

*Defining Sexual Violence*¹

WHAT IS SEXUAL VIOLENCE? Sexual violence encompasses all acts that have the intent to harm, injure, insult, and improperly use a person sexually. Such acts negatively impact the sexuality of the person targeted, harming their health and well being, and robbing them of a positive image of who they are and how they define themselves. Sexual violence includes a wide range of sexual activities that are forced upon someone, eliminating their right to consent, erasing their choice and denying them their sexual freedom and ownership of their sexuality.

SEXUAL VIOLENCE MAY CONSIST OF:

- ❖ **Sexual remarks or language:** Referring to women in derogatory terms, and making any other remarks that strip away a woman's value as a human being, including belittling a woman's appearance: commenting negatively on her weight, attire, looks, the way she walks and putting down her other physical, spiritual, and emotional attributes.
- ❖ **Disrespecting the privacy/physical boundaries of an individual:** Invading privacy by walking in on someone while they are dressing or in the bathroom. Watching someone undress or use the bathroom without their knowledge (voyeurism, or being a "peeping tom"), refusing to leave the room when asked, not allowing the doors be closed, etc.
- ❖ **Expected sexual favors:** Insisting upon sexual favors for repayment of a loan or for the expense of a date. Making her "put out," not going home until sexual acts are completed, making her feel as though she constantly owes the abuser for any gifts, or for anything that has been done for her and her children.
- ❖ **Fondling:** Unwanted touching, caressing, playing, feeling of body parts. This is not limited to intimate body parts such as breasts, vaginal or buttock area.
- ❖ **Unwanted sexual advances and/or touches and degradation:** Unwanted caressing of someone's various body parts. Sexually explicit gestures, rubbing or pressing against someone without their consent, invasively asking for touches and not taking "no" for an answer. Actions that degrade: pinching someone's buttocks as they walk past, verbal sexual harassment, offering gifts or money for sexual favors.

¹ The following are not intended for use as legal definitions; the intent is to provide a framework and common language for advocates dealing with sexual violence.

- ❖ **Pornography:** Forcing a woman to watch videos of sexual acts, forcing her to perform sex acts and/or recording or taking pictures of such sexual acts without her knowledge or permission. Forced exposure to pornographic material: magazines like *Playboy* or *Hustler*, sexually explicit, exploitive pictures, and X-rated videos.
- ❖ **Exhibitionism:** Acts that consist of indecent exposure by the abuser: undoing one's clothing and sexually rubbing/playing with oneself or masturbating in front of her. Such acts may also include forcing her to watch the abuser perform a sexual act with another, or forcing her to perform a sexual act in front of the abuser and/or someone else.
- ❖ **Forced prostitution:** Forcing or coercing a woman to perform sexual acts in return for favors, friendships, in trade or for money.
- ❖ **Exploitation by Spiritual Leaders:** Using spiritual practices such as doctoring and sweat lodges to take advantage of the closed surroundings in order to commit sexual acts. Self proclaimed spiritual advisors, traditional healers, etc. who use their status to spiritually coerce another to engage in sex, stating "the spirits said that I need to have sex with you for you to heal" or "you need to be doctored, or touched, in that place" for healing. Instilling fear by telling women they will use "bad" medicine against them.
- ❖ **Rape:** Forced sexual intercourse, and/or using force to commit oral, anal or vaginal sex. This forced sexual intercourse can also be drug or alcohol facilitated, in such cases, a victim's ability to consent is removed by drugs or alcohol. In the following section, "rape" refers to any act of sexual violence, including acts committed by same gender perpetrators.

WHO COMMITS RAPE/SEXUAL ASSAULT?

- ❖ **Strangers:** Rape by strangers is the stereotype many people have of sexual violence, but it is the reality for a small minority or rapes. While stranger rape is very real and serious, it rarely reflects the true nature of most crimes of sexual violence – especially in tribal communities, where there aren't many strangers.
- ❖ **Non-Strangers:** Non-stranger rape can be broken down into two categories:
 - **Acquaintance:** This refers to rape that occurs between individuals who are dating or are acquaintances, and is the most common context for sexual violence. The vast majority of rapists know the women that they assault.
 - **Brief Encounter:** This refers to rapes that happen when the woman who is raped knew the rapist for less than 24 hours and is considered distinct from acquaintance cases. From a woman's point of view, she

didn't know the assailant because she had spent barely any time with him before the rape. However, from a system's point of view, she had spent time with him, and he is therefore an acquaintance.²

- ❖ **Marital:** Marital rape is the crime of forcing a partner to submit to sexual intercourse within the context of a marriage. When married women face sexual violence in their relationship, they find it extremely difficult to get help. Though marital rape is illegal in all 50 states, it is not illegal in all tribal jurisdictions. A marriage license is seen by some as a license to rape; a woman may assess her situation and deem it hopeless, thinking that no one can protect her from her partner's unwanted sexual advances:

When you are raped by a stranger, you live with a frightening memory; when you are raped by your husband, you live with your rapist.³

- ❖ **People in Positions of Authority:** This kind of violence happens when a person in a position of authority has sex with someone who is "under" them in a hierarchy. Due to the difference in status, the victim doesn't truly have the ability to consent. People who might abuse their authority in this way include, but are not limited to:
 - supervisors, managers, those in authority in a workplace
 - spiritual leaders/advisors, priests, rabbis, pastors;
 - therapists;
 - teachers;
 - family members;
 - prison guards and staff members;
 - any adult having sex with a child, or individual under the legal age of consent.
- ❖ **Multiple perpetrators:** Commonly called "gang rape," this occurs when two or more people commit rape in the same incident, each taking turns assaulting the victim.

² Archambault, Joanne and Suzanne Lindsay, Ph.D. *Responding to Non-Stranger Sexual Assault., Solving Crime and Disorder Problems – Current Issues, Police Strategies and Organizational Tactics.* Ed. Melissa Reuland et al. PERF, 2001.

³ Yllö, Kersti. *The Silence Surrounding Sexual Violence: The Issue of Marital Rape and the Challenge it Poses for the Duluth Model*, adapted from chapter eleven of *Coordinated Community Response to Domestic Violence: Lessons from the Duluth Model*, by Shepard and Pence. Newbury Park, CA: Sage Publications, 1998.