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## A WORLD OF RAPE

John (Joby) Branion\*

Rape, perhaps one of the most repugnant of all crimes, has been making national headlines of late. With the celebrated cases of William Kennedy Smith and, most recently, world boxing champion Mike Tyson,<sup>1</sup> many Americans have been discussing and hotly debating the issues surrounding the crime. Most Americans are repulsed by the national statistics cited in newscasts and articles which conservatively find that, nationwide, sixteen women confront potential rapists every hour and every six minutes a woman is raped.<sup>2</sup> What is less well known is that in many countries around the world the threat to women is even greater.

In South Africa, according to a recent study, one in every two South African women is raped in her lifetime.<sup>3</sup> Each day, at least 1,058 women are raped, and only an estimated one in every thirty rapes is ever reported.<sup>4</sup>

In Brazil, only rapes of "virgins" or "honest women" are usually investigated.<sup>5</sup> Of the 800 rape cases reported in Sao Paulo be-

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1. In 1991 and 1992, two of the most highly publicized rape trials ever took place. The publicity resulted directly from the identities of the accused rapists. The accused in one case, William Kennedy Smith, is a member of the elite Kennedy family, while the other trial found former World Heavyweight Boxing Champion, Mike Tyson, defending himself on rape charges. Smith was acquitted while Tyson was found guilty. Michele Weldon, *Her Say: Tyson Verdict Was a Costly Victory*, CHI. TRIB., Feb. 23, 1992, at 11. These events in the United States have engendered debate across the Atlantic. See Kathy Marks, *Rape: Where Does It Begin and Seduction End? Which Figures Do We Believe? Can Men Change?*, THE INDEPENDENT, Feb. 23, 1992, at 19 (discussing the incidence of reports and prosecution of rape in Great Britain).

2. Lori Heise, *When Women Are Prey: Around the World, Rape Is Commonplace — and the Victims Can't Fight Back*, WASH. POST, Dec. 8, 1991, at C1.

3. *South Africa: Rate of Rape Highest in the World, Report Says*, INTER PRESS SERVICE, Aug. 26, 1991.

4. *Id.*

5. *Laws Fail to Protect Women*, CALGARY HERALD, Oct. 16, 1991, at A15.

tween 1985 and 1989, less than one quarter were even investigated.<sup>6</sup> The laws of Brazil do little to protect women in any respect. Brazilian courts commonly accept the notion that a man can kill his allegedly unfaithful wife and be acquitted on the grounds that he was defending his honor.<sup>7</sup>

Pakistan is yet another country where being a woman essentially means living a life of second-class status. In 1979, Pakistan passed the Hudood Ordinance which made all forms of sex outside of marriage — including fornication and adultery — crimes against the state.<sup>8</sup> Also, a new law of evidence rendered women “incompetent” as witnesses in cases of rape, limiting the women’s testimony to the status of corroborative evidence.<sup>9</sup> A woman must produce four Muslim males of good repute, who swear they witnessed the crime, before a defendant may be prosecuted for rape.<sup>10</sup>

What brought the specter of rape to the global spotlight most recently, however, was the rape of seventy-one girls by their classmates on July 10, 1991, at a co-ed boarding school in Kenya. The mass rape occurred when the girls refused to join in a protest against a school fee increase.<sup>11</sup> Nineteen other students were crushed to death by a stampede trying to escape the melee. Perhaps more disturbing than the episode itself was the immediate response of school officials. A vice principal commented, “The boys never meant any harm against the girls. They just wanted to rape.”<sup>12</sup>

The remark cut right to the heart of the problem. A fundamental lack of respect toward women in male-dominated societies throughout the world has led to the inequitable treatment of women both culturally and legally. In Kenya, even when proven, rape generally carries a sentence of two weeks to a month in jail.<sup>13</sup> Along the same lines, the Hudood Ordinance in Pakistan entangles victims of rape in the ultimate Catch-22. Unable to prove rape under the harsh evidentiary requirements, the victim who reports being raped likely will find herself on trial for engaging in sexual intercourse

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6. *Id.*

7. *Id.*

8. Heise, *supra* note 2.

9. *Id.*

10. Ahmed Rashid, *Rape Scandal Rocks Pakistan; Ahmed Rashid in Islamabad on a Gang Attack that is Exposing Rotten State Machine*, THE INDEPENDENT, Dec. 29, 1991, at 14.

11. Jochen Kessel, *Rape Suspects Probably Face Punishment . . . of Some Kind*, THE OTTAWA CITIZEN, Sept. 4, 1991, at B3.

12. *Id.*

13. *Id.*

outside of marriage.<sup>14</sup> Even where the victim chooses not to risk employing the legal system, if she should become pregnant as a result of the attack, she may still find herself both persecuted *and* prosecuted. Since abortion is illegal in Pakistan, the rape victim's pregnancy may serve as irrefutable proof of unlawful intercourse.<sup>15</sup> The punishment in some cases can be death, ominously referred to as "honor killings."<sup>16</sup>

The tendency to treat women as little more than chattel often is accompanied by an obsession with virginity. The loss of a woman's virginity not only literally "cheapens her worth," but it also dishonors her entire family and can all but destroy her marriage opportunities.<sup>17</sup> In many parts of Asia, Africa, and the Middle East, wealthier families of women who lose their virginity as a result of rape will pay gynecologists exorbitant fees to have the victims' hymens surgically reconstructed.<sup>18</sup> In yet other cases, the stain of rape is so great that the victims are sometimes killed by family members to cleanse the family honor.<sup>19</sup>

Despite the improvement of the social and political status of American women during the past several decades, compelling evidence exists that women around the world live with a constant, ominous threat for which there is no legal redress. And judging from the persistence of many contemporary misogynistic social orders around the world, it is apparent that improvement is neither swift nor sure.

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14. Heise, *supra* note 2.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

