape means an individual against whom a sexual offence has been committed or any other individual designated as a victim of sexual assault. A rape victim could also be a person who alleges or is alleged to have been raped and presents themselves as a patient.

The term "victim" is used to describe someone who has suffered harm through no fault of their own.

A victim of rape is an individual who has been subjected to unwanted, non-consensual sexual intercourse. This term encompasses people of all genders, ages, socioeconomic backgrounds, and orientations. Victims may find themselves in various circumstances when an assault occurs, including within intimate relationships, among family members, or in situations involving strangers. Being a victim of rape can have profound physical, emotional, and psychological repercussions, and the experience often leaves long-lasting trauma. The trauma of rape is real and significant, and support, understanding, and access to resources for victims are crucial in helping them cope, heal, and seek justice when applicable.

2.6 Male Rape

Male rape is a distressing reality that often remains obscured by societal misconceptions and inadequate legal provisions in Nigeria. This form of sexual assault affects individuals of the male gender, however, the prevailing legal framework does not fully acknowledge this⁹. Many of the existing laws on rape in Nigeria erroneously imply that only males are capable of committing the crime of rape¹⁰. This misunderstanding perpetuates harmful stereotypes and creates an environment where male victims of rape are frequently denied the recognition and support they deserve¹¹.

The increasing incidence of male rape, committed by both males and females, underscores the urgency of reforming the country's legal system to adopt a more gender-neutral perspective. As it stands, the restrictive definition of rape not only fails to address the victimization of males adequately but also contradicts the constitutional provisions aimed at preventing discrimination in Nigeria.

Specifically, Section 42 of the *Constitution of the Federal Republic of Nigeria 1999 (as amended)* explicitly prohibits discrimination based on sex. This means that no citizen of Nigeria should face disabilities or restrictions not experienced by the other sex solely because of their gender. The *Penal Code and Criminal Code*, however, exhibit a stark imbalance. They not only exclude the possibility of females being charged with rape but also unjustly portray males as the exclusive perpetrators of this crime, purely based on their gender.

⁹ Section 357 of the Criminal Code and Section 282 of the Penal Code

¹⁰ *ibid*

¹¹ Magdalene Nwanyiuzor Dike and A.K Anya, 'Foundation on Framework for Male and Female Rape Legislations in Nigeria: Delta State as a Case Study' *K I U Journal of Humanities* [2023] 8(1) 149

These legal restrictions have grave consequences. They hinder male victims of rape from seeking justice and accessing the necessary support and services. This creates a double injustice, as not only are they victims of a heinous crime, but they are also further victimized by a legal system that fails to recognize their suffering.

To rectify this situation and ensure equal protection under the law for all genders, it is imperative to revisit and reform these laws on rape in Nigeria because even with the enactment of the VAPP Act which to some extent does not portray these deficiencies, little progress is being made in application by the court. This reformation should embrace gender neutrality, acknowledging that both males and females can be victims and perpetrators of this crime. In doing so, the legal system can better uphold the principles of justice, equality, and non-discrimination as enshrined in the Nigerian Constitution.

Male rape can be performed in two forms. These are:

1. Female on male Rape
2. Male-on-male rape

2.6.1 Male as a Rapist (Male on male rape)

Male-on-male rape, also known as male sexual assault or male rape, is a form of sexual violence in which a male is the victim of non-consensual sexual activity forced upon him by another male. This distressing and often underreported crime can take various forms, including penetration, oral sex, fondling, or any other sexual act without the victim's consent.

Male-on-male rape involves sexual acts carried out without the consent of the victim. Consent is a fundamental aspect of any sexual activity, and when it is absent, it constitutes a criminal offence.

The perpetrators of male-on-male rape can be individuals known to the victim or strangers. They can be of the same sex as the victim or of a different gender. It's essential to recognize that rapists come from various backgrounds, and their actions are driven by a desire for power, control, and violence rather than sexual orientation.

Male-on-male rape is often underreported due to societal stigma, fear of judgment, or a lack of awareness about available support services. Victims may hesitate to come forward, making it a hidden problem that requires more attention and understanding.

Like all forms of sexual assault, male-on-male rape can have severe physical and psychological consequences for the victim. Physical injuries can result from the violence involved, and victims may experience emotional trauma, anxiety, depression, and post-traumatic stress disorder (PTSD).

In many jurisdictions, laws and societal attitudes may not fully recognize male-on-male rape, which can further discourage victims from seeking help. This highlights the importance of revising legal definitions and combating misconceptions about sexual assault.

2.6.2 Female as a rapist (Female on Male Rape)

Even though women are viewed as the weaker vessels, they could become active participants in procuring non-consensual sexual activity. It is believed that men are naturally stronger than women and easily wield power over them thereby portraying rape to be an activity perpetrated by males against females. The laws make it impossible for a woman to rape a man and has given the possibility of no legal attention in any of the legislations on rape in Nigeria. As a matter of law, one of the necessary ingredients in proving the offence of rape is penile penetration.

This is given legal backing in the case of *Ogunbayo v State*¹², where the Supreme Court held that sexual interference is deemed complete, upon proof of penetration of the penis into the vagina. This means that when a female engages in non-consensual sexual intercourse with a man, she cannot be held for the crime of rape.

However, females could also be sexual predators. A typical example of this is seen in the Bible where Potiphar's wife almost forced Joseph to engage in sexual intercourse with her¹³. This goes to show that female-on-male rape is as ancient as the history of rape and the female gender could also force the male to penetrate them and it could be achieved by the use of threats, blackmail, harassment etc.

2.7 Literature Review

The topic of sexual violence or rape has always been the subject of discussion and there are several legal frameworks both domestically and internationally that condemn and criminalize it¹⁴. Traditionally, female victims of rape have always been the focus, the US Department of Justice (2003) reported that most research has focused on female victims however 13% of reported rape victims are male. However, the issue of male rape is gaining recognition in most legal jurisdictions¹⁵. Scholars and counsellors are increasingly turning their attention to male rape survivors, marking a shift from the traditional focus on female victims in the literature¹⁶. Although in Nigeria, while there is substantial literature and legal framework addressing rape, it is important

¹² (2007) All FWLR (Pt 365) 408

¹³ Genesis 39:7-13

¹⁴ Michelle Madden Dempsey, 'Processes of Criminalization in Domestic and International Law: Considering Sexual Violence' *Osgoode Hall Law Journal* (2016) <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?filename=3&article=1057&context=nathanson_conferences&type=additional> accessed September 30, 2023

¹⁵ Samantha Lundrigan and Katrin Mueller-Johnson, 'Male Stranger Rape: A Behavioral Model of Victim-Offender Interaction' *Sage Journals* [2013] 40(7)763, 767

¹⁶ *ibid*

to note that there is a noticeable lack of scholarship and legal provisions specifically addressing male rape¹⁷.

This research aims to delve into the subject of male rape and its associated issues and to review existing literature on the subject matter.

Research by Tade and Udechukwu (2020)¹⁸ revealed that about 4% of the total number of victims of rape in Nigeria reported for a period of five years (January 2012 to December 2016) were males. This is to reveal that the issues of male rape have slowly crept into society, and it is becoming very prevalent as little or nothing is being done about it¹⁹.

Male rape is one of the most underreported crimes in Nigeria²⁰ and even around the world, Bruce and Wadsworths(1983) noted that about 90%-95% of male rape incidents are not reported²¹. This means that male victims of rape are less likely to report and even Banyawa(2023)²² referred to them as the silent victims. This silence may be because perpetrators of male rape are seldom prosecuted.²³

The legal structure of rape in Nigeria is marked by its complexity as some are gender bias while others are gender-neutral. Research carried out by Dike and Anya(2023)²⁴in Delta State revealed that 80.6% of respondents agreed that there is an ineffective law on male rape in Nigeria. The

¹⁷ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

¹⁸ Oludayo Tade and Collins Udechukwu, 'Characterizing Rapists and Their Victims in Select Nigeria Newspapers' *Intech Open* (2020) <<http://dx.doi.org/10.5772/intechopen.91705>>

¹⁹ *ibid*

²⁰ Odimegwu Onwumere, 'Rape of Men, Under Reported Sexual Abuse' *Thisday Newspaper* (Lagos, 19 August, 2016)<<https://www.thisdaylive.com/index.php/2016/08/19/rape-of-men-under-reported-sexual-abuse>>accessed October 1 2013

²¹ Bruce D and J Charles Wadsworth, 'Delivery of Rape-related Services in CMHSS: An Initial Study' *Journal of Community Psychology* [1983]11(3)236-240

²² Saduwo Banyawa, 'Fear Of Stigma Silences Male Rape Victims' *HumAngle* (2023) <<https://humanglemedia.com/fear-of-stigma-silences-male-rape-victims/>> accessed October 1, 2023

²³ Kristine M Chapleay, Debra Oswald and Brenda Russel 'Male Rape Myths: The Role of Gender Violence and Sexism' *Journal of Interpersonal Violence* [2008] (23) 600-613

²⁴ Magdalene Nwanyiuzor Dike and A.K Anya (n 1)

legislation regarding rape in Nigeria should be revised to include provisions explicitly addressing male rape especially *the Criminal Code* and the *Penal Code* which are part of the primary statute on the offence of rape. It is important to note that some states in Nigeria have already taken proactive measures to amend their state laws to promote gender neutrality which is a step from the gender bias created by the main Acts.²⁵ States like Lagos²⁶ and Edo²⁷ have amended their Criminal Laws to reflect gender neutrality. Enugu state has made a similar leap through the enactment of the Enugu State *Criminal Code Amendment Bill* which was passed in 2020. Another enactment that has reflected this position in the law in Nigeria is the *VAPP Act 2015*²⁸. The problem in this is that these provisions reflecting gender neutrality are not used nationwide, for example, the VAPP Act which is yet to be domesticated in some states in Nigeria. This demonstrates that there is a lack of uniformity and even universality of the provisions of the offence of rape in Nigeria and despite these recent enactments that aim to improve the legal framework, courts often continue to apply the old Acts in rape cases.

Turchik and Edward(2012)²⁹ noted that rape myths and rape culture have also promoted the silence of male rape. Some of the rape myths include; men cannot be raped, a woman can't rape a man, and a man can't rape a man and his studies showed that about 45.9% of men and 23.4% of women agreed with these rape myths. In the 1988 study led by Smith and his team, it was observed that participants tended to view a male victim of an assault carried out by a female perpetrator as someone who may have somehow provoked the assault, derived pleasure from the encounter, and

²⁵ s. 357 of the Criminal Code and s. 282 of the Penal Code

²⁶ s. 261, 265 and 266 of the Criminal Law of Lagos State

²⁷ s. 211 and 220 of the Criminal Law of Edo State 2020

²⁸ s. 1

²⁹ Jessica A Turchik and Katie M Edwards (n 24)

suffered less psychological trauma³⁰. Interestingly, this perception was more commonly held by male participants than by female participants, although this gender gap ceased to exist when the perpetrator was also male³¹.

Robertson(2003)³² also noted that there is an occurrence of male rape in correctional centres. About 7 to 12 per cent of incarcerated men revealed that they have been raped an average of nine times.³³

Men can also face feelings of vulnerability, depression, sexual dysfunction, and confusion about their sexual orientation if the penetration was done by a male (Goyer and Eddleman 1984).³⁴

This academic literature on the topic of male rape seeks to establish it as a significant social problem deserving of legal and institutional attention to improve support for its victims as it emerges as an important issue.

There is a need to create a strong legal foundation for male rape and prosecution of male rape perpetrators. Additionally, it is essential to promote awareness about male rape and very crucial to dispel myths and to garner increased support for survivors.

³⁰ Smith R E, Pine C J and Hawley M E, 'Social Cognitions About Adult Male Victims of Female Sexual Assault. *Journal of Sex Research* [1988] (24)101–112 <<https://psycnet.apa.org/doi/10.1080/00224498809551401>> accessed 1 October 2023

³¹ *ibid*

³² Robertson James E, 'Rape Among Incarcerated Men: Sex, Coercion and STDs' *AIDS Patient Care and STDs* [2023] 17(8)423 <<https://www.liebertpub.com/doi/abs/10.1089/108729103322277448>> accessed 1 October 2023

³³ *ibid*

³⁴ Goyer P F and Heddleman H C, 'Same-sex Rape of Non-incarcerated Men' *The American Journal of Psychiatry* [1984] 141(4) 576-579

CHAPTER THREE

3.0 Introduction

In the discourse surrounding sexual assault, the experiences of male survivors have often lingered in the shadows, obscured by societal stigmas and preconceived notions¹. Yet, the reality persists—male sexual assault is a pervasive issue with profound implications for individuals and communities alike².

Male rape is a horrifying crime that tragically goes unnoticed, invisible, and unspoken of with distressing regularity³. This silence and lack of awareness surrounding male victims perpetuate a culture of suffering in silence, where survivors may be reluctant to come forward due to the fear of societal stigmatization and scepticism⁴.

In recent times, there has been a growing discourse surrounding this issue among academics, policymakers, non-governmental organizations, and civil society⁵. Surprisingly, only a few organizations have stepped forward to address male rape⁶. Various factors contribute to the silence, under-reporting and widespread victimization of male survivors. These include biases, often stemming from cultural and historical factors, which contribute to victim-blaming and an environment that sometimes downplays the seriousness of the offence⁷. There is a pressing need for increased focus and collaborative action to bridge the practical gaps in delivering justice to the

¹ Magdalene Nwanyiuzor Dike and A.K Anya, 'Foundation on Framework for Male and Female Rape Legislations in Nigeria: Delta State as a Case Study' *KIU Journal of Humanities* [2023] 8(1) 141-153

² *ibid*

³ Orna Alyagon Darr and Ruthy Lowenstein Lazar, 'Towards a Socio-Legal Theory of Male Rape' *Journal of Criminal Law and Criminology* (2022) 2-29

⁴ *ibid*

⁵ Tamara Frunse, Stephanie Ere Tobi and Sarah Mohammad, 'Addressing Sexual Violence Against the Male Gender: A Legal Perspective' *Centre for African Justice, Peace and Human Rights* [2019] <https://www.centrefor.africanjustice.org/addressing-sexual-violence-against-the-male-gender-a-legal-perspective/> accessed 5 October 2023

⁶ *ibid*

⁷ *ibid*

countless male survivors of rape. Recognizing and addressing this issue is not only a legal imperative but a moral obligation to safeguard the well-being and rights of all individuals. Acknowledging that rape can impact individuals of all genders is crucial, and by opening up the conversation, we can work towards addressing this issue more comprehensively and offer the necessary support to all survivors, irrespective of their gender.

This chapter embarks on a pivotal exploration, aiming to unravel the intricate web of causes and effects that shape this underrepresented facet of our collective consciousness. By peeling back the layers of societal, cultural, and institutional influences, we endeavour to shed light on the roots of male sexual assault and the profound ripple effects that extend far beyond the immediate act and to examine the history and prevalence of male rape in Nigeria and around the world.

3.1 Historical Development of Male Rape Laws

Ancient laws treated rape as a crime against property⁸. Historically, rape was an act carried out on females only as females were perceived as the property of their husbands, fathers or betrothed partners and any sexual activity with them while they were unmarried virgins, betrothed or married to another man was seen as a transgression that harmed the interest and honour of her husband, father, or betrothed partner or family⁹. The perpetrators were punished severely and sometimes ransoms were paid to- the “owner of the female”¹⁰.

In ancient legal systems, there was no specific prohibition against male rape, largely because rape was seen as a crime against a man’s property and men were not regarded as anyone’s property¹¹.

These early laws did not address rape as non-consensual sexual intercourse; instead, it was treated

⁸ Maria Duque, ‘Towards a Legal Reform of Rape Laws’ *The Georgetown Journal of Gender and the Law* [2021] 22(487) 488

⁹ *ibid*

¹⁰ Deuteronomy 22:28-29

¹¹ Maria Duque (n 63)

as a property crime similar to theft, with the focus not on protecting women or men from sexual violence¹². Consequently, male victims had no effective legal recourse for rape¹³.

There were various rape law reforms over the years and during the 1970s and 1980s, these reforms addressed issues such as the need for corroboration and resistance from victims and aimed at including gender-neutral provisions for sexual assault, thus encompassing male rape within the scope of legal protection¹⁴.

Some of these reforms were by international bodies that stressed the need to uphold human rights under international human rights law, nations are obliged to pass domestic legislation that upholds the rights outlined in the international treaties they have ratified¹⁵. Consequently, any law that permits or results in human rights violations constitutes a breach of a state's international obligations. Both the United Nation's treaty bodies and regional human rights protection systems have extensively clarified the prohibition of laws that condone rape under specific circumstances.

This prohibition includes among others criminalizing male rape through a gender-neutral definition of the crime of rape.

The criminalization of male rape was a significant legal reform that many countries adopted throughout the 20th and 21st centuries¹⁶. The Committee Against Torture has acknowledged that men can also be victims of certain gender-specific violations of the Convention, such as rape or sexual violence, and emphasized that states should take measures to punish these violations. The United Nations Human Rights Committee has also issued recommendations to investigate and penalize

¹² *ibid*

¹³ *ibid*

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ *ibid*

male rape and states that do not penalize this act is in contradiction of human rights treaties that require laws in accordance with human rights and non-discrimination.

In Nigeria, before the enactment of the *VAPP Act* in 2015 which made the topic of male rape quite popular amongst Nigerians, the *Criminal Laws of Lagos State* which commenced in 2011 had gender-neutral provisions on the crime of rape, making Lagos State the first legal jurisdiction to recognize the possibility of any gender being the perpetrator or victim of rape. The *VAPP Act* which was later enacted was operational in the Federal Capital Territory, Abuja. However, it applied to states that domesticated the Act. The Act's provision on the offence of rape in *section 1* had similar provisions to *section 261* of the *Criminal Laws Of Lagos State* which is the section that gave a gender-neutral provision on the offence of rape. These legislations reflected the possibility of male rape and degenderized the perpetrator. Subsequently, other states for example Edo state took steps to acknowledge male rape in their legal jurisdictions by domesticating the *VAPP Act* or amending their state criminal laws to reflect male rape.

Currently, male rape is recognized in Nigeria through the effect of the *VAPP Act* and the amendment of criminal law provisions on the offence of rape by some states.

3.2 Male Rape Statistics

Research indicates that women are more likely to be victims of sexual assault than men¹⁷. However, it is important to note that a significant number of men also experience rape or sexual violence¹⁸.

While the popular perception may be that rape or sexual violence only affects women, the reality is that it is an issue that affects people of all genders.

¹⁷ Lara Stemple, 'Male Rape and Human Rights' *Hastings Law Journal* [2009] 60(3) 605-646

¹⁸ *ibid*

Regrettably, the scarcity of information regarding male rape is not unexpected. Society's level of concern about this issue is notably inadequate, and male victims often face challenges when it comes to reporting their experiences. Consequently, the available data on male rape is quite limited. Available statistics revealed that 15.2% of those who have experienced rape in their lifetime are males¹⁹. The Centre for Disease Control and Prevention reported that approximately 3% of 2.78 million men in America have experienced attempted rape or completed rape during their lifetime and 92,700 men were forcibly raped each year²⁰. Meanwhile, the Bureau of Justice Statistics National Crime Victimization Survey discovered that 11% of the total victims of rape are males²¹. Also in 2015, the American National Intimate Partner and Sexual Violence Survey (NISVS) revealed that approximately 24.8% of males experience various forms of sexual violence which includes acts like rape, being made to penetrate someone, sexual coercion, and unwanted sexual encounters²².

While the data on male rape in the United States is limited, it is even scarcer in other countries. A population-based survey on nonconsensual sex experienced by adult men conducted in England found a prevalence rate of 2.89%²³. In addition, the percentage of reported male rape in England and Wales is estimated to be 7.5%²⁴.

A comprehensive analysis of 120 prevalence studies worldwide found that around 3% of men have experienced rape in their lifetime, compared to 13% of women²⁵. However, the World Health Organization provides a higher estimate for males, suggesting that between 5% and 10% of men globally have reported a history of childhood sexual abuse, although it's important to note that most

¹⁹ *ibid*

²⁰ *ibid*

²¹ *ibid*

²² *ibid*

²³ Lara Stemple, 'Male Rape and Human Rights' *Hastings Law Journal* [2009] 60(3) 605-646

²⁴ *ibid*

²⁵ *Ibid*,

studies have been conducted in developed countries²⁶. In prevalence studies conducted in developing countries, the findings varied, with rates of 20% in Peru, 3.6% in Namibia, and 13.4% in the United Republic of Tanzania²⁷. Other international estimates of childhood sexual abuse prevalence indicated that between 3% and 29% of males were affected²⁸.

Nigeria is not left out. Although male rape data is sparse, there have been various reports carried out at different times which could give an insight into the prevalence rate in Nigeria. According to UNICEF, in Nigeria, 25% of girls and 10% of boys have been victims of sexual violence²⁹. Statista Research Department published reported cases of rape from 2017 to 2019 in Nigeria, they discovered that in Nigeria, there were only eight reported cases of male rape in 2017, two in 2018, and three in 2019³⁰. This clearly shows that there are cases of male rape happening in Nigeria, but it is not being reported enough.

Research carried out in Nigeria revealed that approximately 4% of adult males in Nigeria constituted the victims of rape within a given period of five years³¹.

An article by Odimegwu O. showed reports of various incidences of male rape that occurred in different parts of Nigeria at various times, carried out by both male and female perpetrators which never got to the court's notice³². A publication made on Punch news on 14th May 2016 covered the

²⁶ ibid

²⁷ ibid

²⁸ ibid

²⁹ ibid

³⁰ *Reported Cases of Sexual Abuse in Nigeria 2017-2019 by Gender* Statista Research Department (12 December 2022) <https://www.statista.com/statistics/1261224/reported-cases-of-sexual-abuse-in-nigeria-by-gender/> accessed 6 October 2023

³¹ Oludayo Tade and Collins Udechukwu 'Characterizing Rapist and their Victims in Select Nigeria Newspapers' *Intechopen* (Lagos, 8 April 2020) <https://intechopen.com/chapters/71723> accessed 5 October 2020

³² Odimegwu Onwumere, 'Rape of Men: Under-Reported Sexual Abuse' *The Nigerian Voice* (Lagos, 12 August 2016) <https://www.thenigerianvoice.com/news/225534/rape-of-men-under-reported-sexual-abuse.html> accessed 6 October 2023

stories of male inmates who spoke about their experiences of rape in Nigerian prisons³³. This goes to show that male rape also happens in correctional centres in Nigeria.

HumAngle covered incidences of male rape that took place in Nigeria of which the victims never reported and various interviews carried out by HumAngle revealed that male rape also took place in Nigerian boarding schools³⁴.

From the foregoing, it is evident that male rape is prevalent in Nigeria and around the world.

3.3 CAUSES OF MALE RAPE

3.3.1 Power Dynamics and Gender Inequality:

Rape is often about exerting power and control over another person³⁵. Societal norms that perpetuate gender inequality and power imbalances may contribute to the occurrence of rape, regardless of the gender of the victim³⁶.

Rape is an expression of dominance and control³⁷. When inflicted upon males in societies that link masculinity with authority, physical prowess, and power, the victim undergoes disempowerment and demoralization, impacting not only the individual but also the community³⁸. This effect is especially pronounced when it occurs in public settings³⁹.

³³ Taiwo Ojaiye, 'Homosexuality in Police Cells: Victims Share Agonizing Tales of Sexual Assaults by Fellow Male Inmates' *Punch Newspaper* (Lagos, 14 May 2016) <https://punchng.com/homosexuality-police-cells-victims-share-agonising-tales-sexual-assault-fellow-male-inmates/> accessed 6 October 2023

³⁴ Saduwo Banyawa 'Fear of Stigma Silences Male Rape Victims' *HumAngle Media* (Lagos, 1 March 2023) <https://humanglemedia.com/fear-of-stigma-silences-male-rape-victims/> accessed 6 October 2023

³⁵ Lauro Amezcua-Patino, 'Rape and Power: Understanding the Root of Sexual Violence' *Medium* (2023) <[Rape and Power: Understanding the Roots of Sexual Violence](#) | by Lauro Amezcua-Patino, MD, FAPA. | [Medium](#)> accessed 10 October 2023

³⁶ *ibid*

³⁷ *ibid*

³⁸ Alice Priddy, 'Sexual Violence Against Men and Boys in Armed Conflict' *Oxford University Press* (2014) https://www.academia.edu/10763236/Sexual_Violence_against_Men_and_Boys_in_Armed_Conflict accessed 10 October 2023

³⁹ *ibid*

The perpetrator is often perceived as more masculine due to their ability to assert dominance over the victim⁴⁰. In societies where masculinity is equated with control and power, the act of perpetrating sexual violence can be wrongly interpreted as a display of heightened masculinity, reinforcing harmful stereotypes that further complicate the understanding and addressing of such crimes⁴¹. This misguided perception contributes to the cycle of power imbalances and reinforces the damaging notion that strength and dominance are synonymous with true masculinity⁴².

3.3.2 Alcohol and Drug Abuse

Drug and alcohol-facilitated rape, commonly referred to as predator rape, involves a sexual assault occurring after the victim has been rendered incapacitated by the consumption of alcohol or other drugs⁴³. In a specific category of sexual assault, alcohol is recognized as a significant factor, and certain drugs, notably cocaine, have also been identified to play a role⁴⁴.

Perpetrators of sexual violence against men sometimes resort to manipulative tactics involving alcohol, drugs, and pornography. These methods, as outlined in the research conducted by Spiegel in 2003, serve the purpose of disinhibition and, at times, grooming⁴⁵. The intent is to weaken the victim's resistance or awareness, making them more susceptible to coercion. The research further reveals a troubling statistic: almost one in five adult men reported instances where they were coerced into consuming alcohol or drugs before becoming victims of rape. This emphasizes a distressing trend where substances are utilized not only to exploit vulnerability but also to impair

⁴⁰ Andrew J Rizzo, Victoria L Banyard and Katie M Edwards, 'Unpacking Adolescent Masculinity: Relations Between Boys Sexual Harassment Victimization, Perpetration, and Gender Role Beliefs' *Journal of Family Violence* (2021) (36) 825-835

⁴¹ *ibid*

⁴² *ibid*

⁴³ Jennifer Long, Charlene Whitman-Barr and Viktoria Kristiansson, *Alcohol and Drug Facilitated Sexual Assault: A Survey of the Law* (Washington DC 2016) <[lynnbrookconsultingcom-my.sharepoint.com/personal/ctrowww.aequitasresource.org/Alcohol-Facilitated-Sexual-Assault-A-Survey-of-the-Law_SIR1.pdf](https://my.sharepoint.com/personal/ctrowww.aequitasresource.org/Alcohol-Facilitated-Sexual-Assault-A-Survey-of-the-Law_SIR1.pdf)> accessed 10 October 2023

⁴⁴ *ibid*

⁴⁵ Spiegel Josef, *Sexual Abuse of Males: The SAM Model of Theory and Practice* (1st Edition, Routledge New York 2003) 436

the victim's cognitive and physical capacities, hindering their ability to resist or effectively respond to the assault. In such cases, the use of alcohol and drugs can create a coercive environment, clouding the survivor's judgment and diminishing their capacity to defend themselves. It is important to note that the consumption of alcohol does not excuse or justify any form of sexual violence, but rather it is often exploited by perpetrators to facilitate their actions.

Alcohol consumption and drug abuse can impair an individual's judgment and decision-making abilities⁴⁶. When someone is under the influence, they may be less able to accurately assess risks or make sound choices, making them more vulnerable to manipulation or coercion⁴⁷. They are known to lower inhibitions, leading individuals to engage in behaviours they might otherwise avoid. Perpetrators may use this lowered inhibition as an opportunity to exploit or take advantage of someone who is in a more vulnerable state.

Excessive consumption can lead to physical incapacitation or unconsciousness⁴⁸. In such a state, individuals are unable to give informed and voluntary consent⁴⁹. Perpetrators may deliberately target individuals who are heavily intoxicated, taking advantage of their compromised state.

Perpetrators may use these substances as a means to target vulnerable individuals. They may deliberately encourage excessive drinking or use it to manipulate a person's state of mind, making them more susceptible to sexual assault.

Alcohol and drug abuse can contribute to a blurring of social and personal boundaries⁵⁰. In situations where there is already a power imbalance, perpetrators may exploit the confusion created by alcohol to cross those boundaries without facing immediate resistance.

⁴⁶ Daniel J Snipes, Brooke A Green and Paul B Perrin, 'The Non-Medical Use Of Prescription Drugs And Lifetime Experiences Of Sexual Victimization Among College Men' *Journal of Interpersonal Violence* (2014) 29(13) 2482-2496

⁴⁷ *ibid*

⁴⁸ *ibid*

⁴⁹ *ibid*

⁵⁰ *ibid*

Alcohol is often present in social settings where people may be more relaxed and trusting. Perpetrators may take advantage of these environments to carry out their actions, counting on the fact that the presence of alcohol may complicate the survivor's ability to clearly remember or report the incident.

It's crucial to emphasize that responsibility for sexual violence lies with the perpetrator, not the survivor or the use of alcohol. Efforts to prevent male rape should include education on consent, bystander intervention, and addressing toxic masculinity. This underscores the importance of understanding the role of substance manipulation in sexual violence prevention efforts and the need for targeted education and support for potential victims. Addressing the tactics employed by perpetrators is crucial in developing strategies to prevent and respond to male-directed sexual violence. Additionally, support services for survivors, regardless of whether alcohol was involved, are essential for their recovery.

3.3.3 Gender Identity Vulnerability

Gender role confusion is a tactic used by perpetrators to render boys vulnerable to abuse⁵¹. In this context, perpetrators deliberately target boys who are experiencing a sense of insecurity or confusion about their gender identity or sexuality⁵². This vulnerability is exploited by those seeking to perpetrate male-directed sexual violence. Here are some ways in which this strategy unfolds:

i) Seeking Acceptance: Perpetrators may identify boys who are eager for acceptance and validation, particularly in situations where societal expectations around masculinity and gender roles are rigid. These boys, seeking approval and recognition, can become targets for perpetrators who manipulate their desire for acceptance⁵³.

⁵¹ Spiegel Josef, *Sexual Abuse of Males: The SAM Model of Theory and Practice* (1st Edition, Routledge New York 2003) 436

⁵² *ibid*

⁵³ Jayne Walker, John Archer and Michelle Davies, 'Effects Of Rape On Male Survivors: A Descriptive Analysis' *Archives of Sexual Behavior* (2005) (34) 69-80

ii) Sexual Identity Confusion: Boys who are unsure of their sexual identity or are experiencing confusion about their sexuality may be targeted. Perpetrators can exploit this uncertainty, taking advantage of the victim's vulnerability and using it as a means to carry out abusive acts⁵⁴.

iii) False Consent: Perpetrators may engage in manipulative tactics, convincing the victim that the assault is consensual. By exploiting the victim's confusion or uncertainty, perpetrators might falsely present the abuse as an expression of love or desire, complicating the survivor's understanding of the situation⁵⁵.

iv) Displacement of Responsibility: In cases where perpetrators engage in abusive acts under the guise of desire and mutuality, they may attempt to displace responsibility for the assault. By framing the encounter as consensual or even as an expression of love, the perpetrator aims to shift blame away from themselves, further confusing the victim and making it more difficult for them to recognize the assault⁵⁶.

v) Psychological Manipulation: Perpetrators might use psychological manipulation to create an environment where the victim feels emotionally dependent on the perpetrator⁵⁷. This emotional manipulation can be a tool to control the victim and dissuade them from reporting the abuse.

3.3.4. Stigma of Homosexuality as a Factor of Male Rape

The exploitation of the stigma surrounding male homosexuality plays a significant role in some cases of male-perpetrated rape and perpetrators often leverage societal prejudices and biases against homosexuality as a means of control and manipulation⁵⁸. This strategy is rooted in the familiarity with and manipulation of prevailing cultural discourses and perpetrators capitalize on the social stigma attached to gays, recognizing it as a source of shame and vulnerability within certain cultural

⁵⁴ Spiegel Josef (n 106)

⁵⁵ Spiegel Josef (n 106)

⁵⁶ ibid

⁵⁷ ibid

⁵⁸ Hlavka Heather, 'Speaking of Stigma and the Silence of Shame: Young Men and Sexual Victimization' *Journal of Men and Masculinities* (2016) 20(4) 482-505 <<https://doi.org/10.1177/1097184X16652656>> accessed 10 October 2023

contexts⁵⁹. By doing so, they leverage societal biases to further isolate and manipulate their victims. Perpetrators show a deep understanding of the cultural context and prevailing narratives surrounding male homosexuality. They use these cultural discourses to their advantage, reinforcing harmful stereotypes and contributing to the victim's sense of shame and isolation.

The use of gay pornography and the display of homosexual images through various mediums like photos, magazines, and "gay websites" are tactics aimed at inducing shame in the victims and by associating the assault with homosexual content, perpetrators exploit societal prejudices to increase the emotional distress experienced by the survivors⁶⁰. In research conducted, ten-year-old Adam who is one of the victims revealed during the interview that the perpetrator showed him pornographic contents days before the rape incident occurred⁶¹.

Perpetrators may use the cultural stigma around homosexuality to shift blame onto the victim, suggesting that the assault occurred because of the victim's perceived or actual sexual orientation⁶². This further perpetuates the victim's shame and makes them less likely to report the assault due to fear of judgment or discrimination.

They introduce control and manipulation through the use of homosexual imagery and associations as a tool for the perpetrator to exert control and manipulate the victim⁶³. The intention is to reinforce the power dynamic by capitalizing on the victim's fear of exposure or rejection based on societal prejudices.

3.3.5 Lack of Awareness

The perpetuation of male rape can be attributed to a lack of awareness. It is crucial to acknowledge that research has revealed a disturbing aspect of rape: some rapists may lack awareness of the

⁵⁹ ibid

⁶⁰ ibid

⁶¹ ibid

⁶² ibid

⁶³ ibid

psychological havoc and trauma they inflict upon their victims. There are instances where perpetrators are not fully knowledgeable about the profound impact of rape on their victims⁶⁴.

This lack of awareness or understanding may stem from a variety of sources, including societal misconceptions, a lack of education about consent and the consequences of rape, or distorted beliefs that minimize the severity of the harm caused. Perpetrators who are not cognizant of the psychological trauma they inflict may be less likely to comprehend the gravity of their actions and the long-lasting effects on the well-being of survivors⁶⁵.

3.3.6 Exposure to Modern Influences:

In contemporary Nigeria, individuals find themselves inundated with diverse modern influences that extend beyond age groups. Explicit content, including depictions of sex in novels, books, magazines, and newspapers, as well as pornographic movies and sexually charged advertisements, saturates the media landscape. Graphic music, movies, and obscene literature collectively contribute to a heightened interest in sexual matters⁶⁶. Some individuals, due to extensive exposure to televised content where sex is often used for advertising, may feel compelled to engage in sexual activities, even resorting to rape⁶⁷.

3.3.7 Influence of Peer Pressure:

Within the societal context, there is a notable impact of peer pressure on individuals engaging in sexual promiscuity, including rape⁶⁸. Associating closely with others who perpetrate such acts can lead individuals, regardless of age, to adopt these behaviour. The pursuit of social acceptance and

⁶⁴ Higdon Michael, 'Queer Teens and Legislative Bullies: The Cruel and Invidious Discrimination Behind Heterosexist Statutory Rape laws *Social Science Research Network Electronic Journal* (2008) https://www.researchgate.net/publication/228193791_Queer_Teens_and_Legislative_Bullies_The_Cruel_and_Invidious_Discrimination_Behind_Heterosexist_Statutory_Rape_Laws accessed 10 October 2023

⁶⁵ ibid

⁶⁶ Esther Awazzi Envuladu et al, 'Exploring the Factors Influencing Adolescent Sexual Behavior in Plateau State Nigeria' *American Journal of Medicine and Medical Sciences* (2017) 7(1) 1-6

⁶⁷ ibid

⁶⁸ ibid

approval prompts some to experiment with sex, with rape being a potential outcome⁶⁹. It is commonly observed that individuals who are more influenced by their immediate social circles may be swayed towards socially unacceptable sexual behaviour, in contrast to those who are guided more by the values instilled by their families⁷⁰.

3.3.8 The Weakness of the Nigerian Criminal Justice System

The inadequacies within the Nigerian Criminal Justice System play a crucial role in perpetuating the prevalence of male rape in the country. Examining the criminal justice framework, which comprises the police, judiciary, and prison system, reveals a significant burden on the police force. The police, responsible for prosecuting over 70% of criminal cases, hold considerable power in investigating, arraigning, and prosecuting offences.

In theory, when a victim reports a crime, particularly rape, the legal premise positions the victim as a witness to a crime against society. However, the reality diverges from this theoretical framework. The victim becomes the driving force behind the prosecution, bearing the financial and material responsibility. If the victim lacks the financial means to pursue the case, there is a risk of an immediate miscarriage of justice.

Contrary to the notion that complaining to the police is a fee-free process, contemporary reality demands victims to provide a certain amount of money when filing a complaint. Subsequently, additional funds are required for the investigation. In cases of rape, the victim often faces humiliation and discomfort during the reporting process. Medical examinations, necessary for evidence, also come at the victim's expense. The financial burden continues as the victim must pay to initiate the case in court and compensate the prosecuting counsel.

⁶⁹ *ibid*

⁷⁰ *ibid*

This situation is exacerbated if the accused is financially affluent, as they can afford legal representation. The power dynamic becomes skewed, with the victim, often financially strained, pitted against a well-defended accused.

Joy Nzi Ezeilo, Executive Director of WACOL, highlights police abuse of power, both on and off duty, further deterring victims from reporting incidents. Fear of stigmatization in the community and family, coupled with a lack of trust in the police to impartially investigate human rights violations, contributes to underreporting.

The police's contribution to a culture of tolerance for rape is evident, as highlighted by an Abuja High Court Judge's recent criticism of the police's poor handling and prosecution of an alleged rapist.

3.3.9 Inadequate Male Rape Laws and Institutional Support

Inadequate male rape laws and insufficient institutional support serve as significant contributors to the prevalence of male rape. The legal framework often lacks clear definitions and specific provisions addressing male victims of sexual violence, perpetuating a systemic gap in protection and justice.

The legal systems historically focused on female victims of sexual assault, leaving male survivors without appropriate legal recourse. This absence of tailored legislation may result in challenges such as a lack of recognition, limited support services, and inadequate punishment for perpetrators targeting male victims.

Institutional support, encompassing law enforcement, healthcare, and social services, is critical for encouraging survivors to come forward and seek justice. However, a lack of awareness and training

among these institutions can lead to misconceptions, victim-blaming, and a dismissive approach when male survivors report sexual assault.

Law enforcement agencies may not be adequately equipped to handle cases of male sexual assault, potentially perpetuating stereotypes and biases. Insufficient training for police officers and investigators may result in a lack of sensitivity and understanding when dealing with male survivors, hindering the investigative process.

Healthcare institutions, responsible for collecting forensic evidence and providing medical support, may not be attuned to the unique needs of male survivors. This lack of gender-sensitive healthcare services can further discourage reporting and hinder the overall well-being of victims.

Social services and support networks are essential for survivors to cope with the aftermath of rape. Inadequate institutional support can lead to isolation and reluctance to disclose the incident due to fear of judgment or disbelief. Perpetrators often seize this awareness as a way of manipulating their victims.

3.4 EFFECTS OF RAPE ON MALE VICTIMS

3.4.1 Emotional and Psychological Trauma

i) Depression, Anxiety, and Anger:

Survivors often endure significant psychological distress which can lead to anxiety, depression PTSD (post-traumatic stress disorder) and various other mental health issues⁷¹. Research has shown that the majority of survivors grappled with profound depression, anxiety, and anger following the

⁷¹ Gluck S, 'Effects of Rape: Psychological and Physical Effects of Rape *HealthyPlace* (2021) <<https://www.healthyplace.com/abuse/rape/effects-of-rape-psychological-and-physical-effects-of-rape>> accessed 10 October 2023

assault⁷². The research revealed that victims had persistent feelings of living in an emotional void, panic attacks, mood swings, and deep despair which always led to a sense of hopelessness. Victim often sees life as meaningless in cases when they fall into depression⁷³. Men who have survived rape often struggle with profound depression⁷⁴. This emotional state is characterized by persistent feelings of sadness, hopelessness and despair.

They frequently grapple with anxiety, experiencing constant worry, fear and a sense of being unsafe⁷⁵. This can result in ongoing panic attacks, affecting their ability to trust others and engage in various aspects of daily life⁷⁶. The trauma can lead to a persistent state of hyper-vigilance, making it challenging to feel safe even in non-threatening situations⁷⁷.

They usually contend with anger which can stem from a variety of sources such as the violation of their autonomy, the injustice of the rape and the distress of dealing with the aftermath. This anger might manifest as frustration, irritability or intense emotional outbursts, impacting their relationships and emotional well-being.

This trauma can persist long after the incident, affecting their daily lives and relationships⁷⁸.

Seeking help, some individuals found that their struggles were dismissed by the medical community, intensifying their feelings of being irreparably damaged leading survivors to feel invalidated and

⁷² Jayne Walker, John Archer and Michelle Lowe, 'Effects of Rape on Men: A Descriptive Analysis' *Archives of Sexual Behavior* (2005) 34(1) 69-80
https://www.researchgate.net/publication/7961649_Effects_of_Rape_on_Men_A_Descriptive_Analysis accessed 7 October 2023

⁷³ ibid
⁷⁴ ibid
⁷⁵ ibid
⁷⁶ ibid
⁷⁷ ibid
⁷⁸ ibid

unsupported⁷⁹. Feeling that their struggles are not acknowledged or understood can exacerbate the existing emotional turmoil, contributing to a deeper sense of isolation and hopelessness⁸⁰.

ii) Anguish and Revenge Fantasies:

The aftermath of such a traumatic experience often leaves individuals grappling with an emotional maelstrom. Feelings of anguish, betrayal, and a thirst for retribution can become consuming⁸¹. The violation of one's autonomy and the profound breach of personal safety can ignite a powerful need for justice, leading to elaborate revenge fantasies.

The unyielding pursuit of revenge itself can become a psychological burden. The relentless need for retribution may be as damaging to the survivor's mental well-being as the assault. This persistent quest for payback could evolve into an obsession, disrupting the survivor's emotional equilibrium and impacting their daily life, relationships, and mental health.

Sometimes, the desire for revenge can lead survivors down a troubling path. In an attempt to regain a sense of control or power, they might exhibit behaviour that are out of character, such as becoming aggressive or even adopting bullying tendencies⁸². This behaviour change may further isolate them from support networks, exacerbating the distress caused by the assault.

3.4.2 Confusion about Sexuality and Masculinity

i) Sexual Orientation Crisis⁸³:

A substantial number of men struggled with their sexual orientation following the assault. This was coupled with a crisis related to their masculinity. The assault shattered their self-image and pride, causing a sense of powerlessness and vulnerability.

⁷⁹ ibid
⁸⁰ ibid
⁸¹ ibid
⁸² ibid
⁸³ ibid

Rape can evoke intense internal struggles regarding sexual orientation. Some survivors may question their sexual preferences and struggle to differentiate between the traumatic experience and their true sexual identity. This internal turmoil can be exacerbated by societal expectations and stereotypes about masculinity, making it challenging for survivors to openly explore and accept their sexual orientation.

Male survivors may experience a profound identity crisis after the assault. The violation of their physical and emotional boundaries can lead to a questioning of their own identity and a struggle to reconcile their sense of self with the traumatic experience. This confusion may extend to their understanding of their sexual orientation, as the assault can create internal conflicts and doubts about their desires.

ii) Loss of Masculinity:⁸⁴

Following a male rape experience, survivors often grapple with a cascade of emotional and psychological challenges that significantly impact their sense of self, especially in terms of sexuality and masculinity. Many survivors experience a deep-seated loss of their sense of masculinity.

The assault often shatters traditional notions of masculinity held by survivors. The social construct of masculinity, emphasizing strength, control, and the ability to protect oneself, can be shattered by the assault. This upheaval causes a profound rupture in their self-image and pride. The loss of control during the assault leads to a deep sense of powerlessness and vulnerability, challenging their perception of their masculinity.

⁸⁴ ibid

Men who have experienced rape commonly express a sense of having their masculine identity dismantled, feeling as though they have been feminized. This sentiment reflects societal beliefs that associate femininity with inferior social status, reinforcing harmful gender stereotypes.

Survivors may grapple with feelings of failure and inadequacy, associating their inability to prevent the assault with a perceived weakness. This loss of masculinity may manifest in a variety of ways, from struggles with self-esteem to attempts to overcompensate through hyper-aggressive behaviour.

iii) Powerlessness and Vulnerability:⁸⁵

Rape survivors frequently experience a deep sense of powerlessness and vulnerability. This feeling can be particularly challenging for men who may have societal expectations to be strong and invulnerable. The assault can disrupt their sense of control over their bodies and lives, leading to a pervasive sense of vulnerability that permeates various aspects of their existence.

iv) Compensatory Aggression⁸⁶:

In an attempt to regain a sense of control and compensate for the perceived loss of masculinity, some survivors may exhibit aggressive behaviours. The inability to protect themselves during the assault is often perceived as a personal failure, leading to profound feelings of inadequacy. This sense of inadequacy might fuel a need to compensate, often through adopting aggressive behaviours. Survivors might feel a compelling urge to overcompensate for their perceived failure, striving to regain a sense of power and control that was shattered during the assault.

This compensatory aggression can be directed towards others or turned inward, contributing to a cycle of self-destructive thoughts and actions. The survivor may struggle with anger, resentment, and a constant need to prove their strength and worth.

⁸⁵ *ibid*

⁸⁶ *ibid*

v) Impact on Relationships:⁸⁷

The confusion about sexuality and masculinity can significantly impact relationships. Survivors may struggle with intimacy, trust issues, and difficulty forming connections. The fear of vulnerability and the need to protect oneself from potential harm may hinder the development of healthy and fulfilling relationships.

3.4.3 Changes in Sexual Behaviour⁸⁸

The impact of sexual assault on men often extends into their sexual behaviour, resulting in a range of changes that reflect the complex nature of the trauma they have experienced.

i) Promiscuity as Coping Mechanism:

Some survivors may adopt promiscuous behaviour as a coping mechanism. Engaging in numerous sexual encounters might be a way for them to reclaim a sense of control over their bodies and experiences, or it could be an attempt to numb the emotional pain by seeking brief moments of physical pleasure. However, this can also lead to a cycle of self-destructive behaviour and may hinder the development of healthy, meaningful connections.

ii) Avoidance of Sexual Contact⁸⁹:

On the opposite end of the spectrum, some survivors may avoid any form of sexual contact altogether. The trauma experienced during the assault can create a deep-seated fear of intimacy, leading survivors to withdraw from sexual relationships. This avoidance may be driven by anxiety, flashbacks, or a fear of vulnerability, and it can impact their ability to form and maintain healthy connections.

⁸⁷ ibid

⁸⁸ ibid

⁸⁹ Lea Poirson et al, 'Male Victims of Sexual Abuse: Impact and Resilience Processes, a Qualitative Study' *Healthcare* (2023) 11(13) 1868

iii) Sexual Dysfunction:⁹⁰

The aftermath of sexual assault can manifest physically, and survivors may experience difficulties with sexual function. Erectile failure and loss of libido are common issues, often linked to the psychological impact of the trauma. These physical challenges can further contribute to feelings of inadequacy and frustration, adding a layer of complexity to the survivor's journey towards recovery.

3.4.4 Grief, Loss, Guilt, and Self-Blame

i) Loss of Self-Worth and Dignity:

The impact of the assault on a survivor's sense of self-worth is profound.⁹¹ The violation experienced during the assault can lead to a deep internal sense of loss and grief. Survivors may feel as if a part of their essence and character has been irrevocably taken away, resulting in a significant loss of self-respect and dignity. Rebuilding a positive self-image becomes a critical aspect of the healing process.

ii) Guilt and Self-Blame:

Survivors often grapple with overwhelming feelings of guilt and self-blame. These emotions may stem from a variety of sources, including perceived vulnerability, self-blame for putting themselves in a risky situation, or a sense of failure for being unable to prevent the assault. This self-blame can contribute to a cycle of negative self-talk, hindering the survivor's ability to process the trauma and move towards recovery.

3.4.5 Self-Destructive Behaviour⁹²

Many survivors coped with self-destructive behaviour like self-harm, substance abuse, suicide ideation, and attempts. These actions were often driven by the overwhelming desire to escape the

⁹⁰ ibid

⁹¹ ibid

⁹² ibid

memories and pain associated with the assault. The self-destructive behaviour exhibited by survivors are often maladaptive coping mechanisms developed in response to the overwhelming trauma.

i) Suicidal Ideation:

The overwhelming emotional burden can lead to thoughts of suicide as survivors grapple with the desire to escape the memories and pain associated with the assault. The experience of sexual assault can leave survivors overwhelmed by intense and often conflicting emotions. The weight of the trauma, coupled with feelings of shame, guilt, and a sense of powerlessness, can lead to a dark place where survivors entertain thoughts of suicide. Suicidal ideation is not merely a fleeting notion but a manifestation of the profound despair and hopelessness that survivors may experience. The desire to escape the memories and emotional pain associated with the assault becomes so acute that the idea of ending one's life can seem like the only way out.

ii) Self-Harm:

Self-harm, such as cutting or other forms of self-injury, may be an attempt to regain a sense of control or provide a physical outlet for emotional pain. It serves as a maladaptive coping mechanism that requires intervention and professional help. It often stems from a complex interplay of emotions, including a desire to regain control over one's body and emotions. The physical pain inflicted through self-harm may serve as a tangible expression of the emotional turmoil within. Additionally, some survivors may engage in self-harm as a way to punish themselves, believing they deserve the pain due to perceived failings during the assault.

iii) Substance Abuse:

Substance abuse, including alcohol and drug misuse, may become a way for survivors of male rape to numb the emotional pain temporarily. However, it often exacerbates the underlying issues and

can lead to a cycle of dependence and further self-destructive behaviour. Alcohol and drugs may provide a means of escape, offering a reprieve from intrusive memories and overwhelming emotions. However, this coping mechanism is fraught with risks, as substance abuse can exacerbate existing mental health issues, contribute to a cycle of dependence, and lead to further self-destructive behaviours.

3.4.6 Physical Consequences

Male rape can have severe physical consequences for survivors. Some of the physical consequences of male rape may include:

i) Rupture of the Rectum:

Forced penetration can lead to injuries, including the rupture of the rectum. This can cause severe pain, bleeding, and long-term complications⁹³.

ii) Castration:

In extreme cases, male rape may involve the castration of the victim. This traumatic act can have profound physical and psychological consequences, impacting hormonal balance and reproductive functions⁹⁴.

iii) Abscesses:

Infections may occur as a result of injuries sustained during the assault, leading to the formation of abscesses. These can cause pain, swelling, and potential complications if not treated promptly⁹⁵.

iv) Damage to the Penis and Testicles:

Physical trauma to the genital area can result in injuries to the penis and testicles. This damage may cause pain, swelling, and difficulties with sexual function⁹⁶.

⁹³ Pauline Oosterhoff, Prisca Zwanikken and Evert Ketting, 'Sexual Torture of Men in Croatia and Other Conflict Situations: An Open Secret' *Reproductive Health Matters* (2004) 12(23) 68-77

⁹⁴ *ibid*

⁹⁵ *ibid*

⁹⁶ *ibid*

v) HIV/AIDS and Other STIs:

Male rape increases the risk of sexually transmitted infections (STIs), including HIV/AIDS. The transmission of infections can occur through forced sexual contact, and survivors may require medical attention, including prophylactic treatment to reduce the risk of infection⁹⁷.

vi) Incontinence:

Injuries sustained during the assault, particularly those affecting the pelvic region, may lead to urinary or faecal incontinence⁹⁸. This can have significant impacts on a survivor's daily life and well-being. In a research study, it was found that a portion of boys experiencing encopresis (involuntary bowel movements) had a history of sexual abuse⁹⁹.

vii) Infertility¹⁰⁰:

Injuries to the genital area, especially if they involve the testicles, may result in infertility. Survivors may face challenges in conceiving children, which can have profound emotional and psychological consequences.

viii) Erectile Dysfunction:

Male rape survivors may experience sexual dysfunction, including difficulties with arousal; erectile dysfunction, and challenges in forming intimate relationships. The trauma associated with the assault can profoundly affect one's sexual well-being¹⁰¹.

⁹⁷ ibid

⁹⁸ ibid

⁹⁹ Staff H, 'Symptoms Associated With Male Sexual Assault' *HealthyPlace* (2021)
<https://www.healthyplace.com/abuse/articles/symptoms-male-sexual-assault>

¹⁰⁰ Lea Poirson et al, 'Male Victims of Sexual Abuse: Impact and Resilience Processes, a Qualitative Study' *Healthcare* (2023) 11(13) 1868

¹⁰¹ ibid

3.5 SILENCE OF MALE VICTIMS OF RAPE

The silence of male victims of rape in Nigeria can be attributed to several factors. These factors encompass inadequate legal and institutional frameworks for supporting male rape victims. Moreover, cultural stereotypes, prevailing myths, and the influence of toxic masculinity contribute significantly to this silence¹⁰². These elements collectively serve as major reasons behind the underreporting of male rape cases in Nigeria, fostering an environment where victims often feel unable or hesitant to come forward and seek justice or support. The lack of a supportive infrastructure, coupled with deeply rooted cultural beliefs and expectations, forms a substantial barrier for male survivors, hindering their willingness to report incidents of sexual assault or rape¹⁰³.

The current legal framework regarding male rape inadequately addresses this issue, leading to the reluctance of victims to come forward and report their experiences.

The primary laws related to rape in Nigeria lack specific provisions for instances of male rape¹⁰⁴. This legal gap results in a lack of explicit protection for male victims of rape. Unless the legislation is amended by individual states, male survivors are often left without appropriate legal recourse and protection. Unfortunately, the process of amending these laws is sluggish and beset by delays. For instance, the proposed amendment to the *Criminal Code*, despite being initiated in 2019, is only in its initial stages, barely progressing beyond the committee stage¹⁰⁵.

The *Penal Code Law* of some states (for example Kaduna and Jigawa state) although amended, also fails to address male rape. Despite augmenting the penalties for child rape (defilement) and enhancing the provisions for other sexual offences for these states, the legislature has yet to

¹⁰² Aliraza Javaid, 'Male Rape Myths: Understanding and Explaining Social Attitudes Surrounding Male Rape' *Masculinities and Social Change* (2015) (4) 270-294

¹⁰³ *ibid*

¹⁰⁴ Section 357 Criminal Code Act; section 282 Penal Code

¹⁰⁵ Senate Report on Criminal Code Act Amendment Bill [Senate-Report-on-Criminal-Code-Act-Amendment-Bill-2019.pdf \(placng.org\)](#) accessed 6 October 2023

consider amending the rape provision to include male victims. This legislative oversight further contributes to the inadequacy of legal protection and support for male survivors of sexual assault in the country.

The *VAPP Act*, while aiming to address male rape, falls short of providing comprehensive coverage for all instances of male sexual assault. Moreover, the issue is compounded by the fact that not all states within Nigeria have implemented or domesticated this Act.

This discrepancy in the application of the *VAPP Act* means that in states lacking legislation explicitly addressing male rape, victims might be disinclined to report their assaults. The absence of legal provisions for male rape in these areas implies that reporting such incidents would likely yield no penalties for the perpetrator. Additionally, victims are left without any compensation or legal recourse for the harm and trauma they have endured.

Consequently, the inadequate coverage of male rape within the *VAPP Act*, combined with the lack of uniform implementation across all Nigerian states, results in a situation where male victims face significant barriers in seeking justice or support. The absence of legal repercussions for perpetrators and the lack of compensatory measures for victims serve as deterrents for reporting male rape incidents, ultimately contributing to the prevailing underreporting and lack of support for male survivors.

The slow pace of legislative amendments and the failure to specifically recognize male rape within the legal framework in Nigeria perpetuate a system that lacks the necessary protection and justice for male victims, thus significantly contributing to their hesitance in reporting such cases or seeking legal justice.

In a nation where numerous laws are designed explicitly for safeguarding women and countless organizations are established to advocate for the interests of women and girls, there exists a noticeable absence of similar provisions or establishments for the male gender¹⁰⁶. This void leaves men to endure their struggles in silence, bearing their burdens without support. The absence of dedicated institutions amplifies the isolation felt by male victims of rape.

The existing gender-based violence provisions primarily focus on women, thereby perpetuating the perception that only the female gender is acknowledged and catered to¹⁰⁷. The prevailing focus on women in discussions about gender further underscores the lack of attention given to men in these contexts¹⁰⁸.

The absence of specific institutional support tailored to male survivors of rape exacerbates the challenges. The current legal framework and support mechanisms are inadequate in acknowledging or catering to the unique needs of male victims. Most of the existing institutions are centred and trained specifically on how to handle rape victims, the rape victims in view, in this case, are women and girls¹⁰⁹. This means that the personnel of these institutions are more skilled in handling female victims of rape and because male and female victims of rape respond differently, their skill may not be adequate in responding to male victims implying the need for institutions tailored specifically to the handling of male victims of rape¹¹⁰. The lack of this nature of intuitional framework may discourage male victims from speaking up for fear of being misunderstood or misjudged.

¹⁰⁶ Enobong Mbang Akpambang, 'A Critical Appraisal of the Legal and Policy Frameworks for the Protection of Women's Right in Nigeria' *American International Journal of Contemporary Research* (2020) 10(1) 17-31

¹⁰⁷ Tamara Frunse, Stephanie Ere Tobi and Sarah Mohammad, 'Addressing Sexual Violence Against the Male Gender: A Legal Perspective' *Centre for African Justice, Peace and Human Rights* [2019] <https://www.centrefor.africanjustice.org/addressing-sexual-violence-against-the-male-gender-a-legal-perspective/> accessed 5 October 2023

¹⁰⁸ *ibid*

¹⁰⁹ Tamara Frunse, Stephanie Ere Tobi and Sarah Mohammad (n 162)

¹¹⁰ *ibid*

Moreover, there seems to be a pervasive lack of awareness and education regarding male rape, leading to widespread misconceptions and misunderstandings¹¹¹. This dearth of understanding may also significantly contribute to the silence of victims, underreporting of male rape cases and the scarcity of support available to male survivors¹¹².

Addressing the topic of the silence of male rape victims involves confronting various cultural stereotypes, myths, and societal expectations linked to toxic masculinity and gender norms. These are some of the prevalent issues and misconceptions surrounding male rape and its silence by victims¹¹³. Male rape myths are false ideas about male rape victims that misrepresent the reality of male sexual assault¹¹⁴. Male rape myths are widely accepted by society and are rooted in traditional views of masculinity and male sexuality. Research indicates its prevalence in Nigeria¹¹⁵.

Contrary to the traditional role of males as protectors in society, non-disclosure of male rape experiences is often seen not as a societal concern but as an absence of the issue due to potential negative a widespread misconception that men cannot be victims of sexual assault or rape¹¹⁶. This misconception stems from traditional gender roles that paint men as always strong and sexually dominant, which makes it difficult for male victims to come forward and seek help. One prevalent misconception that significantly impacts men who are survivors of rape is the widespread belief among both the general public and healthcare professionals that men cannot be victims of sexual

¹¹¹ Sitto- Kaunda Karabo and Elizabeth Lubinga, 'Gendered Myths, Risk and the Social Amplification of Male Rape: Online Discourses' *COMMUNITAS* (2020) (25) 1-24
https://www.researchgate.net/publication/360807396_Gendered_myths_risks_and_the_social_amplification_of_male_rape_online_discourses accessed 6 October 2023

¹¹² *ibid*

¹¹³ *ibid*

¹¹⁴ Falana Abolade and Falana Tolulope, 'The Social-Legal Attitude Towards Rape Victims in Nigeria During COVID-19 Pandemic' *International Journal of Innovative Research in Social Sciences and Strategic Management Techniques [2012] 9(1)22*

¹¹⁵ *ibid*

¹¹⁶ Sitto- Kaunda Karabo and Elizabeth Lubinga, 'Gendered Myths, Risk and the Social Amplification of Male Rape: Online Discourses' *COMMUNITAS* (2020) (25) 1-24
https://www.researchgate.net/publication/360807396_Gendered_myths_risks_and_the_social_amplification_of_male_rape_online_discourses accessed 6 October 2023

assault¹¹⁷. Research revealed that male victims of rape, upon reporting their experiences, frequently encounter responses of disbelief, hostility, and blame¹¹⁸. This occurs not only when disclosing the assault to friends and family but also extends to societal reactions¹¹⁹. Additionally, the research indicates that these responses align with preconceived sex-role stereotypes related to sexuality. Despite the reality and trauma experienced by both male and female victims of rape, societies frequently question the possibility of a man being raped. The responses from communities and service providers towards male sexual assault victims often hinge on the perceived sexual orientation of the victim and the gender of the perpetrator¹²⁰. There seems to be more sympathy extended to female and child rape victims, with these groups commonly recognized as vulnerable in most countries.

In many patriarchal societies, the concept of hegemonic masculinity and sexism shapes the expectations around gender roles, depicting men as dominant and superior figures. According to Javaid (2015), male rape victims are often seen as symbols of lesser masculinity, perceived as vulnerable and marginalized, diverging from societal norms¹²¹. The societal representations of men usually revolve around traits such as power, wealth, leadership, and control, reinforcing the idea of male dominance. There is limited space within these representations for men who differ in physique, sexual orientation, or non-traditional gender roles. The notion of male rape challenges these entrenched ideas of masculinity, making society uncomfortable with the notion of men being perceived as vulnerable.

¹¹⁷ *ibid*

¹¹⁸ Jayne Walker, John Archer and Michelle Davies, 'Effect of Rape on Men: A Descriptive Analysis' *Archives of Sexual Behavior* (2005) 34(1) 69-80

¹¹⁹ *ibid*

¹²⁰ Davies Michelle, 'Male Sexual Assault Victims: A Selective Review of the Literature and Implication for Support Services' *Aggression and Violent Behavior* (2002) 7(3) 203-214

¹²¹ Sitto- Kaunda Karabo and Elizabeth Lubinga (n 171)

Studies indicate that both men and women tend to show less belief and seriousness when it comes to male victims of sexual assault, especially when the perpetrator is a woman as opposed to a man¹²². The research highlights a significant bias in how society perceives and responds to incidents of male victimization based on the gender of the perpetrator. This bias suggests a tendency to downplay or minimize the trauma experienced by male victims when the perpetrator is female, contributing to a lack of acknowledgement and support for these survivors. This discrepancy in response based on the gender of the perpetrator underscores the complex way society views and reacts to male victimization, exposing an area where biases and stereotypes heavily influence perceptions of sexual assault. Gender norms often imply that men are always willing for sexual encounters and are not affected by unwanted advances, rather they are supposed to enjoy the experience and jubilate about it¹²³. Such stereotypes disregard the fact that men, like anyone else, have the right to autonomy over their bodies and emotions. When confronted with scenarios of sexual assault where the victim is male, respondents often tend to perceive the situation as consensual or mutually desired, involving nominal distress and even a sense of enjoyment for the victim. This judgment of the event as less severe or even enjoyable tends to overshadow the exploitative or assaultive nature of the act. This deeply ingrained belief often dissuades men from reporting their experiences, as they fear they will not be taken seriously or will face dismissal and invalidation of their trauma. When a male survivor comes forward, the response sometimes includes being told that what they experienced was not an assault at all, essentially denying the validity of their experience. This dismissal can exacerbate the trauma and discourage further reporting.

¹²² Graham R, 'Male Rape and the Careful Construction of the Male Victim' *Social and Legal Studies* (2006) (15)187-208

¹²³ *ibid*

Even male respondents, in particular, tend to focus on the sexual aspect of the encounter rather than recognizing the abusive or non-consensual aspects of the act. In a study conducted by Doherty¹²⁴ and Anderson¹²⁵ in 2004 and 2008, where 30 pairs of males and females were engaged in discussions about fictional accounts of male rape, the responses indicated a tendency to overlook the coercive or harmful elements of the assault, instead of perceiving it through the lens of a consensual engagement or even pleasure. This tendency to downplay the seriousness of the assault or to attribute it to a mutual sexual encounter demonstrates a significant challenge in acknowledging and addressing the true nature of male sexual victimization

One of the reasons behind this misunderstanding is the lack of understanding about how the body physiologically responds to such traumatic situations. There is a misconception that if a man experiences physical arousal, like an erection or orgasm, during a sexual assault, it implies consent or enjoyment, which is entirely false¹²⁶. This misunderstanding contributes to the notion that if a man physically responds, he must have wanted or enjoyed the assault, further complicating the understanding of male victimization.

This false notion not only hinders people from acknowledging that men can be victims of sexual abuse, but it also poses a significant barrier for male survivors in recognizing and accepting their victimization. The fear of not being believed or of being told that their experience was not valid can prevent men from acknowledging the trauma they have endured, making it even more difficult for them to seek support, report the assault, or even recognize the need for help.

¹²⁴ Kathy Doherty and Irina Anderson, 'Making Sense of Male Rape: Constructions of Gender, Sexuality and Experience of Rape Victims' *Journal of Community and Applied Social Psychology* (2004) 14 [Making sense of male rape: Constructions of gender, sexuality and experience of rape victims | Request PDF \(researchgate.net\)](#) accessed 6 October 2023

¹²⁵ Irina Anderson and Alison Quinn, 'Gender Differences in Medical Students' Attitudes Towards Male and Female Rape Victims' *Psychology Health and Medicine* (2009) 14 (1) 105-110 <https://doi.org/10.1080/13548500802241928> accessed 6 October 2023

¹²⁶ Clayton M Bullock and Mace Beckson, 'Male Victims of Sexual Assault: Phenomenology, Psychology, Physiology' *The Journal Of The American Academy Of Psychiatry And The Law* (2011) 39(2) 197-205.

Male-on-male rape is commonly misinterpreted as a homosexual act in many societies. Male victims are wrongly labelled as homosexual, and there is a misconception that they were willing participants in their abuse. South African gender activist Mbuyiselo Botha notes that reported male rape cases are scarce because men are assumed to be willing participants in such experiences¹²⁷. Societal stigma against male rape further pressures men, including victims, to exhibit their masculinity through silence and strength, with speaking out seen as a sign of weakness. Toxic masculinity perpetuates the idea that men should always be strong, in control, and unemotional. When a man experiences sexual assault, the expectation that they should have been able to prevent it or fight off the perpetrator can lead to feelings of shame, embarrassment, and emasculation. Traditional gender roles and cultural expectations about masculinity can make it particularly difficult for male survivors to come forward and seek help. There might be pressure to conform to the societal idea of male strength and invincibility, leading to a reluctance to report such incidents. Similar to other forms of sexual assault, the majority of male rape cases involve a perpetrator who is known to the victim, often part of their social circle, and someone who holds a position of trust and respect within society¹²⁸. Perpetrators of male rape can include individuals such as teachers, caregivers, relatives, or members of the clergy. Victims may fear being ostracized due to the social power wielded by the perpetrators. This discourages victims from coming forward, perceiving the social risk of disclosure to be too high, potentially risking even the smallest amount of social capital. Due to the stigma attached to male rape and societal perceptions, many male victims might feel hesitant to report the assault or seek support. There can be a lack of resources specifically tailored to male survivors, making it more challenging for them to find help. In several countries, male rape

¹²⁷ Sitto- Kaunda Karabo and Elizabeth Lubinga, 'Gendered Myths, Risk and the Social Amplification of Male Rape: Online Discourses' *COMMUNITAS* (2020) (25) 1-24
https://www.researchgate.net/publication/360807396_Gendered_myths_risks_and_the_social_amplification_of_male_rape_online_discourses accessed 6 October 2023

¹²⁸ Saduwo Banyawa 'Fear of Stigma Silences Male Rape Victims' *HumAngle Media* (Lagos, 1 March 2023)
<https://humanglemedia.com/fear-of-stigma-silences-male-rape-victims/> accessed 6 October 2023

victims often face ridicule from government officials when reporting the crime, and some encounter stigmatization from healthcare professionals who are supposed to provide them with care¹²⁹.

In summary, male victims of rape who do disclose their experiences face potential reprisal in the form of societal stigma and stereotypes, making it difficult for them to report their trauma. Both children and adult male survivors often choose not to report their victimization due to feelings of shame, guilt, the fear of rejection, and the potential questioning of their sexual orientation. At the familial level, victims risk encountering mockery and exclusion. The perceived social risk associated with disclosure serves as a deterrent, particularly when victims anticipate a lack of support from their networks.

Disregarding the existence of male rape poses significant risks to individuals, families, communities, and society as a whole. When victims of male sexual assault refrain from timely disclosure, it diminishes their chances of obtaining the necessary support and aid. Overall, male rape misconceptions perpetuate a harmful cycle, where the lack of understanding around male rape prevents proper recognition, support, and healing for male survivors, thereby silencing their experiences and needs. Addressing this misunderstanding and providing education about the physiological responses to sexual assault for men is critical in validating the experiences of male survivors and fostering a supportive environment for reporting and recovery. There is a crucial need for dialogue and safe spaces for men to address and come to terms with their experiences without feeling responsible or to blame coupled with full legal support, justice and compensation for injuries suffered.

¹²⁹ Sitto- Kaunda Karabo and Elizabeth Lubinga, (n 182)

CHAPTER FOUR

4.0 Introduction

While there is widespread societal disapproval of rape, the persisting prevalence of this heinous crime can be attributed to deeply rooted biases and ineffective legal systems¹. Many legal systems have shown inadequacies in addressing and deterring rape². This could be due to loopholes in the law, lenient sentencing, or the difficulty that victims face when reporting the crime³. Shockingly, in certain instances, these issues have not only failed to curb the occurrence of rape but have inadvertently led to an increase in its frequency⁴.

In ancient times, male rape was often dismissed as a myth and considered unimaginable⁵. However, in recent history, the issue of male rape has gained prominence, with numerous jurisdictions taking steps to explicitly criminalize this heinous act⁶. This unspeakable crime, often concealed in silence and burdened by societal stigma, represents a severe violation of an individual's autonomy, dignity, and fundamental human rights⁷.

This chapter seeks to analyze the legal and institutional framework of rape and male rape in Nigeria.

4.1 LEGAL FRAMEWORK OF RAPE AND MALE RAPE IN NIGERIA

Every law in a legal system relies on a basic rule for its authority, and this fundamental rule is called the “grundnorm”.

¹ Maria Duque, ‘Towards a Legal Reform of Rape Laws’ *The Georgetown Journal of Gender and the Law* [2021] 22(487) 488

² *ibid*

³ *ibid*

⁴ *ibid*

⁵ Thomas J.C and Kopel J, ‘Male Victims of Sexual Assault: A Review of the Literature’ *Behavioral Sciences* [2023] 13(4) 304 <https://www.mpdj.com/2076-328X/13/4/304> accessed 5 October 2023

⁶ *ibid*

⁷ Taiwo Alabi, ‘The Legal Framework on Rape in Nigeria’ *DNL Legal and Style Blog* (16 June, 2021) <https://dnlegalandstyle.com/2021/the-legal-framework-on-rape-in-nigeria/> accessed 5 October 2023

The Nigerian Constitution serves as the grundnorm that establishes the legal framework for the nation. In *Chapter IV* of the Constitution, special emphasis is given to fundamental human rights, with *Section 34* specifically addressing the “Right to Dignity of Human Person”. This section unequivocally states that every individual is entitled to respect for the dignity of their person. *Subsection 1* of this section provides that no one shall be subjected to torture or inhuman or degrading treatment. The Nigerian Constitution is considered the supreme law⁸, and it applies to both the government and the governed, emphasizing the importance of upholding the principles of dignity and the prohibition of torture, which includes acts like rape.

Rape is a clear violation of an individual's dignity and honour. It represents a severe form of torture and is directly contrary to the constitutional provisions. Rape often results in inhuman and degrading treatment, causing severe physical, psychological, and emotional harm to victims. In, essence, rape constitutes a fundamental breach of the rights and dignity of the victims. Although the Constitution does not explicitly define acts that breach human dignity or constitute torture, it is strongly implied.

Furthermore, *section 4* and *section 5* of the Constitution assign the Nigerian government the responsibility of making laws related to exclusive and concurrent legislative matters to ensure peace and good governance in the country. In response to this, various legislations have been enacted to address the pervasive issue of rape and male rape. Some key legislative instruments include the *Criminal Code* and *Penal Code*, which are principal acts regulating crimes in Nigeria's legal system. These codes contain provisions related to sexual offences and punishments. In addition to these, the *Violence Against Persons (Prohibition) Act* and the *Child's Rights Act* are crucial legal frameworks

⁸ Section 1, Constitution of the Federal Republic of Nigeria 1999 (as amended)

that provide comprehensive provisions for addressing sexual violence or rape and the rights of victims, including children.

In summary, the Nigerian Constitution places great importance on the dignity of every individual and strictly prohibits acts that infringe upon this dignity, including rape. The legal framework within the country includes several pieces of legislation aimed at addressing rape, ensuring the protection of victims, and holding offenders accountable for their actions. These laws collectively work to promote a safer and more just society in Nigeria. It also ensures strict deterrence against rape; however, they appear insufficient in tackling male rape which is as much prevalent as female rape.

4.1.1 The Criminal Code and the Penal Code

The *Criminal Code* and the *Penal Code* are the primary legislative frameworks governing criminal law in Nigeria. The *Criminal Code* applies to the southern states, encompassing the geographical expanse of the southern region of Nigeria, while the *Penal Code* governs the northern part of the country.

Under the *Criminal Code*, rape is defined in *section 357* of the act as:

‘Any person who has unlawful carnal knowledge of a woman or girl, without her consent or with her consent, if the consent is obtained by force or using threats or intimidation of any kind or by fear of harm or using false and fraudulent representation as to the nature of the act, or in the case of a married woman by personating her husband is guilty of an offence which is called rape.’

At first glance, the usage of the term "any person" might suggest a gender-neutral approach, but as the provision unfolds it becomes clear that this provision pertains specifically to individuals who engage in unlawful carnal knowledge of a woman or girl. The subsequent qualifier: "...of a woman or girl," unequivocally establishes that this definition is specific to cases involving female victims.

The root of the issue stems from the phrase "woman or girl" and the interpretation of "unlawful carnal knowledge" in *section 6* of the Act, which defines this term as a sexual connection which occurs outside the confines of marriage, signifying that it is completed upon penetration. The critical point of contention revolves around the definition of penetration. In the case of *Ogunbayo v State*⁹, the Supreme Court ruled that rape is considered complete upon the establishment of penetration no matter how slight. It went further to explain that the penetration is that involving the penetration of a penis into a vagina. It is essential to emphasize that only males possess a penis, leading to the conclusion that penetration can only be executed by males. Consequently, this provision implies that only males are capable of engaging in sexual penetration of a female, raising significant gender-related concerns in the legal context.

The section further enumerates various circumstances in which such penetration can be classified as rape. These include situations where there is a lack of consent or when consent is obtained through:

- i) Force
- ii) Threats
- iii) Intimidation
- iv) fear of harm
- v) false or fraudulent representation, or
- vi) impersonation of a married woman's husband.

This provision has faced criticism for being perceived as protective exclusively of female victims of rape. The complications indicated by this is that where a male person becomes a victim of rape anywhere in the southern part of Nigeria, he has no legal remedy under the law for a trial of rape. Instead, the prevailing practice involves charging the perpetrators for offences like

⁹ (2007) All FWLR (Pt 365) 408

defilement(where the victim is a male child), unnatural offences or sexual assault, as the law does not readily acknowledge the male victim as a rape survivor.

The legal avenues available to male victims of rape under this Act are primarily defined by specific sections of the law. *Section 214(1)* addresses carnal knowledge against the order of nature, and *section 214(3)* pertains to cases where a male person allows another male person to engage in carnal knowledge against the order of nature; this provision could be used to prosecute cases where a male person forces another male person into penetration, with *section 352* considering instances where assault is involved in procuring such acts. Furthermore, *section 217* deals with acts of gross indecency between two males or when a male person induces another male person to commit acts of gross indecency with them, with *section 353* covering cases where assault is connected to these acts. *Section 216* comes into play when the victim is below fourteen years old. The interpretation of the phrase “against the order of nature” was elucidated in the case of *Magaji v Nigerian Army*¹⁰, where the court held that it pertains to penetration of the anus. In Nigeria, such cases are often treated as homosexual offences rather than rape, and the punishment imposed is generally less severe than the rape penalty in the *Criminal Code*. However, it is essential to note that the *VAPP Act* classifies these acts as a form of rape, bringing forth a stark contrast in the legal treatment of such incidences and highlighting the legal intricacies associated with this matter in Nigeria.

Another limitation placed by this Act is provided in *Section 30* which grants protection to male rapists below the age of twelve. The law safeguards them from the legal consequences where the

¹⁰ [2008]8 NWLR (pt. 1089) 338

perpetrator is below the age of 12 for example male rape occurs in boarding schools where there are a lot of young children who engage in such acts¹¹.

From the above, one can safely conclude that the provisions of the *Criminal Code* on rape are gender biased and there is an implication of gender discrimination.

At this juncture, it's crucial to highlight that the lawmakers who crafted this legislation have acknowledged their errors, and measures are underway to rectify the shortcomings of this section. *Clause 5 of the Criminal Code Act (Amendment) Bill 2019* explicitly addresses the substitution of the words in line 1 "woman or girl, without her consent or with her consent " with "any person, without consent or with consent." It further substituted the words in line 3 "in the case of a married, woman by personating her husband, is guilty of an offence which is called rape" with the words "in the case of a married man or woman, by personating his wife or husband, is guilty of an offence which is called rape". This amendment demonstrates a clear effort to ensure gender neutrality and rectify the previous gender-specific language. Although it has only gone through its second reading and has not passed through the rest stages a bill needs to become a valid law.

In Nigeria both the federal and state government have legislative powers to enact criminal laws. Without waiting for the amendment of the *Criminal Code* to fully take place, some states have exercised their legislative powers to legislate on matters of criminal laws as provided in the constitution by updating their state criminal code laws to be in alignment with contemporary circumstances such as male rape. Lagos State and Edo State serve as illustrative examples in this regard. Specifically, *section 261* of the *Criminal Laws of Lagos State* incorporates more gender-neutral provisions akin to the *VAPP Act* and *section 265* within this law strictly prohibits sexual

¹¹ Elizabeth Ogunbamowo, 'Horror Tales of Sexual Abuse, Molestation in Nigerian All-Boys Boarding Schools' *Sahara Reporters* (Lagos, 29 March 2021) <https://saharareporters.com/2021/03/29/horrific-tales-sexual-abuse-molestation-nigeria-all-boys-boarding-schools> accessed 6 October 2023 ;

activity without explicit consent. Similarly, *section 211* of the *Criminal Code Laws of Edo State* gives a gender-neutral provision of rape and it provides thus:

- (1) A person who performs any act of sexual intercourse on another person without his or her consent commits the offence of rape
- (2) “Without his or her consent” in subsection (1) means the other person-
 - (a) does not consent to sexual intercourse
 - (b) gives consent where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or using false or fraudulent representation as to the nature of the act
 - (c) consents to sexual intercourse because the assailant posed as his or her spouse or sexual partner
 - (d) is administered any substance capable of taking away his or her will; or
 - (e) is below the age of eighteen (18) years.

Section 220 of this legislation also provides for sexual intercourse without consent. Under these laws, a male or female person can be charged for the offence of rape.

Some other states like Enugu State have taken similar steps to ensure their Criminal Code Law reflects this gender equality on the crime of rape through the *Criminal Code Amendment Bill HB 12, 2020 Enugu State*.

The *Penal Code* much like the *Criminal Code*, includes provisions related to the crime of rape outlined specifically in *section 282*. This legal statute elucidates the legal framework and regulations governing cases of sexual violence or rape. It governs cases of crimes in the northern part of Nigeria

The *Penal Code* which has similar provisions to the *Criminal Code* provided for rape in *section 282* thus:

“A man is said to commit rape who has sexual intercourse with a woman in any of the following circumstances: against her will; without her consent; with her consent, when the consent is obtained by putting her in fear of death or of hurt...”

Seeing the phrase that the provision began with; “a man is said to commit rape”, one would think the code will also provide for when a woman is said to commit rape but a thorough perusal of the penal code would reveal that nowhere in the code is provision made for when a woman commits rape or when rape is committed against a man.

Interestingly, the *Penal Code* addresses male perpetration of rape but does not provide any provisions for female-perpetrated rape or instances where men are victims. This absence of gender-neutral language raises concerns about gender-specific legal loopholes in the *Penal Code*.

Despite differences in terminology, both codes create a comparable impact and interpretation. They lack clear provisions for male victims to legally pursue rape charges under these laws. In cases where the perpetrator is a male and the victim is also male, legal action might fall under different charges such as defilement if the victim is under 16, or gross indecency under *section 285*. Additionally, *section 284* categorizes offences as “against the order of nature.”

The *Penal Code* has undergone no amendments since its enactment and no efforts have been made to recognize male rape in this law. Interestingly, some states like Kaduna (through the *Kaduna State Penal Code (Amendment) Law 2020*) and Jigawa (through the *Penal Code (Miscellaneous Amendment) Law 2014*), have made amendments to their state *Penal Code* on matters of sexual offences but have made no effort to recognize male rape in the law. Consequently, the absence of explicit recognition in the law leaves male victims of rape in the northern part of Nigeria without legal protection under the *Penal Code*.

Moreover, the failure to acknowledge male victims of rape in both the Criminal and Penal Codes may be viewed as a form of gender discrimination, contravening section 42(1)(a) of the CFRN which kicks against a person being discriminated against by the law because of their sex. According to section 1(3) of the constitution, any law that is inconsistent with the constitutional provisions

should be void to the extent of its inconsistency. Therefore, the sections of the Penal Code and Criminal Code on rape should be declared void, and an amendment be in effect to it.

4.1.2 Violence Against Persons (Prohibition) Act 2015

The enactment of the *Violence Against People (Prohibition) Act* in 2015 signified a significant step towards addressing various forms of violence against individuals, encompassing male rape and broader definitions of rape in Nigeria. The law aimed to prohibit all forms of violence against individuals, both in private and public spheres, and established severe punishments for offenders.

Section 1 of the Act defines rape as follows:

“A person commits the offence of rape if:

- 1) He or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else
- 2) The other person does not consent to the penetration
- 3) The consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by employing false and fraudulent representation as to the nature of the act or the use of any substantive or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse”

The Act redefined the understanding of rape in the country, expanding the scope to include male victims and instances of rape involving objects and deceitful misrepresentations. The Act however faces limitations due to emphasis on the term “penetration” in its definition. This can be considered a restrictive definition. While it covers scenarios where a male is forcibly penetrated, it does not extend to situations where a female forces a male to engage in sexual intercourse with them or where one male force another male to engage in intercourse with them without consent. This restrictive interpretation implies that where penetration of a male without consent is considered rape, forcing a male person to penetrate does not fall under the legal definition of rape. This gap in the

law creates some discrepancy in prosecuting such cases despite the inherent violation similar to that of rape.

Due to this flaw, some states like Edo State broadened their definition to include insertion and this can be interpreted to include forced penetration as well. This is provided in *section 4* of the *Violence Against People (Prohibition) Law of Edo State* which was domesticated in 2019.

Another problem with the *VAPP Act* is that it is only operational in Abuja and only a few states have domesticated it.

4.1.3 Child's Rights Act

This act was enacted to protect the interests of children. In *section 277* of the Act, a child was defined to mean a person under the age of 18.

Section 31 prohibits sexual intercourse with children thus:

- (1) No person shall have sexual intercourse with a child.
- (2) A person who contravenes the provision of Subsection (1) of this section commits an offence of rape and is liable on conviction to imprisonment for life.
- (3) Where a person is charged with an offence under this section, it is immaterial that-
 - (a) the offender believed the person to be of or above the age of eighteen years; or
 - (b) the sexual intercourse was with the consent of the child.

Under this Act, a male child is legally protected against rape as the provisions of the Act extend to their gender.

4.2 INSTITUTIONAL FRAMEWORK

In the ongoing effort to combat rape and support those who have experienced it, various platforms have emerged. While numerous organizations have been specifically tailored to aid female survivors, there is currently no known organization exclusively dedicated to addressing male rape or

providing assistance to male survivors in Nigeria. Nevertheless, there are gender-inclusive organizations established to support survivors of rape, which could serve as a valuable starting point for male victims seeking solace after such experiences.

4.2.1 Sexual Assault Referral Centre

SARCs were established with the primary mission of providing vital assistance and support to individuals who have experienced the trauma of rape or sexual violence in Nigeria¹². This organization was formed with the express purpose of offering comprehensive aid, resources and care to survivors of rape or sexual assault, aiming to address their unique needs and challenges in the Nigerian context¹³. SARCs dedicated efforts are focused on helping victims recover and rebuild their lives, ultimately contributing to raising awareness and combating the issue of sexual violence in the country¹⁴. There are about 33 centers in different parts of Nigeria like Edo state, and Lagos state which has about three centers, Enugu, Abuja, Kaduna etc¹⁵.

Since the establishment of the first SARC in 2013, they have assisted over 15000 people. Of these, more than 75% were girls under 18 years old and nearly 60% were girls under 14 years old¹⁶.

Victims have the option to walk into the SARC or can be referred by various agencies, including the Police, Ministries of Gender/Women Affairs, Hospitals, and CSOs/NGOs, among others¹⁷. All cases are treated with the utmost confidentiality, and victims are not required to report their cases to other agencies if they choose not to most importantly, SARCs offer their services free of charge,

¹² Emmanuel Elebeke, 'UK Government Trains 33 Sexual Assault Referral Centers in Nigeria' *Vanguard Newspaper* (Lagos, 6 March 2022) <https://www.vanguardngr.com/2022/03/uk-government-trains-33-sexual-assault-referral-centres-in-nigeria/amp/> accessed 6 October 2023

¹³ ibid

¹⁴ ibid

¹⁵ ibid

¹⁶ Petition for State Governments to Fund Sexual Assault Referral Centres (SARCs) *Her Story Our Story* (2020) <https://www.herstoryourstory.ng/sarcs-petition/> accessed 6 October 2020

¹⁷ ibid

highlighting their role in filling a critical service delivery gap for vulnerable and disadvantaged individuals, ensuring that they receive the support they need in a timely and accessible manner¹⁸.

It is important to acknowledge the valuable services provided by Sexual Assault Referral Centres (SARCs) in Nigeria. SARCs offer¹⁹:

1. Confidentiality and a client-focused approach, ensuring victims are believed and not blamed.
2. Immediate, emergency medical treatment.
3. Forensic medical examination services conducted by specially trained doctors and midwives, producing reports admissible as evidence where appropriate.
4. Guidance on sexually transmitted infections (STIs) and the risk of pregnancy.
5. Immediate and ongoing counselling support from professionals experienced in victim support.
6. Assistance in contacting the police, social welfare department, or CSOs as needed and requested by the victim.
7. Continued guidance and support throughout any police investigation and prosecution.

The fact that SARCs are accessible for walk-ins and can be referred by various agencies, while maintaining confidentiality, is crucial in providing support to victims. Additionally, it's noteworthy that these services are offered free of charge, emphasizing their essential, urgent, and lifesaving nature for vulnerable and disadvantaged individuals, particularly minors, male survivors of rape can also receive assistance and support from them.

4.2.2 Hands-Off Initiative²⁰

The Hands-Off Initiative is a non-profit organization established in March 2018, officially starting its operations in August 2018. Its mission is to address the pervasive issue of rape, sexual abuse,

¹⁸ ibid

¹⁹ ibid

²⁰ Patience Torlowei, *Supporting the Fight Against Systemic Rape in Nigeria* (31 May 2020) <https://patienceorlowei.com/world-of-torlowei/supporting-the-fight-against-systemic-rape-in-nigeria/> accessed 6 October 2023

harassment, and assault by visiting schools and communities to educate children, teenagers, and young adults about the concept of consent.

4.2.3 Stand To End Rape²¹

Stand to End Rape is a youth-led non-profit organization focused on advocating against sexual violence. They provide preventative measures and offer psychosocial support to survivors. Their work involves raising awareness about the importance of ending rape and eliminating victim blaming, particularly for survivors who may be reluctant to speak about their experiences due to stigmatization.

4.2.4 Mirabel Center²²

The Mirabel Centre holds the distinction of being the first sexual assault referral centre in Nigeria. They provide support for individuals, including men, women, and children, who have experienced rape or sexual assault, whether recently or in the past.

They offer services like:

1. Free Medical Examination and Treatment:

Their services encompass medical examinations, laboratory tests, and treatment delivered by trained forensic examiners to address physical and psychological injuries caused by the assault.

2. Psychosocial Support:

They offer counselling through both face-to-face and telephonic sessions to assist survivors in coping with the emotional and psychological aftermath of rape.

3. Legal Support:

²¹ ibid

²² <https://mirabelcentre.org> accessed 6 October 2023

The Mirabel Centre aids survivors in reporting the incident to the police, provides information on the legal system, and supplies medical reports to support investigations and the prosecution of perpetrators.

4. Referral to Other Agencies:

In cases where additional assistance is needed beyond their scope, they facilitate referrals to other organizations that can provide the necessary support.

They also carry out outreach programs and educational and advocacy initiatives on sexual violence.

CHAPTER FIVE

5. CONCLUSION

5.1 Summary of Findings

This study, titled "Silence of Male Rape Victims: An Analysis of the Legal and Institutional Framework of Male Rape in Nigeria," has delved into the legal and institutional aspects surrounding male rape in Nigeria, while shedding light on the factors contributing to the pervasive silence of male rape victims.

Key findings are as follows:

1. **Gender Bias in Primary Statutes:** Predominantly, the primary statutes addressing rape in Nigeria which are the *Criminal* and the *Penal Codes* display an inherent gender bias in terms of gender-specific language of the definition of rape.
2. **Absence of Institutional Framework:** There exists no specific institutional framework tailored to address incidents of male rape. The stark absence of a dedicated institutional framework tailored to address incidents of male rape emerged as a poignant gap in the existing infrastructure.
3. **Prevalence Discrepancy:** Despite significant occurrences of male rape, this research reveals a distressing underreporting trend, indicating a systemic oversight of the gravity of these incidents.
4. **Lack of Comprehensive Legislation:** There is a lack of a comprehensive national law specifically addressing male rape. The absence of a comprehensive national law specifically addressing male rape is a glaring gap in the legal framework.
5. **Ineffectiveness of Recent Amendments:** Despite recent legislative amendments to address male rape, the legal system continues to rely on antiquated, gender-biased laws.

6. **Parallel Impact on Male Victims:** Contrary to prevailing societal beliefs, male victims were found to bear comparable emotional, psychological, and social consequences to their female counterparts, challenging existing narratives.
7. **Gender Bias as Discrimination:** The gender-biased nature of the primary rape statutes is discriminatory against males within the justice system.
8. **Silent Suffering of Male Victims:** A poignant discovery was the heightened likelihood of male victims choosing to endure their traumatic experiences in silence, underscoring the need for a more empathetic and supportive environment.
9. **Need for a Framework for Male Rape:** The findings emphatically underscored the pressing need for the creation of a comprehensive and tailored legal and institutional framework to address male rape in Nigeria, recognizing its unique challenges and implications.
10. **Influence of Myths and Misconceptions:** Unraveling the layers of male rape in Nigeria, our research spotlighted the profound impact of prevalent myths and misconceptions, shaping societal perceptions and contributing to the hesitancy of male victims to come forward or speak up.

5.2 Recommendations

Effecting change and safeguarding the rights of male victims of rape in Nigeria demands a nuanced and multi-pronged approach:

1. **Amendment of all Gender Biased Rape Provisions in Nigeria Legislations:** The need for a critical overhaul of gender-biased provisions on the offence of rape in Nigerian legislation is evident. The *Penal Code* and *Criminal Code*, for example, persist in exhibiting gender bias. The ongoing *Criminal Code Act (Amendment) Bill 2019*, aimed at incorporating male rape

into the Criminal Code and eliminating the gender-biased nature of the Act, is currently in the committee stage. Urgent action is imperative from the National Assembly to expedite the completion of this process, transforming it into a legally binding statute. Simultaneously, amendments to the Penal Code's provision on rape are essential to ensure comprehensive coverage of male rape incidents and the elimination of its inherent gender bias. Furthermore, the VAPP Act, while broadening the definitions of rape, falls short of encompassing all forms of male rape, such as cases where a male is compelled to penetrate. Amendments to rectify these limitations are crucial, accompanied by governmental encouragement for lagging states to domesticate these changes.

2. **Creation of Awareness:** A robust campaign strategy to generate awareness about the prevalence of male rape is recommended, with a particular focus on empowering victims to share their experiences without fear of stigma.
3. **Institutional Framework Development:** Recognizing the absence of dedicated institutions, recommendations include the establishment of specialized bodies designed explicitly to provide support and assistance to male rape victims.
4. **Personnel Training:** Acknowledging the unique responses of male victims to rape, there is a need for specialized training of personnel, aiming to cultivate an understanding of the distinct needs of male victims.
5. **Ensuring Support and Protection for Male Rape Victims:** It is imperative that the government actively commits to providing robust support and protection for male victims of rape. This entails creating a comprehensive framework that not only acknowledges the unique challenges faced by male survivors but also ensures that adequate support mechanisms are in place. This support should encompass both psychological and legal assistance, acknowledging the

profound impact of such incidents on the well-being of male victims. Additionally, the government should take proactive measures to safeguard the rights and dignity of male rape survivors, fostering an environment where they feel secure and supported as they navigate the aftermath of these traumatic experiences.

6. **Male Rape Report Helplines:** In response to the need for tailored support, the establishment of helplines specifically designed for male victims of rape is recommended, providing a confidential avenue for seeking assistance.
7. **Enactment of Legislation Protecting the Rights of the Male Gender:** A pivotal recommendation is an introduction of legislation explicitly catering to male rights in Nigeria and protecting the male gender from exploitation and abuse, signalling a commitment to addressing this issue at a legislative level.

5.3 Contributions to Knowledge

This study has made significant contributions to the broader understanding of male rape in Nigeria, unveiling layers of complexity:

1. Analysis of Institutional Framework for Male Rape:

The examination of the institutional framework for male rape in Nigeria reveals a critical deficiency—a lack of a specialized structure expressly designed to address the unique challenges faced by male victims. This void underscores a systemic oversight in the support mechanisms available for this demographic. However, amidst this deficiency, the research sheds light on existing institutions, for example, Stand To End Rape and various Sexual Assault Referral Centers scattered across the country. These entities, though not explicitly tailored for male rape cases, serve as potential sources of aid and support for male victims. Recognizing their utility becomes crucial in the absence of a dedicated institutional framework, emphasizing

the need for further development in this area to provide more targeted assistance to male survivors.

2. Analysis of Legal Framework for Male Rape:

The scrutiny of the legal framework concerning male rape in Nigeria uncovers a multifaceted challenge characterized by both ineffectiveness and inadequacy. The existing legal instruments, including the VAPP Act, Criminal Code, and Penal Code, fall short of comprehensively addressing the complexities associated with male rape cases. The identified inadequacies highlight systemic gaps, hindering the efficient prosecution and resolution of male rape incidents. Reform is imperative to align legal provisions with the nuanced nature of these cases, ensuring that justice is served equitably for all victims. This analysis underscores the necessity for legal revisions and advancements to meet the specific needs of male survivors and to foster a more inclusive and responsive legal framework.

3. Causes and Effects of Rape:

A nuanced exploration of the causes and effects of male rape provided a comprehensive understanding of the multifaceted challenges faced by victims.

4. Statistics:

The study contributed valuable statistical insights into the incidence and prevalence of male rape in Nigeria, painting a more accurate picture of the scope of the issue.

5. Historical Development of Laws:

A historical analysis of the development of male rape laws provided context to the current legal landscape, shedding light on the evolution of societal attitudes.

6. Addressing Myths and Misconceptions:

An examination of the pervasive impact of myths and misconceptions on the reluctance of male rape victims to come forward highlighted the importance of dispelling societal misconceptions.

5.4 Areas for Further Studies

These suggested areas for further studies aim to deepen the understanding of male rape in Nigeria, contribute to policy improvements, and enhance support mechanisms for survivors.

1. In-Depth Analysis of Institutional Support:

Conduct a detailed examination of existing institutions like Stand To End Rape and Sexual Assault Referral Centres to assess their efficacy in providing support to male rape victims. This could involve exploring their services, outreach programs, and the experiences of male survivors who sought assistance.

2. Comparative Analysis of International Models:

Investigate the institutional frameworks in place for addressing male rape in other countries, with a focus on successful models. This comparative study could provide insights into effective strategies and practices that could be adapted or modified for implementation in Nigeria.

3. Legal Reforms and Impact Assessment:

Explore the potential impact of proposed legal reforms, such as amendments to the *Criminal Code Act* and the *VAPP Act*, on the prosecution and resolution of male rape cases. Assess the practical implications of these reforms on legal proceedings and survivor outcomes.

4. Public Perception and Awareness:

Conduct a study on public perceptions and awareness regarding male rape in Nigeria. This could involve surveys or qualitative research to understand societal attitudes, dispel myths, and gauge the effectiveness of current awareness campaigns.

5. Psychosocial Impacts on Male Survivors:

Delve into the psychosocial effects of male rape, examining the long-term impacts on mental health, relationships, and overall well-being. This study could provide a more nuanced understanding of the challenges faced by male survivors beyond the legal and institutional aspects.

6. Comparative Legal Analysis:

Conduct a comparative legal analysis of how different legal systems address male rape. This study could identify best practices, highlight potential gaps, and contribute to the ongoing discourse on legal reforms in Nigeria.

7. Policy Implementation and State Variations:

Investigate the implementation of policies related to male rape at the state level in states that have recognized male rape in their legal system in Nigeria. Analyze variations in policy adoption and enforcement, identifying factors that contribute to successful implementation or hinder progress.

8. Longitudinal Study on Legislative Impact:

Undertake a longitudinal study to track the impact of legislative changes, observing trends in reporting, conviction rates, and societal attitudes over an extended period. This could provide valuable insights into the evolving landscape of male rape prosecutions in states with male rape laws in Nigeria.

5.5 Conclusion

In concluding this research, "Silence of Male Rape Victims: An Analysis of the Legal and Institutional Framework of Male Rape in Nigeria," it becomes evident that addressing the multifaceted challenges surrounding male rape necessitates a holistic and concerted effort. The

findings underscore the critical gaps in both the institutional and legal frameworks, revealing a pressing need for comprehensive reforms and initiatives.

The institutional analysis unveils a stark absence of dedicated support structures for male rape victims. While certain existing institutions offer valuable assistance, the lack of specificity in their design calls for further exploration and development. Initiatives that cater explicitly to the unique needs of male survivors are imperative to bridge this institutional gap effectively.

On the legal front, the study exposes the inadequacies of current legislation, marked by gender bias and an inability to comprehensively address male rape. The ongoing legislative amendments, though promising, need expeditious implementation, and further revisions are crucial to ensure a legal framework that is equitable, inclusive, and responsive to the nuances of male rape cases.

The prevalence of underreporting, societal misconceptions and the silent suffering of male victims underscore the urgency for awareness campaigns that challenge stereotypes and encourage victims to come forward without fear of stigma. Additionally, a proactive approach to creating a supportive environment for male survivors, both legally and institutionally, is paramount.

Future studies should delve into the effectiveness of proposed reforms, assess the impact of existing support mechanisms, and explore the psychosocial dimensions of male rape survivorship. Legislative changes must be accompanied by robust institutional structures designed explicitly for male victims, fostering an environment that empowers survivors to break their silence.

Ultimately, the silence surrounding male rape in Nigeria can only be shattered through a comprehensive, collaborative effort involving legislative reforms, institutional developments, awareness campaigns, and societal shifts in perceptions. The journey towards justice and support for male survivors is ongoing, and this thesis serves as a call to action, urging stakeholders to contribute to a more compassionate, equitable, and responsive framework for addressing male rape in Nigeria.

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