

Rape Myths and the Legal Process in South Ethiopia Region: Impact of Victim Behavior Prior to Rape

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Abstract

Ethiopia has implemented numerous policy improvements including reforming a legislation against rape. However, it is still unclear how much these changes have shifted the focus of rape case processing from the victim's reputation and behavior to the offender's criminal behavior. The purpose of this article is to study how the myth of "victim behavior" affects rape prosecutions in South Ethiopia Region. The study used a socio-legal method of empirical data collection, which combined survey, interview, and court document analyses. All in all, 230 key actors, including judges, prosecutors, defense lawyers, and investigating police officers answered a self-administered survey questionnaire. Besides, 40 interviews were conducted and 316 prosecution and court files were analyzed. The survey data shows that the majority of respondents (64.82%) rated their attitudes on the six-item scale above average indicating that many of the key actors in the legal process are inclined to believe in rape myths and, when addressing rape cases, have been influenced by victims' purported actions before rape. Besides, data from interviews, as well as case review analysis, revealed that the victim's reputation and risk-taking behavior prior to rape have a significant influence on the legal process. As a result, the findings of this study indicate that rape victims in the study area are more likely to be unfairly treated in the legal process due to the influence of rape myths on the key legal actors.

Keywords: *rape myths, legal process, victim, South Ethiopia Region*

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Introduction

Most rape definitions appear simple and clear on paper, but they are incapable of accommodating the various legal issues that arise in rape trials. Nonetheless, the importance of the definition of rape in the legal process is becoming increasingly recognized. Without knowing the legal definition of rape, it is difficult to understand the entire legal process that is set in motion in the prosecution of rape. The term rape is used in reference to only one gender-specific sexual offense in the Ethiopian Criminal Code (2004), namely, sexual intercourse (penile-vaginal penetration) of a man with a woman outside of marriage, by violence (physical force), by threat of force (grave intimidation), or by rendering the victim incapable of offering resistance or unconscious. Other sexual offenses have been treated separately, with different headings and severity of penalties. However, in the current study, the term “rape” refers to only one gender-specific sexual offense that has been criminalized under the Ethiopian Criminal Code (2004): “Whoever compels a woman to submit to sexual intercourse outside wedlock, whether through violence or grave intimidation or after rendering her unconscious or incapable of resistance, is punishable...”³

The crime of rape has an impact on the victim’s physical and emotional health. Rape is considered a violation of one’s dignity, freedom, and rights.⁴ The most severe effect of rape may be the denial of women’s basic human rights and freedoms (Innocenti Digest 200). It is considered discriminatory since it alters women’s lifestyles and limits some of their options, such as freedom of movement, in an effort to lower the danger of being raped (Stellings 1993, 188).

In Ethiopia, according to a national study conducted by the Ministry of Women, Children, and Youth Affairs (MoWCYA), the prevalence of sexual violence in the workplace was 37 percent in

³ The Criminal Code of the Federal Democratic Republic of Ethiopia 2004, Proclamation No. 414/2004, art. 620.

⁴ “Dignity on trial,” Human Rights Watch India-WRD_0910_web Accessed September 1, 2023.

the public sector and 33 percent in the private sector.⁵ In the higher education institutions, the prevalence rate was determined to be 39 percent, substantially higher than the secondary school average of 20.7 percent.⁶ Similarly, the 2016 Demographic and Health Survey found that 7 percent of women aged 15 to 49 had experienced sexual violence in the year before the survey, and 10 percent had experienced it at some point in their life.⁷ According to the survey, 2 percent of girls and 5 percent of women who were 18 or younger had experienced sexual assault.

Despite the widespread incidence of sexual violence and its effects, few women and girls actually report the occurrence. According to 2016 Demographic and Health Survey data, only 8 percent of victims sought police aid.⁸ Only 2 to 3 percent of women had ever consulted a lawyer, a doctor, or a social worker, among other potential support providers.⁹

There is a general belief that rape is terrible, degrading, and dishonorable to victims and their families, and such impact may even be worse upon reporting the occurrence and pursuing justice (Biseswar 2011; Sara Tadiwos 2001). The social retribution of the victim gives the perpetrator an unfair advantage as the offenders' acts are attributed to the victim. This means that the victim is affected twice, one when they faced the assault of sexual violence and second when the society may turn accusation towards them. Consequently, the victim is discouraged from reporting the assault, pursuing justice, and obtaining other essential assistance (Sinidu Fekadu 2008).

Over the past 20 years, Ethiopia has introduced a number of policy changes that also address the issue of rape (Mesay Hagos 2020). The extent to which these changes have improved reporting to the

⁵ "Ministry of Women, Children and Youth Affairs, *Assessment of Conditions of Violence against Women in Ethiopia*, Final Report November 2013, 60-64.

⁶ Ibid.

⁷ "Central Statistical Agency, *Ethiopia Demographic and Health Survey*," Addis Ababa, Ethiopia, 2016.

⁸
Ibid. ⁹

Ibid.

police, prosecution, and conviction rates for rape cases, and rape victim treatment, however, is still an area which is less studied. It has also been found that these legal revisions had not influenced the shift of focus of rape case processing from the victim's reputation, character, and behavior to the offender's criminal behavior (Mesay Hagos 2020).

Due to the mistreatment of victim-witnesses during cross-examination, some feminists have referred to the unpleasant experiences of many complainants during both the investigation and trial processes as "judicial rape (Lees 1993)." Although it should be highlighted that some jurisdictions have made improvements, these problems show a "justice gap" in the successful prosecution of sexual abuse (Smith and Skinner 2002).

Feminist research claims that the "justice gap" in rape cases is at least partially a result of the propagation of rape myths (Temkin, Gray and Barrertt 2018; Eyssel and Bohner 2011; Estrich 1987). Rape myths are widespread beliefs about rape that "affect subjective definitions of what constitutes a "typical rape," contain problematic beliefs about the likely behavior of perpetrators and victims, and paint a distorted picture of the antecedents and consequences of rape (Bohner et al. 2009). Many criminal justice professionals are alleged to have an unconscious bias towards rape complainants, which has been demonstrated to affect their judgment in rape cases (Temkin 2010). These biases have led to a high rate of unwarranted defendant discharge since many legal professionals have a tendency to unduly favor rape defendants during justice processes to the detriment of complainants (Temkin 2010).

Thus, one of the main causes of unfair proceedings in rape cases is the tendency of judicial authorities to have incorrect assumptions about the traits and behavior of a "genuine" rape victim and thus to place more emphasis on these than the defendants' acts. According to studies, this thinking is a more discreetly stated kind of victim blaming than overt one, and it manifests negative beliefs toward rape victims (Edwards et al. 2011). The rape victims are blamed for being victimized, and/or they are held accountable

and/or blameworthy for their victimization (Bohner et al. 2009). Commentators assert that “there is probably no other criminal offense that is as closely linked to broader social attitudes and evaluations of the victim’s conduct as sexual assault” (Kelly, Lovett and Regan 2005). It is believed that gender roles and sexist attitudes are the attitudes that lead to assigning blame and accountability to the victim (Frese, Moya and Megias 2004). Behaviors that increase attributions of responsibility or blame to the victim are consistently identified as behaviors that may be considered to exceed female gender-role expectations (Grubb and Turner 2012). Belief in victim precipitation suggests skewed perceptions of what causes rape, and it is unethical because “the perpetrator’s responsibility must remain with them” and “it is the perpetrator who decides to commit rape regardless of the victim’s behavior (Bohner et al. 2009; Lovett and Horvath 2009).” Similarly, in a qualitative study conducted in Addis Ababa, Blain documented instances where perceived risk-taking behaviors were used to disqualify rape victims from being considered “genuine” and to determine case-processing outcomes (Blain Worku 2011).

The researchers believe it is critical to address the presence of rape myths in the Ethiopian criminal justice system and their significant potential for undermining justice in rape cases. This, in turn, may reveal the influence of rape myths on the legal process for rape and possible solutions to the problem. Furthermore, it contributes to the existing body of knowledge on rape myths. The researchers believe that this study is one of a few to contribute to this phenomenon in terms of key actors in the criminal justice system. It is hoped that the study will generate knowledge that can be used as a starting point for further research into rape myths and actors who work with rape victims. The study’s objective is to investigate the influence of victim’s reputation and risk taking behavior prior to rape on the legal process in Ethiopia in order to provide knowledge that can help improve the criminal justice system’s response to rape.

Methods

Study Area

This study was conducted in the South Ethiopia Region. Kenya borders it on the south, the South West Ethiopia Region on the southwest, the Sidama Region on the east, the Central Ethiopia Region to the north, and the Oromia Region to the east. The region is made up of approximately 31 indigenous ethnic groups, each having their own geographical setting, language, culture, and social identities. For this study, from twelve sub-regional administrative units, five zones, and three administrative towns were randomly selected.

Study Aesign and Sampling

Legal researchers use approaches from other disciplines to collect empirical data from the society (Kumar and Malik 2012). This study used a socio-legal method to investigate whether rape myths influence the criminal justice system in the study area. A mixed-method research design was used in this study, which Creswell defines as a procedure for collecting, analyzing, and “mixing” both quantitative and qualitative methods in a single study or series of studies to better understand a research problem (Creswell 2012). A mixed method leverages rich data and a fuller understanding of a problem in investigation (Doyle, Brady and Byren 2009, 178-179).

Quantitative Approach

Intended to evaluate attitudes toward rape victims, this study used cross-culturally validated scale named the Attitudes toward Rape Victims (Xenos and Smith 2001). A questionnaire with six items was developed, with the focus areas of credibility and victim blame. Items were scored using a 5-point Likert scale, and the total score ranging from 0 to 100 was employed to determine how much the reputation of the victim and risk-taking behavior prior to the rape affected the criminal justice system in the selected research locations. Therefore, a survey was undertaken to measure knowledge, attitude, and beliefs concerning rape victims in order to

examine how their reputation and risk-taking behavior prior to rape had influenced investigative officers, defense lawyer, prosecutors, and judges. Purposive sampling technique was employed to select key actors. As a result, judges, prosecutors, defence lawyers, and investigative police officers who had handled and made decisions on rape cases in their respective capacities were carefully identified as respondents. From a total population of 542 key actors in study area, a sample of 230 were selected for this study and completed a self-administered questionnaire based on Taro's (1967) simplified formula for sample size determination.

Qualitative Approach

After deciding on interviewing as one of the data collection methods, it was critical to select the right people who could provide the necessary data (Bryman 2016). The most relevant individuals were CJS's key players as they have direct experience with the legal process: judges, prosecutors, investigative police, defense lawyers, as well as defendants and rape victims. These categories, however, play different roles in the process, and some of them have competing interests. As a result, their perspectives are likely to differ, hence, the sampling strategy considered including these divergent groups (Norman and Denzin 1989). Defendants were not included in the study because their role in the legal process is largely assumed by their lawyers. In total, forty people were interviewed from the five categories listed above, including ten judges, ten prosecutors, six investigative police, six defense lawyers, and eight rape victims. To protect their anonymity, they are referred to as: JUDGE [number] for the ten judges, PROSEC [number] for the ten prosecutors, INVESTIGATIVE POLICE [number] for the six investigative police, DEFENSE LAWYER [number] for the six defense lawyers, and RAPE VICTIM [number] for the eight victims. The sampling of prosecutors and judges had to account for representation of the various structures and departments that make up the prosecution service and the judiciary. Rape cases are heard in two levels of courts within ordinary courts: first instance courts and the High Court. There are two levels of prosecution as well: Town/Woreda

(District) and Zone. This representation was critical in the case of diverse practices across departments.

Analyses of Prosecution and Court Documents

Collection and analyses of prosecution and court documents was essential to see if prosecutors' and judges were influenced by rape myths. The most detailed explanations of these decisions can be found in the case files. As a result, the researchers collected 316 files that went through the legal process to judgment using Taro's (1967) simplified formula for determining sample size. It was deliberate to collect the files with all of their contents rather than just the final decisions. This allowed these decisions to be critically examined in terms of how well they reflected the evidence available to the decision-maker.

Data Collection

To guarantee the consistency and validity of the items, a small sample of randomly chosen participants were first piloted with the questionnaire. Ten questionnaires were consequently issued. The feedback from the pilot test was used to modify the questionnaire. The questionnaire was altered to provide respondents the opportunity to omit the open-ended questions if they so choose, considering that the majority of participants dislike completing them. Following that, the required number of copies were duplicated and distributed to the participants, with enough provisions for possible incomplete and/or missing responses. In order to assess their knowledge, attitudes, and beliefs regarding the victim's reputation and risk-taking behavior when processing and making decisions on rape cases, the key actors filled out a 6-item questionnaire with a cross-culturally validated scale. The data collection period lasted three months, beginning October 2021. Interviews were conducted using semi-structured interview guides. The questions were open-ended, allowing interviewees to make detailed comments and express their opinions freely (Denscombe 2003). To make things even easier, the interviews were conducted in Amharic (the working language of the

region). The questions were translated into Amharic and then back translated to ensure consistency. Because most interviewees did not want to be recorded, the researchers took handwritten notes during the conversations. The preparation and conduct of the interviews differed depending on the type of participant.

The collection of prosecution and court documents required sampling as well as adherence to relevant ethical obligations. As a result, researchers have conducted seconder (document) analysis in seven Zones that were purposefully chosen based on the number of reported rape cases. Based on a list of questions, researchers used police and court records to assess the extent of reported rape cases, the size of charges warranted, and the number of defendants found guilty of rape. The questions on the checklist included the complaint's demography, the reported history about the time and condition of the rape, previous experience with sexual intercourse, and other information available in the records that have been used to identify factors that affect the prosecution process. Only cases handled between September 2016 and February 2020 were gathered, however. This was done to ensure consistency in their interpretation.¹⁰

Data Analysis

In terms of data analysis techniques, qualitative data were organized manually in accordance with the research objectives and transcribed, coded, and analyzed using qualitative data analysis procedures. In particular, data were systematically organized into related themes and categories in accordance with the study's main objectives, from which analyses and interpretations were made. Data collected through document analysis and a cross-sectional survey, on the other hand, were entered into a template in Microsoft Excel and exported to SPSS #20 for cleaning and analysis. The recorded information from court documents was analyzed using descriptive statistics, cross-tabulation with the chi-square statistic,

¹⁰ This article is based on data obtained for a PhD thesis. This fact should be considered when analyzing the study area, quantity of respondents, and court cases.

and binary logistic regression. Using SPSS, simple descriptive statistics were used to analyze data collected via questionnaires, and Chi-square tests were used to determine statistical significance. Throughout the process, efforts were made to triangulate data from various sources. Finally, complete interpretations of the data from all sources, inferences, and conclusions were made.

Ethical Statement

Letters of approval for this work were acquired from the graduate program committee of the Addis Ababa University School of Law. Prior to filling out the questionnaire, each study participant was given a clear explanation of the study's goals. They were also told that, if they so choose, they may skip any question or even refuse to participate altogether. Additionally, they were clearly informed that their answers would be kept confidential and analyzed collectively. Finally, respondents gave their consent for the research findings to be published and disseminated.

Interviews with key justice actors were mainly held at their workplaces, which they preferred. Each interview lasted approximately an hour and were held in a friendly setting. Because of the ethical implications, interviews with rape victims required extra attention. All essential preparations were done to handle any potential ethical difficulties during interviews with rape victims (Ellsberg and Heise 2005). In this regard, three potential issues had been identified. The first was the survivors' safety (Ellsberg and Heise 2005). This risk was mitigated by holding meetings in a secure place. The participants were asked to choose a convenient place, but the majority of them trusted the researchers to identify an appropriate location. As a precaution, the researchers would always notify the local police commanders to be present before meetings. There were no safety incidents reported during any of these interviews.

The second concern that had to be avoided or addressed during the interviews with rape victims was the possibility of distress caused by remembering their traumatic experience (Ellsberg and Heise 2005). This problem was minimized by the fact that the interviews

with rape victims centered on their interactions with the criminal justice system rather than the assault. It was, however, vital to be ready in case a problem emerged. As a result, the researchers exercised caution before conducting the interviews. The researchers advised the interviewees ahead of time that they could terminate the interview at any point. Fortunately, none of the interviewees had a strong emotional reaction or asked that the session be halted.

The third concern was the possibility of unwittingly shocking the interviewees with probing or improper words (Ellsberg and Heise 2005). To avoid this, great care was taken in writing the questions and choosing the phrases used throughout the interviews. The questions were carefully planned, as were the wording used in the interviews. The interviews with all eight rape victims, as well as the thirty-two key actors in the criminal justice system, were completed without incident.

Results

As shown in Table 1 below, female respondents for the survey questions consist only 21.3 percent. Besides, 81.3 percent of the respondents were degree-certified. The vast majority of them have studied law. Among the participants are a large number of judges and public prosecutors.

Table 1. Demographic Characteristics of the Respondents

Variables		Frequency	Percent
Sex	Male	175	76.1
	Female	46	21.3
Education level	9-12	5	2.2
	Diploma	21	9.1
	Degree	187	81.3
	Masters	15	6.5
Field of study	Law	113	49.1
	Accounting or management	16	7.0
	Others	96	41.7

Occupation	Investigative Police	36	15.7
	Public prosecutor	71	30.9
	Judge	99	43.0
	Defense Lawyer	20	8.7

As the Table 2 below shows, majority of the respondents have rated their attitude on the 6-items scale above the average i.e. 64.82 percent. This implies that most of the key actors within the Criminal Justice System tend to accept the rape myths and have relatively negative attitude towards rape victims. Interestingly, there is no statistically significant difference in the attitude of key actors across sex.

Table 2. Descriptive Summary of Rape Myths Acceptance by Respondents, Focusing on the Reputation of the Victim and Risk-taking Behavior

Categorization	Variables	Frequency		Percent
Victim's reputation	women who have had prior sexual relationships should complain about rape	SD	118	51.3
		D	87	37.8
		N	9	3.9
		A	4	1.7
		SA	10	4.3
Victim's risk-taking behavior	women do not provoke rape by their appearance or behavior	SD	62	27.0
		D	101	43.9
		N	26	11.3
		A	29	12.6
		SA	10	4.3
	women should complain to be raped if she went voluntarily to the suspect's home	SD	76	33
		D	60	26.1
		N	27	11.7
		A	62	27.0
		SA	2	0.9

	SD		27	11.7
	woman who goes out		D	38
	16.5 alone at night puts herself		N	29
	12.6 in a position to be raped		A	107
	46.5 SA		26	11.3
	SD		51	22.2
	women who wear short	D	81	35.2
	skirts or tight blouses are	N	29	12.6
	not inviting rape	A	54	23.5
	SA		10	4.3
victim's history	SD	22	9.6	
of working in a	accusations of rape by bar	D	42	18.3
"disreputable"	girls, dance hosts and sex	N	36	15.7
situation	workers should be viewed	A	102	44.3
such as	with suspicion	SA	26	11.3
"prostitution"				

Note: SD: Strongly Disagree D: Disagree N: Neutral A: Agree SA: Strongly Agree

Table 2 lists the elements that could lead decision-makers to accuse the victim or cast doubt on their veracity. These factors have been classified as victim's reputation and risk-taking behavior for the purposes of simple descriptive analysis. The victim's history of working in a "disreputable" setting like "prostitution" and prior relationships with the offender (whether they were romantic or platonic) are among the contributing factors. Other factors include the victim going out alone late at night or dressing in a sexually provocative manner, walking or going to a bar alone, and working in a "disreputable" setting like "prostitution."

Table 2 also shows that the majority of respondents (51.3 percent) 'strongly disagree' and (37.8 percent) "Disagree" when considering decision-making about victims who have had prior sexual interactions. According to the majority of respondents, (33 percent) 'strongly disagree' and (26.1 percent) "Disagree" that the victim has

voluntarily accompanied the suspect when making decisions. The majority of respondents to this study also agreed that a victim had “increased her risk of rape” by, for instance, her conduct (27 percent) ‘strongly disagree” and (43.9 percent) “Disagree” or clothing choices (22.2 percent) ‘strongly disagree” and (35.2 percent) “Disagree”, and a further (46.5 percent) “Agree” and (11.3 percent) ‘strongly agree” that women “ask for it” by acting in particular ways, such as leaving the house alone at night. Table 2 shows that (44.3 percent) “Agree” and (11.3 percent) ‘strongly agree” of majority of the respondents think that allegations of rape against bar ladies, dance hosts, and sex workers should be taken seriously.

As a result, Table 3 shows police and court records to determine the extent of reported rape cases, the size of charges warranted, and the number of defendants found guilty of rape based on a list of questions. The checklist’s questions included the reported history of the time and condition of the rape, the victims” reputation and risk-taking behavior, and other information available in the records. These were used to identify factors that affected the prosecution process.

Table 3. Frequency of Cases Where the Victims” Reputation and Risk-Taking Behavior Were Raised During Trials (N-316)

Category	Variables	Yes		No	
		Frequency	Percent	Frequency	Percent
Victims were asked Victims” reputation	about previous sexual intercourse	75	23.7	241	76.3
	experience				
	Victims were asked about previous	17	5.4	299	94.6
	crime record				
	Victims were asked about drug and	8	2.5	308	97.5
	alcohol use pattern				

Victims' risk-taking behavior	Victims were asked whether they walked alone late at night	62	19.6	254	80.4
	Victims were asked whether they were in the bar late at night	11	3.5	305	96.5
	Victims were asked whether they have accompanied the suspect to their house	51	16.1	265	83.9
	Victims were asked whether they have invited the suspects to their house	15	4.7	301	95.3
Victims' risk-taking behavior	Victims were asked whether they were dressing in sexually soliciting manner	2	0.6	314	99.4
	Victims were asked whether they were drunk before the incident	2	0.6	314	99.4

As a result, Table 4 below demonstrates that decision making in the prosecution process was found to be influenced by a variety of factors. The likelihood of a reported rape case being rejected or charged is determined by the victims' reputation and risk-taking behavior, particularly accompanying the suspect to a perpetrator's house and walking alone at night. For instance, victims who were asked if they were walking alone late at night had a 3.1 times higher chance of their case being rejected than their counterparts.

Table 4. Chi-Square and Logistic Regression Results on Factors Associated with Decision Making in the Prosecution Process

Variables sentenced)	Category	Decision (0=rejected, 1= proved guilty and			
	Chi-square		p-value	Odds Ratio	95% CI
Victims voluntarily accompanied the suspect to their house	0= Yes 1= No	5.153	0.023	0.387	0.168, 0.894
Walking alone at night	0= Yes 1= No	4.947	0.026	3.067	1.101, 8.543

Discussion

Victims' Reputation

This study found that the result of rape cases is significantly influenced by the victims' earlier sexual behavior. According to table 2, when it comes to making decisions, the majority of respondents are influenced by the victims' prior sexual interactions with the suspects. This important actors' propensity to accept or reject rape victims reflects the ingrained notion that permission to sexual activity is "temporarily unconstrained (Anderson 2002)." Anderson (2002) argues that it is false to think that a single person's sexual consent provided at a specific time is untimely.

According to previous studies carried out in Ethiopia, it is rather difficult for a rape victim to receive an appropriate response from the Criminal Justice System. For instance, an Addis Ababa-based qualitative study indicates that it is difficult to believe a woman if she had previously had sex with the suspect (Blain Worku 2011). A similar study revealed that "consent appears to be presumed in most of the cases where the victim has had a previous sexual relationship with the accused" (Blain Worku 2011). This inference of consent was assumed unshakable, even by providing direct witnesses or supporting documentation. Because of this, a later sexual offense may be considered less serious if the victim and the perpetrator had

a previous sexual relationship. Furthermore, the victims' previous sexual relationships with someone other than the accused have influenced many prosecutorial and judicial decisions. For example, public prosecutors and judges have asked 23.7% of victims about previous sexual intercourse experience (see Table 3 above).

Moreover, victims confirmed that they were questioned not only about their sexual history with the accused, but also about their sexual history with other people. An informant stated, "They inquired me about my boyfriend from when I was a teenager. They also inquired me about my relationship with the accused. They repeatedly asked me about this for three days. This made me feel terrible at first, but I knew I could eventually call witnesses to disprove this." (RAPE VICTIM7)

Victim participants reported that some of the questions about their prior sexual history caused them great distress and made them feel unfairly treated. As one informant stated, "All of the decisions appeared to favor the accused. I was questioned about my previous sexual history, which was very unfair and upsetting." (RAPE VICTIM5). According to DEFENSE LAWYER2, "The courts typically do not shield adult rape victims from being questioned about their sexual past". Similarly, DEFENSE LAWYERS1 stated, "During cross-examinations, it's typical to inquire about the victims' past sexual behavior. The victims were frequently cross-examined by the defense lawyers regarding their prior sexual behavior". INVESTIGATIVE POLICE6 also made the case, for instance, that

A victim should be interrogated about her sexual past since sometimes what she claims and what actually had transpired may be conflicting. The court may dismiss the case if a woman alleges that she was raped but the forensic medical evidence proves otherwise. For instance, she can assert that she hadn't engaged in any sexual activity with anyone before the attack and that it involved sexual penetration. However, the forensic medical evidence shows there hasn't been any recent sexual penetration.

Such a situation demonstrates McGlynn's (2017) claim that by concentrating on the victim's personality, legal practitioners usually become sidetracked from the investigation's main goal and neglect to properly assess other pertinent evidence (McGlynn 2017). Additionally, it shows how frequently rape victims who are deemed to be promiscuous are denied legal protection (Anderson 2002).

Victim Risk-taking Behavior

Prior relationships between the victim and the offender (whether strangers or acquaintances) as well as victim walking or bar alone late at night or dressing in sexually soliciting manner have been classified as victim's risk-taking behavior for the purposes of simple descriptive analysis. The majority of respondents considered whether the victim voluntarily accompanied the suspect to his home. According to Table 2, majority of the respondents are influenced when making decisions if the victim has voluntarily accompanied the suspect.

The figures in the preceding subsection provide useful insights into the factors or victim characteristics that lead key actors within the CJS to blame the victim, question her credibility, or determine the outcomes of rape-case processing within the CJS. Data were obtained from key informants, primarily investigative police, prosecutors, judges, defense lawyers, and rape victims, to gain a better understanding of the trends and reasons for the rates of attrition, prosecution, and conviction for rape cases in particular.

In their interviews, if the victim was familiar with the assailant, key actors within the CJS questioned the victim's credibility. For example, if a complainant went to the defendant's house freely and willingly, it was frequently interpreted as evidence of consent to sexual intercourse or rape provocation. JUDGE8, for example, stated: 'sometimes you find that the woman freely goes to the man's home. In this case, you realize she has willingly went into a sexual intercourse or could have prevented it.' PROSEC6 also confirmed that: "If the woman was raped at the defendant's home, judges are likely to question why she went freely to visit him despite the

fact that he is single.” According to DEFENSE LAWYER6, “if a woman is raped in the defendant’s house, she generally has some responsibility in the rape.” Similarly, a RAPE VICTIM3 confirmed in their interview: “...I felt that others believed that I had made up the rape,” said one participant who was only acquainted with the accused in passing.

This attitude was evident in prosecutorial and court documents as well. Based on the number of reported rape cases, prosecutorial and court document analyses was carried out for this purpose. For example, as shown in table 3, judges and public prosecutors considered some of the victims’ characteristics and risk-taking behavior during the prosecution process. A significant number of victims (16.1%) were asked if they had accompanied the suspect to his home.

Additionally, prior studies have shown that elements like the “victim-offender relationship” affect decision-making as well as blame attribution, credibility, and case-processing results. For instance, the variable “victim-offender relationship” had been connected to judgment as well as to blaming and credibility (Bell, Kuriloff and Lottes 1994). Many false allegations instances have involved a victim and an offender who were at the moment dating or have previously been together (Venema 2016). Key figures in the criminal justice system only described rape reports as real or serious when the perpetrator was an outsider (Venema 2016). Kelly’s (2009) research indicates that more responsibility is frequently placed on the victims the more the victim and perpetrator know one another and the tighter their relationship is. The study also found that men and women tend to hold the perpetrator of acquaintance rapes less liable (Kelly 2009).

An earlier study in Ethiopia found out that the victim-offender dynamic affects case attrition, credibility, and assigning responsibility (Blain Worku 2011, 56-59). For instance, according to a qualitative study done in Addis Ababa, “the prosecutor had used the victim’s relation or acts before the commission of the crime as a sole or an additional ground to close a case. Similarly, Blain

Worku (2011, 58-59)) recorded cases in her research done in Addis Ababa where perceived risk-taking behaviors were utilized to rule out rape victims as being “genuine” and to decide case-processing outcomes. She referred to “risk-taking behavior” as “vulnerability” instead of the more conventional “risk-taking behavior” (Blain Worku 2011). Her study unequivocally demonstrates that law enforcement officials held the view that rape was a crime that could be avoided by the victim by refraining from “risk-taking behavior” (Blain Worku 2011). The key actors held that the victim’s risk-taking behavior pushes offenders to the point where they are unable to control their wants to engage in sexual activity. They used the victim’s “risk-taking behavior” as the primary criterion for assessing the unlawfulness of the aforementioned sexual encounter (Blain Worku 2011). In Blain’s study, the key actors seemed to interpret risk-taking conduct too broadly as to what a reasonable member of society may anticipate will occur during the next sexual encounter. The key actors anticipated that sexual activity would follow, for example, if the victim accompanied the perpetrator home late at night (Blain Worku 2011).

Correspondingly, prior studies have revealed that “risk-taking” actions by victims, such as walking alone after hours, hitchhiking, and being observed alone in a bar, have an impact on the attribution of responsibility and believability as well as case attrition (Kelley and Campbell 2013; Spears and Spohn 1996, 1997). These factors, according to a research by Spears and Spohn (1997), are characteristics that set “genuine” victims apart from other victims. Genuine victims were those who had a “good” moral character (for instance, no history of drug or alcohol abuse, prior offenses, or involvement in sex work), as well as those who had not engaged in risk-taking behavior before the offense (Spears and Spohn 1997). The majority of respondents to this study also agreed that a victim had “increased her risk of rape” by, for instance, her conduct or clothing choices, and that women “ask for it” by acting in particular ways, such as leaving the house alone at night.

A review of the court documents also revealed that victim characteristics or behavior, rather than rape evidence, was at the center of the evaluation of many cases. Prosecutors and judges have openly stated that their decisions were based on moral judgments about the complainant. Table 4 above, for example, shows a chi-square analysis of each factor, as well as the extent to which each factor was considered in rape-case decision making. Besides, prosecutorial and court documents show that a significant number of victims (19.6%) were asked by public prosecutors and judges during the prosecution process if she was walking alone late at night (see table 3 above).

These findings from document investigation were largely replicated as follows. JUDGE3 said “In some cases, the complainant engages in provocative behavior. For example, when a woman dresses sexually provocatively and pays attention to him.” Similarly, INVESTIGATIVE POLICE3 indicated, “In some cases, rape is caused by the victim. For example, if a woman agrees to share [alcoholic] drinks with a man in a bar and attracts him, the man is then compelled to have sex with her.”

Such prevalent beliefs regarding complainants’ actions, as shown in this study, reflect an Ethiopian culture that holds women accountable for them being mistreated. Men can shift blame onto victims, whether they are consenting participants or not, in order to escape accountability (Brownmiller 1975). Women are expected to defend themselves against male sexual approaches, and those who do not or are thought to “provoke” males into abusing them sexually are held accountable. While it is true that this viewpoint still predominates in legal process in Ethiopia, it is not exclusive to this country. According to Brownmiller (1975), these behavioral patterns and ingrained stereotypes against women have been present throughout history. Women were denied the ability to live a life free from rape crime due to these structural and cultural inequalities. Basic human interaction includes having a drink together or paying attention to other males. If women are supposed to shun social situations and act irrationally, they cannot freely socialize. To refute such beliefs,

evidence must be presented. Previous studies have shown that rape is a “pseudosexual act” driven mostly by motivations like punishment, retaliation, dominance, and vengeance (Le Goaziou 2011; Groth 1979). Such a horrible act, in the opinion of Walters and Tumath (2014), is proof of gender hatred and ought to be recognized as a hate crime in addition to a sexual assault (Walers and Tumath 2014). They stress the need of recognizing hate motives in some sexual attacks driven by gender antagonism and advise addressing these in accordance with their particular seriousness. This would assist in modifying gender-biased views on rape (Walers and Tumath 2014).

Victims’ History of Working in a “Disreputable” Environment

Other elements of the questionnaire, such as the victims’ history of employment in a “disreputable” setting, like prostitution, have been implicated in prior studies as determining factors of the believability of victims (Campbell, Menaker and King 2015). For example, a 2007 study carried out in two states in the Southeast United States found that the police were less willing to believe victims who were sex workers (Page 2007). Similarly, a 2016 study in the Great Lakes Region found that police officers frequently mistake complaints of rape by prostitution-related individuals for false accusations because they believe the sexual encounter to have been consensual (Venema 2016).

In response to rape complaints filed by sex workers, the majority of respondents stated dismay. Table 2 shows that key actors in the criminal justice system believe that charges of rape against bar ladies, dance hosts, and sex workers should be taken seriously, with 44.3 percent agreeing and 11.3 percent strongly agreeing. However, whether the complainant was raped is unrelated to the victims’ sexual experience (including prostitution).

Data from interviews, as well as case review analysis, revealed a strong tendency to exonerate rape defendants on the basis of allegations of victim prostitution. Perhaps more troubling, the interviews revealed that defendants and their lawyers routinely

claimed that the victim is a sex worker in order to prove that the alleged rape did not occur, regardless of the complainant's history of sex work. INVESTIGATIVE POLICE⁴ admitted: "We frequently assert that the complainant is a sex worker that she is used to having sex voluntarily and that there was no rape as a result." Many participants also believed that suspicion of victim sex workers occasionally resulted in silent hostility toward the complainant and influenced the decision to acquit the defendants: According to PROSEC¹, "Accusations by a sex work has an impact on judicial decisions in rape cases. Sometimes the judges show animosity toward the complainant and exonerate the defendants without saying so openly." DEFENSE LAWYER⁵ added, "In our society, sex workers are regarded as outcasts. If the complainant is a sex worker, the judge tells himself that she cannot be raped."

All women, even sex workers and sexually active women, enjoy the same legal protection from sexual violence under the law. Therefore, there is no distinction between those who are protected from rape and those who are not. Additionally, it significantly hinders victim involvement in the legal process. If there is no setting that encourages victims to express themselves, their involvement in the legal process will be unproductive.

Conclusion

This article aimed to examine the practice of focusing on the victims' behavior rather than the defendants' actions, as well as the tendency of justice actors to hold incorrect views about the traits and behavior of rape victims. Investigative police officers, prosecutors, judges, and defense lawyers in South Ethiopia Region where this study was conducted still have preconceived views about how rape victim would have acted prior to a sexual attack in order for the claim of rape to be taken seriously. This finding is likely similar to those in many other jurisdictions, as the literature shows. Genuine victims are individuals who have a "good" moral character, who did not engage in risky behaviors prior to the offense, who are not anticipated to know the accused, and who have a "good" sexual

reputation before the assault. The judgment that a rape claim is false often arises from the victim behaving in deemed unexpected. Consequently, when assessment of rape cases relies in inaccurate assessment of victims' behavior, it leads to unjust outcomes. This approach results in numerous complaints being unfairly dismissed and many accused individuals being acquitted.

Recommendations

Without further law reform and on the basis of the current legal framework, justice institutions can act decisively in response to the challenges raised by this study. Immediate action shall be taken to protect rape victims from injustice; a long-term plan shall be established to change justice practitioners' attitudes toward rape victims; and a particular training course for legal professionals shall be designed to counteract the influence of rape myths.

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