

Why do so many people choose not to report rape?

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The interview room at the rape reception at the Oslo Emergency Medical Service and information brochure. Credit: NTB

Why do so many people choose not to report rape? Research shows that the trauma of talking about the abuse as well as owning one's own narrative of what happened can be crucial.

There is currently a strong expectation in Norway that people should

report cases of [rape](#).

This is according to Professor May-Len Skilbrei at the Department of Criminology and Sociology of Law (UiO) in a new podcast episode at "Universitetsplassen." She is accompanied by postdoctoral fellow Anette Bringedal Houge from the Institute of Health and Society at UiO.

Juridification is a term for a development where more and more areas become governed by [legal rules](#). Juridification describes the increasing influence of law in [social life](#) and politics, where more and more aspects of life are encountered, understood, and resolved as legal matters. This is also the case when it comes to assaults such as rape.

This expansion of the law also leads to a broadening of lawyers' understanding of reality and phenomena.

"This influences the way we as a society understand rape and sexual offenses, perpetrators, causes and consequences far beyond the cases that actually go to trial," says Houge.

According to the researcher, juridification creates a hierarchy of rapes, where those that are provable in court weigh heaviest in society.

"The dominance of criminal law comes at a cost to those who are not believed by the legal system."

It costs to tell

When a raped woman decides to report the assault to the police, she leaves it to experts to determine whether what she has experienced qualifies as rape in a courtroom. The experience of violence she felt has become a legal question for others to assess and consider.

In her [article](#) "The problem of juridification: arguments for a different conversation about rape" published in *Tidsskrift for kjønnsforskning*, Anette Bringedal Houge writes about what juridification does to narratives about and experiences of rape.

In specific rape cases, the victim's experience is reviewed, retold, divided and turned into objects through blood, semen, discharge, saliva and urine that are tested for DNA and drugs. These parts are distributed across a multitude of actors who carry out various tasks in the investigation, from investigators to case officers, forensic geneticists and toxicologists, nurses and doctors in sexual assault reception centers, GPs and witnesses.

All of these pieces are then put back together, on a timeline, and considered as evidence. They are used to say something about the credibility of the victim and the accused.

"An often intimate and painful story about something that has happened in a complex situation, involving subsequent contemplation over one's own responsibility, must be 'sent out into the world' through the narrative and understood by people who do not know the victim. It can be perceived as an additional burden for [rape victims](#) to experience that they lose control of their own narrative when it has to be repeated in different legal contexts."

Narratives are simplified and retold

In the event of a police report, the focus will largely be on those aspects of the experience that can support the legal definition of rape. In such a process, the narrative of a perceived offense can be simplified quite a lot.

"Narratives of abuse told to those closest to you can have a richness and

a focus on context that perhaps narratives in other contexts cannot have, because one must simplify things. With regards to the police and the legal system, the goal will be to present things as clearly as possible. As a result, the narrative might lose the complexity that could be important to the victim, the very thing that makes the victim feel ownership of their narrative," says Skilbrei.

This is how the experience of telling someone you have been abused and the purpose of the narrative varies depending on who you talk to. Skilbrei emphasizes that telling a friend is something very different from telling the police.

Over the past ten years, developments in how criminal law deals with rape have been characterized by a broadening of what constitutes rape and sexual offenses, at the same time as the penalties are becoming harsher.

"Today, people who say they have been victims of rape are urged to go to the police. Reporting has become part of the standard procedure. It is expected that rapes are reported. Implicit in the expectation is the attitude that it is in society's interest that rapes are prosecuted," says Skilbrei.

Reporting has become a standard procedure

Through increased juridification, society hopes to prevent new rapes and to create safety and security in society. This is based on an optimism—a legal optimism about what the law as an institution can achieve.

"Turning to the law and reporting is presented as a solution to a negative and offensive experience, and is often presented as something that is in the victim's own interest as well as society's."

What do you think about the norm of reporting as "standard procedure?"

"I think that a rape can be experienced and dealt with in many different ways. However, it may seem unfair to victims that making a report increases their burden by having to take responsibility for society's ability to prevent future rapes."

According to Skilbrei, many victims experience individual, cultural and structural barriers when reporting rape to the police. Currently, there are still only a small number of victims in Norway who report that they have been raped.

According to a survey conducted by the Norwegian Center for Violence and Traumatic Stress Studies (2023), 22% of the women they surveyed, and 3% of men, answered that they had experienced rape either through force and coercion or while they were asleep. More than 80% of these, combined with those who stated that they had experienced online sexual offenses, stated that the police were not made aware of the incident.

Based on police report statistics, the National Criminal Investigation Service (NCIS) has reported that around 1,500 rapes involving victims over the age of 14 were reported in 2019, and the sexual assault reception centers received a total of just over two thousand inquiries during the same year.

Houge has reviewed police reports regarding all the rape cases brought to trial in 2019. In collaboration with NCIS, she has identified less than 200 rape cases that received Norwegian court rulings in 2019. In addition, she has reviewed all sleep-rape convictions at the court of appeal level for 2019 and 2020 together with Lecturer Solveig Laugerud.

Victims make active choices

Together with Maria Hansen and Kari Stefansen, Skilbrei wrote an article "Non-reporting of sexual violence as action: acts, selves, futures in the making." The article, published in *Nordic Journal of Criminology*, is based on qualitative interviews with 15 women who have experienced rape. They write about how women who refrain from reporting rape give meaning to the choices they make.

"In the aftermath of rape, victims often need to balance their own needs and expectations with those of society. When the women talk about the rape and how they then manoeuvre to reconcile conflicting norms and needs, they quite often justify their choices in other ways than what society might expect."

The research showed that actions that can be interpreted as passive—such as not reporting a rape—can rather be seen as an active choice that stems from cultural frameworks other than those that place the responsibility on the victim to prevent risk to others. The women interviewed were rape victims, but they were not willing to take on the role of victim in a discourse where being a 'rape victim' is seen as an identity with consequences for how others see them and how they must act.

"We were actively looking for women who had experienced rape, and who defined it themselves as rape, but who had not reported it. The purpose was to shed light on the processes behind this choice, precisely at a time when there is such a strong focus on reporting being the morally and personally correct thing to do. One of the things we found was that when a victim's narrative of rape is told by other actors, she loses control of it."

Wanting to stay in control

An important reason for not reporting a rape was not wanting to lose

control of one's own narrative, or to reclaim the narrative of who one was when the assault occurred and who one is afterwards, so that the woman herself can control how things proceed.

"Even though these were women who considered themselves victims of rape, it was still important for them to frame it in a way that made it possible for them not to let it affect their everyday lives too much. Not letting it become an identity that characterizes how they see themselves or are seen by others."

Skilbrei says that being the victim of rape is something that can easily become very dominant if others see you as "the raped woman." Seeing as rape often occurs in contexts involving several people you know, committed by people in the same social network, it can have a major impact on a person's everyday life.

More information: Anette Bringedal Houge, Rettsliggjøringens problem: argumenter for en annen samtale om voldtekt, *Tidsskrift for kjønnsforskning* (2023). [DOI: 10.18261/tfk.47.2.3](https://doi.org/10.18261/tfk.47.2.3)

Maria Hansen et al, Non-reporting of sexual violence as action: acts, selves, futures in the making, *Nordic Journal of Criminology* (2020). [DOI: 10.1080/2578983X.2020.1867401](https://doi.org/10.1080/2578983X.2020.1867401)

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