



Impact of Cultural Factors on Women's Reporting of Sexual Assault

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ABSTRACT

The social problem of sexual assault remains relevant and acute globally, and cultural factors influence the reporting behavior most strikingly in the Indian context. Even though the injustices have been lawfully addressed by the Criminal Law (Amendment) Act, 2013 and Bharatiya Nyaya Sanhita, 2023, societal paradigms of honor, shame, and patriarchal beliefs still discourage girls and women from getting themselves avenged. The following legal protections are eroded by societal expectations that uphold family honor above the victim's rights: fear, cultural beliefs that negatively label survivors, and victim blaming. This paper aims to identify these entrenched factors, some of them being community justice systems that, though efficient, work in the interests of society instead of the survivor, which helps perpetuate the problem by not reporting it to law enforcement. Moreover, this paper looks at other societies of the world and measures how both Middle Eastern and Western societies experience cultural barriers in reporting despite the differences in the extent to which they express the cultural taboo.

This research suggests that tackling underreporting requires a synthesized action plan that incorporates legal and cultural interventions. Current activities like community education for awareness, legal education addressing Indigenous populations, and NGOs' victim-centered approaches help to close the gap between the enacted legislation and justice. These, together with the culturally sensitive justice framework, entail enabling survivors to report assault without being at risk of cultural retaliation. The study's recommendations, therefore, are for the constant application of efforts toward legal change alongside the transformation of social culture in proportion to the need for survivors of sexual assault to be supported and believed both under the law and in society.

Keywords: Sexual assault, cultural barriers, reporting, India, honor, stigma, patriarchy, community justice

1.1 Introduction

Sexual assault is a common problem; it is a universal problem affecting women from across the world, including women from India. People across the globe and locally, societies have tried to reduce cases of sexual violence, but the issue is that many survivors of the violence do not report the incidences, and cultural factors are a major cause of such actions. It refers to a variety of unwelcome and unwanted sexual actions extending from sexually harassing comments to rape, and it is a violation of fundamental human rights: the right to dignity and the right to bodily integrity. However, the advancement of legal provisions continues to lag behind the Indian reality as many female victims of sexual misconduct still encounter enormous limitations to justice—this is a result of the "Protection of Women from Sexual Harassment at Workplace Act, 2013" and "Section 63 of the Bharatiya Nyaya Sanhita." Perhaps one of the most substantial obstacles is the cultural perception that deters people from reporting such a crime; among them is a rejection of the victims instead of the offender. The goal of this article is to explore in detail such cultural features that prevent women from talking about sexual assault and thus prevent them from receiving justice. In addition to being a social concern, it is a legal matter that needs critical cultural analysis to address impedances towards providing a chance to seek justice to the survivors.¹

Sexual assault is still a major issue in today's world and has a horrible effect on the health of the recipients. The resulting information from the National Crime Records Bureau of India reveals that there is a tendency for an increase in reported cases of sexual violence against women, although the trends probably have higher and real rates that are not reported. But this is not the case, as is evident from comparing incidents with reports, and this manifests in different parts of the world, including the United States and the United Kingdom. These cultural, social, and familial factors were found important in influencing a woman to remain mute about the experiences. Honor is a strong work in many societies, including Indian women, where their esteem is pegged to their sexual purity, and anything that violates this esteem brings the wrath of shame and expulsion. Therefore, women effectively stop talking to ensure that their families are not embarrassed and so as not to be humiliated again. A comprehension of those cultural factors is critical to the construction of appropriate legal reactions and intervention provisions reported and survivor justice delivered.

The need to look at cultural issues as they relate to reporting is brought out by the effects of silence. To begin with, underreporting holds a survivor back from justice and, at the same time, allows a perpetrator to continue with their deeds without consequences. A societal-cultural influence is the belief that

¹ Gautam Kalra and Dinesh Bhugra, "Sexual Violence Against Women: Understanding Cross-Cultural Intersections", 55 *Indian Journal of Psychiatry* 244 (2013).

the culture of sexual assault perpetuates the blame of the violence on the survivor; this aspect is experienced in most of the landmark cases, such as *Tukaram and Anr v. State of Maharashtra*², commonly known as Mathura Rape Case, the decision made by the court pointed out a clear gender bias where woman is concerned and her right to seek justice in case of sexual violation. In this case, sexual violence survivors are unable to fully get equality treatment in the legal structure. It is crucial to eliminate these cultural factors that explain the decisions of reporting from the legal and societal points of view to encourage the survivors.

The topical problem of this article is the mediation of cultural patterns influencing women's reporting and non-reporting of sexual assault. Informing this dialogue is a question regarding how cultural attitudes of shame, honor, and victim blaming dissuade women from navigating the legal system. Furthermore, the author continues the exploration of the family and community's impact on the decision-making of a survivor, as these institutions place high value on social roles over justice. This aims to reveal the cultural dynamics that compromise women's legal protection. Even the most developed legal systems have to take into account these social realities that make many provisions irrelevant if women do not feel like they can, for example, report a case.³

The focus of this study is to understand the complex interaction between culture and law concerning the reporting of cases of sexual violence. Thus, despite personally supportive laws, why underreporting persists. This article focuses on cultural barriers, for example, perceived stigma and societal pressure. The relations and the discussions made are Indian-based but supported by Ontario and other international examples, stressing the importance of cultural competence in-laws and support structures development. Overall, the article aims to post suggestions on how, if at all, the gap between formal law and implementation can be closed so more women can seek justice without repercussions from their cultures.

This paper is arranged systematically to meet the following objectives: The second part of the essay explores the peculiarities of cultural perceptions of female sexual violence and the stigmatization of women's reporting of the violence, including the concept of honor and shame as well as victim-blaming. Special emphasis is given to cultural barriers in the third section which discusses the current laws and policies for dealing with sexual assault. They talked about legislation such as the Criminal Law (Amendment) Act, of 2013, under which there was a major shift in the rape legislation in India. The fourth part discusses examples and analyses of evidence that support the existence and influence of the described cultural factors on the pattern of reporting. Lastly, the final brings suggestions to establish a better legal and social climate for survivors: the call for legal changes more adapted to the cultural context and a justice system less focused on the survivor. Therefore, while this article is intended to join the ongoing conversation about possible changes to enhance the Indian legal system for sexual assault survivors, the author thinks that those modifications should be grounded in research about Indian culture.

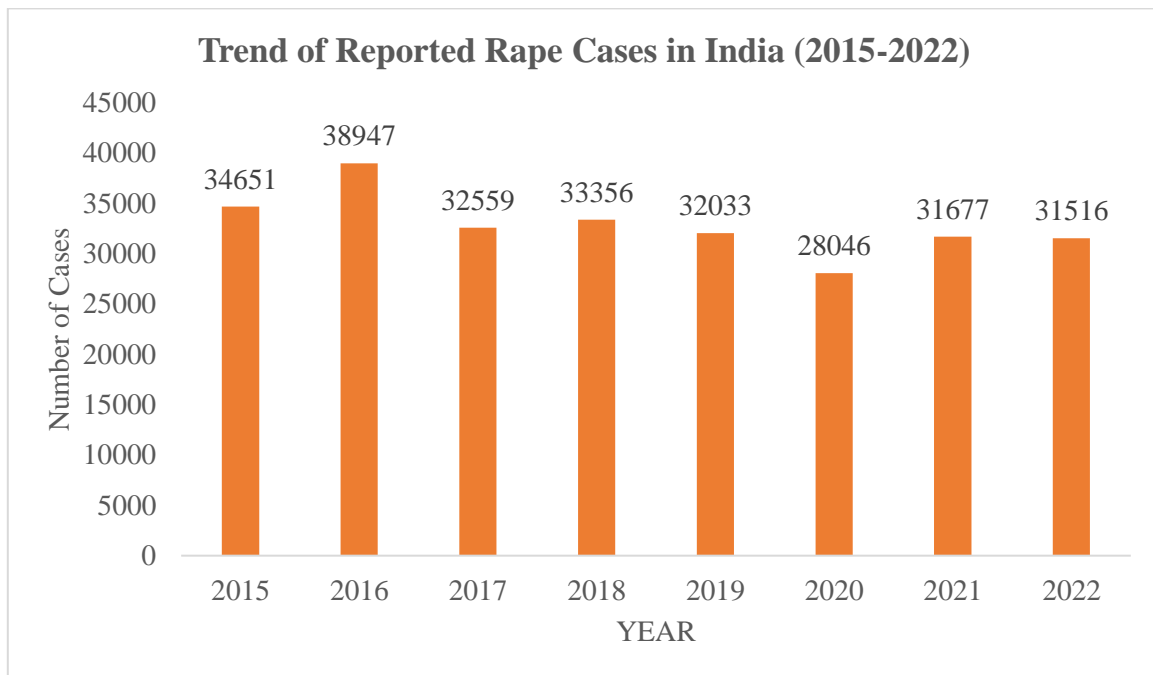


Figure 1. Trend of Reported Rape Cases in India (2015-2022)⁴

² [1979] 2 SCC 143.

³ Reshma J K, Punnya M Pillai, Peeka Rajeevi, Sreekutty C R, Eslavath Rajkumar, Allen Joshua George & R Greeshma, "Socio-cultural and Psychological Aspects of Rape: Perspectives of Young Men from Kerala", 8 *Cogent Social Sciences* 206 (2022).

⁴ National Crime Records Bureau, available at: <https://www.ncrb.gov.in> (last visited on October 18, 2024).

1.2 Understanding cultural factors in sexual assault reporting

Schedule may be used to refer to cultural factors affecting the reporting of sexual assault and goes a long way to determine if women come forward to report the incident. All these aspects can be defined as firmly embedded cultural practices and beliefs that control people's interactions in the context of Indian culture. While reporting sexual assault is not a legal question alone but a societal dimension of interacting with the rights of individuals, The major reason why many of the survivors do not come forward is the social impact they are likely to face: stigma, blame, and dishonor. It is thus important that culture is understood to fill the existing legal void and to provide an appropriate environment for any survivor who needs to work through the system. This section discusses the selection of cultural factors that are pertinent to reporting decisions and consists of definitions of cultural factors, patriarchal norms affecting reporting decisions, and stigma and shame as elements of sexual assault reporting.

1.2.1 Defining Cultural Factors

Cultural factors include all social aspects, including norms and expectations, that define the character of the population within a country. These factors cut across the middle to define how communities perceive and respond to matters touching on gender, sexuality, and personal autonomy. Culturally constructed traditions are part and parcel of the ways women act in societies and how their actions are perceived when it comes to sexual assault. For example, in many Indian households, female virginity and purity are upheld; thus, any form of deviation becomes a subject of social response. There is tremendous pressure to protect family honor, and this knowledge implies that any failure that can be associated with a family is suppressed, including cases of sexual violence. Therefore, the silence is maintained, and survivors have to keep quiet to protect the family's image rather than their sense of self.

The presence of culture plays a big role in how victims perceive reporting the act in the first place. In societies with traditional systems of morality, the victim can get the message into his or her head that laying a complaint will cost them their reputation. This belief may be supported by community leaders and even police since they too are products of these cultures. Such attitudes distort reporting of the assault as something interrupting the established order rather than it being the right thing to do. Therefore, learned culture means the extent to which the community norms in a given society or culture will influence individuals' decisions other than the legal parameters provided due to continued disparities between the two. It is this cultural background that makes the mechanism of reporting and aiding survivors so difficult, as the law has to navigate through sociological presuppositions that deter women from reporting abuse.⁵



Primary Cultural Barriers Affecting Women's Reporting of Sexual Assault in India.

1.2.1.1 The Role of Patriarchy in Reporting Decisions

Male dominance is a critical cultural trend in most cultures across the globe and especially in India; this paper opines that it has a pivotal role in shaping women's decision-making process on reporting cases of rape. It is a culture that which women are demeaned as being inferior status from men, confined to roles that barrel them into submissiveness, chastity, and domestic duties. This framework does not only restrict women's decision-making abilities but also defines how societies should treat such women, especially the activists who stand up for rape survivors. The assessors made findings about how women who are survivors of sexual assault are viewed under the Indian patriarchal system as a disgrace to the family. This perception stems from one that presupposes that a woman has no value if she is sexually pure, a reason why no one wants to discuss it.⁶

⁵ Gurvinder Kalra & Dinesh Bhugra, "Sexual Violence Against Women: Understanding Cross-Cultural Intersections", 55 *Indian Journal of Psychiatry* 249 (2013).

⁶ Gilbert Sebastian, "Patriarchy and the Rise in Sexual Assaults in India: An Explanation" *Mainstream*, March 16, 2013.

Societal gender biases, specifically within the patriarchal structure, play a major role in the rates of underreporting. Women also socialized with patriarchal attitudes that have them as fallout bearers of family honor; hence, they remain silent for fear vis-à-vis seeking justice. Even the legal system is not preserved from these biases; such an example can be seen in “*State of Punjab v. Gurmit Singh*”⁷, the Supreme Court of India recognized the social tendency of shifting the focus on the victim rather than on the crime committed. These patriarchal values can also determine the handling of a woman’s complaint in the police force or the courts, as her evidence is determined by her behavior, dress code, or character. And so, due to this, the survivors are likely to encounter secondary traumatic effects when engaging with the justice system, a reason that would prevent the victims from coming forward.

In addition, the family is found to support the traditional male-dominated system to a certain extent. Sometimes, women have no faith that their case will be handled fairly or that the results will be positive; rather, many believe that if they report a sexual assault, they will be ostracized, as will their families. This fear is worse among rural and conservative societies, in an era where such societies are highly bonded together and where they strictly believe in their moral stand. In such a setting, reporting becomes a collective decision and not an individual affair that affects relationships between spouses and society. Thus, because of the patriarchal structure of much of Indian society, reporting the incident often seems to be too costly and, therefore, remains unreported.

1.2.2 Stigma and Shame in Different Cultures

Society has made stigma and shame work greatly to ensure that a woman does not report her rape. These emotions are generally culturally learned and are used to enforce some cultural standards in a given society. In the case of sexual violence, what is referred to as stigma is the notion that a woman who has been raped is spoiled, ‘dirty,’ or ‘unclean.’ Such a perspective can result in stigmatization, blame-placing, and even a resurgence of violence against the survivor. Attitudes of this nature are common with many Indian ethnic groups in particular, where the honor of a woman is revered on the index of her sexual prowess. This belief that they will be shunned as being ‘damaged goods’ hinders the survivors from reporting their violators since they not only expect not to be believed but are actively prosecuted and shut out socially.⁸

Sexual assault is not a phenomenon hardy in India but in every corner of the world, though the form may vary. For instance, in some Middle Eastern societies, you report a sexual assault, and your own family will ‘honor-kill’ you for supposedly shaming them. Likewise, the African bishop went on to expound that HIV-positive mothers in some parts of Africa forfeit their positions in society once they have been raped. However, the stigma in India in particular is of both internalized shame and collective punishment for the woman who was raped in the ‘Bhanwari Devi case of Rajasthan, in which a social worker was gang-raped and the woman’s testimony was not accepted by the initial legal response during a casteist attack on women. The case later culminated in the famous case of “*Vishaka v. State of Rajasthan*”⁹ were passed to guidelines to check sexual harassment at workplaces, but the cultural factor, which was the reason for the dismissal, was not changed.

In urban settings of India, where to a certain extent the progressive Western culture of thinking is slowly but surely creeping in, the formalization of gender bias is somewhat mute but very active. Consequently, survivors may be concerned about job insecurity, people doubting their expertise or competency, or being just described by their trauma to other professionals. Such fears are not irrational, seeing that society continuously sets up narratives for survivors of sexual violence as being deceptive or attention-seeking, thus discouraging people from making reports. Thus, despite legal changes, for example, with the help of legislation such as the Criminal Law (Amendment) Act of 2013 that attempted to widen the definition of rape and increase punishment measures, problems with sexual offense investigation are still present because of social prejudice regarding women, who are unwilling to report cases of the crime.

Knowledge of stigma and shame is important and relevant to the underreporting problem in general. This underscores the importance of work at the legal and policy level as well as community mobilization and awareness concerning the negative cultural practices. Legal measures cannot only target the offenders but also provide the survivors with safety against secondary victims, which stem from stigmatization. If there is to be meaningful progress, the legal process that encourages the suppression of these crimes has to be addressed, complemented by the cultural backdrop to encourage women to come forward, which needs to be tackled as well.

1.3 Legal Frameworks and Cultural Barriers

Legal systems have an important role in defining the rights of individuals who were sexually assaulted or can get justice. Such frameworks in India consist of national legislation and international commitments and are directed at shielding survivors of sexual violence from acts of retaliation or stigmatization about their rights to report such incidences. Nonetheless, cultures are still a part of societies, and the abuse of women and girls persists to date. These laws, as we have seen, however, allow for the rights of surviving women and girls, but the question remains as to how these girls will be able to access these rights without bias of culture. Law and culture are interconnected; there might be laws that are on paper, but the roles they play are limited because of culture.

⁷ [1996] 2 SCC 384.

⁸ Ragini Nayak, “Rape, Shame and the Curse of Patriarchy” *The Hindu*, December 4, 2021.

⁹ [1997] 6 SCC 241.

1.3.1 Legal Protections for Sexual Assault Survivors

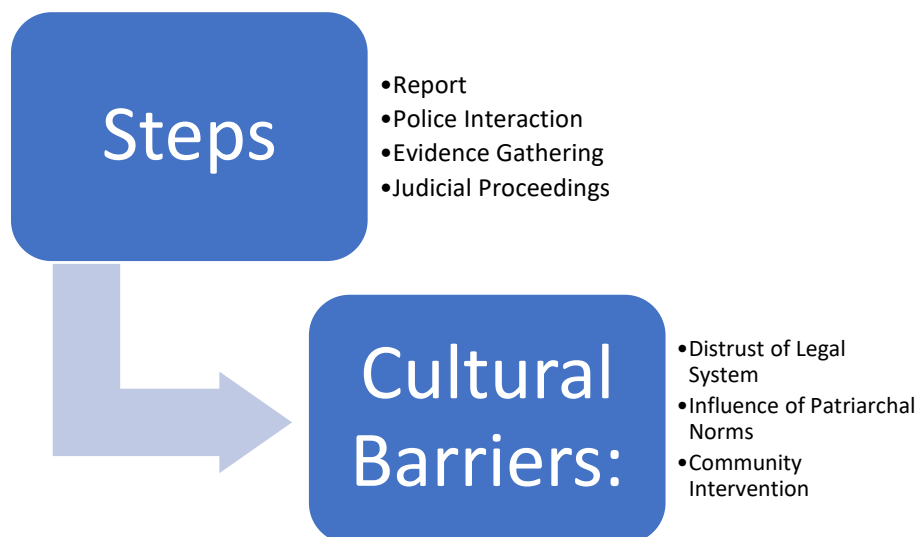
India has set many laws for the safety of sexual abuse survivors using the practice of both international acts and domestic laws. On the international level, India has acceded to treaties like the 'CEDAW, 'which legally binds the states to ensure nothing should be done that leads to discrimination of women and statutory measures should be taken to protect the victims of violence. On the home front, major legislation like the "Criminal Law (Amendment) Act, of 2013 made a drastic change after the Nirbhaya incident, which woke up society and brought in legal changes. This amendment extended the classification of rape under "Section 63 of the Bharatiya Nyaya Sanhita, 2023" and also extended the punishment to the accused, which is quite evident that the amendments made are more of the 'apolitical' approach that the victim-survivors deserve.¹⁰

Moreover, the "Protection of Women from Domestic Violence Act, 2005" (PWDVA) and the "Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013" also play an aspect in offering general protection against gender-based violence, which may not be restricted to sexual violence only. It is under the Bharatiya Nagarik Suraksha Sanhita that there are procedural methods with 'Section 183', where a survivor is recorded before a magistrate, making the statement official, credible, and greatly minimizing the chances of assault or inducement to produce false statements. The following frameworks are put in place to assist the survivors in getting justice and to have their rights protected during the exercise of the law. However, despite making progressive laws in the country that can be hailed as a success in justice systems, women's cultural experiences that inform their lives limit the enforcement of these laws. While in law rights are given and enforced for the survivors, the common societal and familial pressures restrict the survivors from claiming their rights, putting a gap between the given laws and the implementation of these laws.¹¹

1.3.2 Cultural Mistrust of Legal Systems

Indian women do not report cases of sexual assault because there is a lot of cultural distrust of the legal institutions. This distrust is normally because of past exposure to prejudice and racism in the prisons and other related agencies. To most of the survivors, interaction with the police leads to another traumatic experience as the police quiz them and then doubt their credibility. The cultures of masculinity make it hard for police officers to relate with the end users, who are usually the women who have been sexually assaulted since the officers also belong to that culture whereby women are not trusted.

Another factor increasing mistrust of law enforcement is the rather tense relations between the police and other representatives of the lower castes or minorities in terms of religion. Police misconduct and other forms of inquiry and inaction, especially in issues affecting minority groups, have contributed to the institution being perceived as being only designed to protect the elites against the poor. From the lessons learned, many survivors find it a useless experience or a waste of time going to the police since the odds are against them, especially if they come from the stigma side of society. This mistrust is then further fueled by many incidents of corruption within the legal channel where high-profile offenders could easily pay their way out of the justice system through bribery, as evidenced by the few cases involving influential politicians. Thus, even when a country's legal frameworks seemingly allow for survivor protection, cultural skepticism of these systems prevents women from reporting instances of rape, thus making legal changes meaningless without accompanying attempts at creating trust in and openness of the justice system.



Standard Legal Process for Sexual Assault Cases and Cultural Barriers Hindering Justice.

¹⁰ K D Gaur, *Textbook on The Bharatiya Nyaya Sanhita* 234 (Lexis Nexis, Gurgaon, 9th edn., 2024).

¹¹ J K Verma, *Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure): A Commentary* 90 (Eastern Book Company, 1st edn., 2024).

1.3.3 Role of Community Justice Systems

Preliminary research shows that in many areas of India, especially in rural areas, crime, and conflict resolution are highly subjected to traditional procedural laws. These are unregulated structures and leadership usually by the panchayats or other likes and run at par with traditions, which are pre-legalized. Even though communal systems provide fast solutions and a more culturally sensitive process, they are more interested in maintaining peace within the community, and as a result, they force survivors to accept the agreements in which they drop the cases and accept settlements instead of fully seeking justice. Informal ways of problem-solving often serve to perpetrate sexual violence, and in cases where the marginalized group is the victim of sexual violence, these ways compound the problem of underreporting since they seek to restore order instead of looking for justice. The existence of such systems gives a culture as an indication that the community is more than willing to settle contentious matters privately to feel embarrassed over bringing their matters to the public domain of the formal legal system.¹² Of the four above-discussed community-based approaches, the interference is very strong where the community's desire overrides the person's wish or need. For example, on several occasions, the survivors have been coerced to marry the assailant, which was a common means of preserving order in society, and this was done to the detriment of the survivor. They not only deny the survivor her agency but also contribute toward the continuance of the impunity wall on the side of perpetrators. Besides, these decisions given by those community structures remain shaped by the power relations on the community level, while women from lower castes or with low economic status struggle most to access their rights. These practices divorce from the modern instrumentality of the principles of law and especially the rights such as the right to a fair trial under 'Article 21 of the Indian Constitution' thereby creating tension between tradition and formalism in the administration of justice.

In contrast, the legal guarantors of individual rights or a fair trial in the case of violation of civil liberties in India are generally regarded as slow, bureaucratic, and outside the experience of rural communities. Due to the formalities of legal procedure, the relative difficulty in the finesse of court procedures to those outside the legal profession is perceived to be easier by those seeking justice in community justice systems, even though the method may not be wholly fair to both parties and/or accurate in its utilization of the rule of law. The said systems are also relatively flexible and may therefore deliver results that are not only prohibited by law, including pressure on victims to drop their complaints. Therefore, the majority of survivors prefer to stay with the community structure and not get involved with a system they see as uninterested or outright hostile. To overcome these two approaches' loopholes, social justice must begin to consider these informal justice mechanisms as directly influencing the survivors' cultural values to enforce fairness and justice.

1.4 Regional Case Studies: Cultural Impact on Reporting Rates

Reporting the behavior of women who fall victim to sexual assault is heavily influenced by cultural beliefs and values in society. The pressure from society and culture results in different barriers across the various areas, and, therefore, these elements should be studied in detail. When evaluating South Asian countries, Middle Eastern countries, or even the more liberal countries of the West, combining culture, religion, and law leads to differing reporting patterns and legal outcomes. Having provided regional cases, the reader gets to understand more instances of how features such as honor, religion, and social liberalism influence coverage of Sexual violence, qualifying the issues as global despite contextual relativity.¹³

1.4.1 South Asia: Influence of Honor and Family Reputation

In South Asia, culture and religion, especially where honor and family reputation are highly valued, influence the ability of women to report cases of rape. Cultural and traditional beliefs on honor, especially concerning women, are key reasons you have to refrain from speaking out to protect your family's honor. These concepts are instilled in the Indian subcontinent, which means that reporting an incident of sexual violence is not just an individual's tragedy but also a family tragedy. Honor is more important than protecting women and girls, so the implication is that if one reports an assault, they will be shunned, blamed, and possibly retaliated against, including their families. This kind of dynamic leads to a culture of silence regarding sexual violence even when legal instruments exist to protect the survivor.

Such cultural reality is echoed in the reporting trends established within India, establishing that cases of sexual violence are usually underreported. The data highlighted by the NCRB shows that even as the number of reported rapes rises year by year, many do not report it because of the fear of being ostracized. The "Nirbhaya" case of 2012 ensured that the issue of sexual violence was on the national agenda, and finally, there was a legal amendment to the Criminal Law (Amendment) Act, of 2013. However, these amendments have not sparked positive changes to the law to a level that overpowers the cultural factors that deny women an opportunity to report. The case of "*Shakti Vahini v. Union of India*"¹⁴ shows how Indian society functions with honor killings that were carried out in what was considered protection of family honor indirectly reacts to cultural norms that keep women in check, especially in cases of sexual assault. Even with these judicial reforms, survivors are still forced to endure their trauma in silence because acknowledging the fact that their family honor has been stained will trigger an even worse reaction from society than they will ever face at the hands of the perpetrators.

¹² Panchayats and Dispute Resolution, available at: <https://cdnbbsr.s3.waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2024/07/20240719744521243.pdf> (last visited on October 15, 2024).

¹³ Erica R. Dworkin, Barbara Krahe, Heidi Zinzow, "The Global Prevalence of Sexual Assault: A Systematic Review of International Research Since 2010", 11 *Psychology of Violence* 508 (2021).

¹⁴ [2018] 7 SCC 192.

1.4.2 Middle East: Religious and Cultural Barriers

Religious and cultural factors can therefore be stated to be very central to women's reporting of sexual assault in the Middle East. Most of the states within this region operate with the Islamic Sharia law, which sometimes contributes to the cultural perception towards women and sexual violence. For example, under some interpretations of Sharia, requisites such as multiple witnesses for rape mean that it is close to impossible for survivors to prove their allegations. Additional barriers include cultural perception, which bars women from participating in any way in public discourse on issues to do with sexuality or personality unless within marriage; also, the likelihood of being accused of vile behavior discourages women from reporting assaults.

Saudi Arabia is an ideal example of these dynamics in the context of analyzing the phenomenon. Reform in women's rights and protection has only been lately attempted, but the cultural and legal conditions for survivors of sexual violence remain unfavorable. The phenomenon of sexual violence got some attention when the so-called "Anti-Harassment Law" was passed in 2018 and allowed victims to turn to the court. However, the cultural context in which this law functions stays very conservative. For instance, women who report cases of rape and other abuses are immediately suppressed and shamed by society, and the attention is turned on their behavior rather than on the offense that has been committed against them. This is exacerbated by the system of guardianship that denies women anything like personal agency and simplifies their relations with formal structures such as the police. In the same year, a young Saudi woman escaped the country after suffering abuse, and the world outside KSA was again shown how women in Saudi society may suffer harsh consequences from society and even the law for not conforming to the appropriate cultural standards when they seek justice for sexually assaulted cases. These examples explain how far religion and culture have an impact on women reporting cases of sexual assault when there are laws protecting such cases.¹⁵

1.4.3 Western Societies: Differences and Similarities

In Western societies, cultural norms and permissive attitudes towards sexual assault have different principles from those in other societies embracing more liberal authority. However, despite important qualifiers, the authors demonstrate that considerable hurdles to disclosure remain in these circumstances, underscoring the continued relevance and cross-cultural nature of cultural factors in the experience of survivors. Societal changes that speak to sexual self-determination and consent that are obtained in the Western world today mean that there are well-articulated legal frameworks, for example, the Violence Against Women Act (VAWA) of the United States of America, that can support survivors. Amsterdam has adopted legislation similar to those passed in many European nations that spells out what constitutes consent and outlaws actions that happen without it. Still, cultural barriers like victim blaming, stereotypes, and lack of trust due to disbelief affect reporting behavior.

An analysis of reporting rates in the USA and Europe shows that there is both improvement and those areas that are still challenging. In the United States, the scandal of sexual harassment that spread under the hashtag #MeToo attracted the attention of the world community, and many people who survived it shared their stories. However, the cultural shock that survivors face when reporting especially when reporting against powerful personalities still deters them, as was evidenced by Christine Blasey Ford during Kavanaugh's confirmation. Many survivors suffer from critical examination of their previous actions and intentions, which put off many other potential victims from speaking up. Although some EU member states, such as Sweden and the United Kingdom, have established advanced legal provisions regarding consent, cultural assumptions regarding the 'ideal complainant'—an inactive, prompt-reporting, visibly distressed female—are still inherent in society's perception of the survivor when making a report in legal and social spheres. These stereotypes enable the idea that only certain categories of victims should be believed and can lead to differing treatment of reports of sexual violence.

However, it is also obvious that there are significant similarities for survivors relating to culturally influenced obstacles across the world. Like the Indian 'daughters' and the Middle Eastern female activists, the survivors of sexual violence in the USA and Europe cannot evade a society skeptical of their words and intentions. This paper finds that the passing of progressive laws is not a guarantee for reporting even if such laws exist due to cultural inertia. Therefore, as much as Western societies provide better legal frameworks and social cultures that are friendly towards the issues raised under sexual violence, they also have social mentality systems that are influential forces affecting reporting behavior. These regional comparisons suggest that it is necessary not only to look at the legal factors but also at the cultural barriers to witnessing and reporting acts of sexual violence so that survivors across the globe have the necessary support to access the justice they seek.¹⁶

1.5 The psychological impact of cultural expectations on survivors

The fact systems of culture play an incredible role in regulating the psychological state of sexual assault survivors, including their readiness to report the crime and rehabilitation. In India, community expectations of preserving family honor and strictly following gender roles add to the trauma of the survivors and can lead more often to psychological morbidity. These cultural processes continue to put enormous pressure on survivors not only from society but also within, and then one struggles to grapple with so many things impacting their emotional and psychological well-being. Recognizing these psychological effects is particularly useful when looking for a way to resolve the problem of underreporting in general and to help someone recover from the trauma they have experienced. This part analyzes stem phobia as one of the main concerns of sexual violence victims and the mechanisms of

¹⁵ *Supra* note 13.

¹⁶ *Supra* note 13.

psychological pressure applied by a society, toxic internalization of guilt and cultural amnesia as its outcome, and silence as the potential negative impact on a long-term traumatized woman's recovery process.¹⁷

1.5.1 Fear of Social Isolation and Backlash

Preliminary reports reveal that survivors of sexual assault are prevented from reporting the crime by social isolation and backlash fear. Culturally in many parts of India, a woman's honor is conservative, and her worth is measured by so-called virginity or purity. Such a social construction of the issue establishes the case when survivors of sexual violence, when sharing their experiences, are subsequently shunned by society, including their relatives. The threat of being branded as shameful or dishonored drives severe feelings of loneliness and alienation, in addition to sexual violence. The consequences of such isolation are very catastrophic in as much as survivors get isolated from society and from people who they expected to stand by and support them since they have survived mental illness.

Few basic cultural values can prevent people from transmitting ideas, especially when enhanced by cultural norms that discourage maladjustment and individuality in Indians. Reporting is a counternarrative to the attitudes that survivors should put up with the abuse since it is part of the culture and norms of society, hence the backlash they get in the form of victim blaming or rejection. This is not something that can only happen in rural areas; it also happens in urban areas, and when a survivor goes to social media or any other platform—it becomes the platform for shaming them more—an experience I also relate to. In "*State of Punjab v. Gurmit Singh*"¹⁸, the Supreme Court of India acknowledged cultural prejudices that sometimes compel the community to doubt the character of the woman in each case of sexual assault, thus discouraging women from reporting the offenders. Even though legislative measures have been observed to be made to protect the survivors, the social consequences are still a major psychological constraint to the efforts to seek justice by the women. The cultural paranoia arising from such expectations is as paralyzing as the violation itself, indicating a culture-based imperative for bottom-up support structures campaigning against toxic cultural norms.

1.5.2 Internalized guilt and cultural conditioning

Advertisement has a major influence on how the survivors of sexual vulnerability, especially women, perceive themselves and interpret such events, hence a lot of tendencies towards internalized guilt. It was common to find societal stories in India that blame women in cases of eve teasing or any act of sexual violence, suggesting that the way women dress or behave is equally provocative. Such stories remain rooted in cultural dialogues, and that is why most survivors feel they are at least in part to blame for the assault they experienced. This form of internalized guilt is most apparent in cultures that endorse traditional gender roles and where females are socialized into being a particular way to avert trouble. Such conditioning can so penetrate that even the handful of survivors with awareness of their legal rights will nonetheless suffer from symptoms of shame and self-incrimination, effectively discouraging them from stepping forward for redress.

Of course, the place of cultural narratives in maintaining such feelings cannot be overestimated. The cultural narratives that promote modesty or repression of women and girls in narratives themselves, as in folklore, define how survivors understand the violence. That is why they may perceive their pain as punishment for not obeying the norms of society; therefore, they have assumed a distorted sense of responsibility for the crime committed against them. This is something that can happen internally and result in very serious mental problems such as low self-esteem and chronic depression that hinder a survivor from seeking help.

1.5.3 Effects on the Healing Process

A lack of dialogue prescribed to sexual assault takes its toll on survivors in terms of personal and psychological rehabilitation. Men and women of Indian origin do not disclose incidents of sexual violence because, in many Indian families, it is considered taboo to talk about it, and the survivor disgraces the family. This enforced silence can be so traumatizing that survivors are unable to seek therapy or speak to people who might listen and understand them. This lack of conversation simply leaves many survivors overwhelmed with their pain, and they are unable to share it with other people, so those feelings of loneliness and powerlessness only worsen while trying to find recovery.¹⁹

Also, sexual assault results in a victim's social isolation because the survivor stays away from counseling, support groups, or any therapy that might help them deal with the trauma. Due to the pressure that society puts on survivors, whoever does not seek help for their injuries heals without talking, which, among other outcomes, leads to prolonged mental health complications, like PTSD. This becomes even more difficult, especially when mental health service, being a young discipline, is not very well provided or is frowned upon, which is the case in most rural villages in India. Stigma generates pressure for survivors to return to normality and keeps them from rebuilding their lives and taking control of them. Instead, research demonstrates that the victims of DV who experience social acceptance and encouragement to get involved with therapy are more likely to participate in recovery as well as claim increased levels of well-being later on. Hence, it would be naive to address reporting on sexual violence merely as a rate of reporting issue, but it is also culturally important to provide the means for the rating of survivors to heal properly.

¹⁷ Erica R. Dworkin, Tori L. Weaver, "The Impact of Sociocultural Contexts on Mental Health Following Sexual Violence: A Conceptual Model", 11 *Psychology of Violence* 4487 (2021).

¹⁸ [1996] 2 SCC 384.

¹⁹ *Supra* note 17.

1.6 Strategies for Encouraging Reporting and Addressing Cultural Barriers

Improving the perceptions on the part of the culture that does not allow women to report sexual assault is an effective way to enhance the reaction of the legal system. Though India has enacted different laws to protect the survivors, the effectiveness of the implemented laws is comparatively low due to the strict cultural mentality that does not allow women to report crimes. To better link the laws to enactment, it requires assistance from other disciplines by offering jurisdictional sensitization, the enforcement of culture change, offering sensitivity jurisdiction to the law-enforcing bodies, and the support of those harmed through communal intercessions. If society provides survivors again with safety and support, more women get to report a sexual assault, thus ensuring more women access to justice and a better response to such crimes.²⁰

1.6.1 Community Education and Awareness Campaigns

This area usually involves creating awareness and sensitization of the community as a way of moving culture on issues of sexual assault and reporting. It is for this reason that such campaigns may help in changing the perception and mentality of people and thus help exclude negative notions that are a result of traditional culture that blames the victim, denies him/her voice, and whereby the culture more often than not supports the perpetrators. The conservative communal sensibilities in India for honor and shame more than the legal rights of a woman make community awareness programs most effective in changing perceptions of safety and respect for women. For instance, the White Ribbon campaign and raising legal awareness of survivors' rights crackdowns, including those of the Criminal Law (Amendment) Act, 2013 can help educate women about their rights and legal protection. Holding the preceding knowledge can explain how it assists in the overcoming of stigma and phobia so that more survivors can search for justice.

Cohesive case studies hold promise for awareness programs leading to effective social change. For example, the anti-street harassment campaign called "Bell Bajao" by Breakthrough India was in February 2013. The approach of encouraging members of the community to confront violence in any form against women was aimed at shifting the undesirable cultural paradigm of the manifestation of violence in intimate relations. That the program was able to facilitate discussions on GBV showed that specific campaigns towards changing the attitude of the populace are possible. Likewise, and more recently, awareness creation, together with direct intervention, by means such as the 'She Teams' in Telangana, have led to an increased reporting of violence; in this regard, even though seldom is justice done by punishing the perpetrators and making them account for their actions. These examples show that by raising awareness of the cultures that hinder reporting of sexual violence, the community will hence be ready for justice for survivors of rape.²¹

1.6.2 Legal Reforms and Cultural Sensitivity Training

One has to understand cultural differences to get the best legal systems that will correctly address the needs of the survivors of brutality and offer them adequate legal remedies. Providing better guidance and education to senior officials, preventing themselves from having a prejudice toward educated women from Middle Eastern countries, and teaching law enforcement officials about the judiciary procedures of Middle Eastern countries can reduce the ill-treatment of such survivors. India continues to experience the influence of social culture on the persons in the police and judicial services; hence, cultural sensitivity training will tackle the deeply rooted prejudices that lead to either a dismissal or trivialization of complaints. Training programs should ideally address ways to deconstruct a preexisting perception process that negates the victim or questions their character and increase an understanding of the need to put the survivor first.

Legal reforms that include cultural sensitivity are evident in the alteration of police procedures as well as judicial proceedings. For instance, the "Criminal Law (Amendment) Act, 2013" brings procedures for giving stupendous constitutional protection to survivors, including rules of engagement for female officers while taking 'statements under Section 183 of the Bharatiya Nagarik Suraksha Sanhita.' Also, for rape victims, special fast-track courts have been set to minimize the pain that such cases take in court. Nevertheless, such measures are possible only in combination with changes in the actual mindset of those who apply them. Sensitivity training, common with organizations like Lawyers Collective, is an undertaking through which law enforcement stakeholders learn about the effect of trauma on victims and the need to handle the survivors tenderly. Such actions are crucial in the enhancement of the extension of civil law in practice, hence empowering survivors to report the cases without feeling any hostility or prejudice from the authorities.

1.7 Role of NGOs and Support Organizations

The parties involved include non-governmental organizations (NGOs) and support organizations that help in filling the cultural barrier that prevents the reporting of sexual violence. This is especially because NGOs work where legal formalities are insufficient and lack the means to offer direct support to victims, fight for their rights, or deliver psychological assistance needed to cope with the effects of the attack. In India, where women cannot even report sexual assault due to the societal backlash they may face, we have found that NGOs can provide support in educating the survivors, guide them through the legal procedure, and provide a company where the survivors can talk about it. These organizations also act as vital links between survivors and the

²⁰ Preventing and Addressing Sexual and Gender-Based Violence in Places of Deprivation of Liberty: Standards, Approaches and Examples from the OSCE Region, available at: <https://www.osce.org/files/f/documents/f/b/427448.pdf> (last visited on October 15, 2024).

²¹ *Supra* note 20.

police to guarantee that their complaints are well considered and that survivors receive the support they require when charging the perpetrators to the bar as well as throughout the legal process.²²

Many NGOs have come up with huge achievements in this area, mainly forging policies that support survivors and helping them as they recover from their assault and resent sexual violence in society. For instance, rape crisis centers created during the organization, such as the “Majlis Legal Centre,” offer survivors legal representation, counseling, and accompaniment to and through court processes. By taking survivors to police stations and guiding them through the legal systems, such centers also help decrease the levels of intimidation that most survivors experience every time they have to interface with formal institutions. Likewise, approaches like ‘Sakhi One-Stop Centers’ combine amenities across different sectors, meaning medical, legal, and emotional support from appropriately trained officers and personnel. Such actions in turn contribute to the attempts to foster the survivor-centered support that eventually encourages people to seek help. The ability of NGOs to ease the fears of the survivors in reporting issues to the legal system is central in the broader strategies for reporting incidences of sexual violence, making NGOs critical players in the whole process.

1.8 Conclusion

The study of how cultural norms affect women’s decision to report an act of sexual assault demonstrates just how much culture can shape the trauma of a survivor in a country like India. Currently, there are legal measures like the “Criminal Law (Amendment) Act, 2013” and even “Section 63 of the Bharatiya Nyaya Sanhita, 2023.” Women do not report cases because of cultural barriers. The nature of sexual assault as a crime is socially regarded as taboo, and when coupled with issues to do with family honor, this puts so much pressure on the survivor that reporting the crime becomes almost impossible. It denies justice to any survivor who seeks it or any survivor’s aspirations of getting justice, and more so, it fosters impunity where culprits are left unpunished; culprits have no consequences to face. These issues can only be solved to a certain extent by way of legal changes; what is needed is a change in community estimation that is not supportive of survivors and blames the victims.

It is visible that the conflict between the so-called cultural practices on the one hand and legal actions on the other occurs in India together with some other countries in the Middle East as well as in some Western countries. On one hand, countries such as those in Scandinavia with a liberal attitude towards women, equal rights and opportunities, and a permissive culture of reporting have recorded high rates of reporting; on the other hand, societies that are more traditional and conservative and probably do not support women or provide enhanced support systems would lead to low reporting. In India, stigma and tradition contradict the belief of honor, thus discouraging survivors from reporting the incident, something seen commonly in South Asia as well as the Middle East. The papers on India and Saudi Arabia also exemplify how these cultural values are instantiated and how they form patterns of interaction between survivors and legal structures. The difficulties of cultural suspicion towards the police demonstrated in India add an extra layer to the problem; for that reason, legal changes should be accompanied by trust and openness in the justice process.

To surmount these barriers, there is a need to concentrate on the aspects of community mobilization and reorientation to demystify negative cultural values and beliefs. Such campaigns as the “Bell Bajao” campaign in India have shown that involving people in one’s neighborhood, more specifically men and boys, in helping to alter societal attitudes towards violence against women can be effective. It is laudable efforts that may contribute to refocusing from victim-shaming and towards more compassion towards the survivors. Likewise, awareness programs involving sensitivity to Indigenous culture for police and judiciary are inevitable to avoid a situation where survivors are treated unfairly when they report cases. This is particularly so in a country like India where social evils have seeped into institutions such as the police, forcing victims who approach the law-enforcing agencies to suffer more.

Civil societies also help in the delivery of information about survivors and the law between genders. Thus, through the provision of support services, legal assistance, and support for the survivors, the NGOs play a crucial role in making the environment more favorable for survivors of sexual violence to report the incidences. An entire agency like “The Majlis Legal Centre” in India or similar agencies around the world are the core indication of why the survivors need help and directions with all the complicated legal procedures that they come across. The success exhibited by these organizations in providing support for survivors increases the demand for the adoption of a dual model that combines legal and social structures.

Therefore, eradicating the structural culturally influenced values that discourage the reporting of sexual assault calls for change in laws, explaining the culture persuading the practice, and changing the culture that hinders reporting of the heinous crime. This is where one abandons the idea that the lack of talk about it is simply due to legal system failure but instead accepts the social reality where communities would rather maintain the status quo to protect themselves than try to seek justice for a sexually assaulted woman. Although measures such as the “Criminal Law (Amendment) Act, 2013” give legal provisions to acts of sexual violence, the efficiency of such laws depends on the society’s culture within which they operate. In other words, a prevention strategy should involve establishing the conditions for a legally legitimate survivor agency without social persecution. This paper explores other ways in which the Indian community can learn from successful stories of other regions and consider adaptation of strategies based on Indian culturally acceptable standards in a bid to reform the justice delivery system for victims of sexual assault. This way, the idea of legal rights is not an empty promise; it is a tangible reality that is implemented for the people who require it most of all.

²² *Supra* note 20.