

The sexual violence against women in the United States of America

Introduction

The sexual violence is the prevalent phenomenon in the world. It poses severe and lasting risks to survivors. These risks may include physical trauma (like injuries and unwanted pregnancies), psychological harm (depression, suicidal ideation), and socioeconomic consequences (job loss, housing instability, and medical costs). The survivors are more likely to suffer from chronic health conditions, and face elevated risks of revictimization. The lack of necessary laws or the ineffectiveness of existing laws, lead to perpetuate cycles of violence.

Despite ranking the United States of America among the world's highest in social and educational indicators such as ranked 21st among 191 countries in terms of Human Development Index (HDI), and the value of Gender Development Index (ratio of female to male HDI values) equal to 1.001 in 2021 (United Nations Development Programme, 2022: 272 & 286), this country faces a pervasive sexual violence crisis.

Sexual violence refers to being forced, coerced or threatened to perform any unwanted sexual act; this could include rape, attempted rape, unwanted sexual touching or noncontact forms of sexual violence (World Health Organization, 2021: 7). The sexual violence against women inflicts profound and multifaceted harm, leaving lasting scars that extend far beyond a crime. Survivors often endure severe physical consequences such as chronic health conditions and reproductive complications. Their psychological trauma manifests as depression, anxiety, and a shattered sense of safety. The social repercussions are equally devastating, fracturing relationships, and perpetuating cycles of isolation and shame.

This report intends to first review existing laws and regulations in the United States of America in the field of preventing and combating sexual violence. Then, briefly describe the current situation in the United States of America in terms of this blatant crime against women and finally, based on this information, provide recommendations to the government of this country.

Sexual Violence in United States laws

There are numerous laws in the United States legal system to prevent and combat sexual violence, especially against women in both the federal and state levels. Here, only the most important of them are briefly presented.

A. Sexual Violence in U.S. Federal legislation

1. Student Right-To-Know and Campus Security Act (Clery Act) 1990

The Student Right-To-Know and Campus Security Act was enacted in 1990 (Pub. L. 101-542) as part of the Higher Education Act (HEA) amendments. It was later renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in 1998 to honor a victim of campus violence. This law requires colleges and universities receiving federal funding to disclose

campus crime statistics (including sexual assault, hate crimes, and burglary) in an annual security report (U.S. Federal Legislative Information, 1990).

2. Prison Rape Elimination Act (PREA) 2003

This Act addresses sexual violence in detention facilities by rigorous staff training, and independent audits. It prioritizes protections for women in prisons, who face disproportionately high rates of assault. The law also mandates data collection to identify legal failures and hold institutions accountable (U.S. Government Information, 2003).

3. Campus Sexual Violence Elimination (SaVE) Act 2013

This Act amends the Clery Act 1990 and require colleges to disclose campus sexual violence statistics, provide prevention programs, and outline survivors' rights in disciplinary proceedings. It also mandates "primary prevention" education for students and staff, aiming to combat rape culture in higher education (U.S. Department of Education, 2014b).

The key advancement of SaVE Act 2013 compare to Clery Act 1990 are closes loopholes that allowed schools to underreport sexual violence by demanding granular data and transparency, shifts from passive reporting to active protections for survivors, proactively addresses campus rape culture rather than just documenting its consequences, and stronger incentives for schools to take sexual violence seriously (U.S. Department of Education, 2014a).

4. Sexual Assault Survivors' Rights Act 2016

The Sexual Assault Survivors' Rights Act was enacted in 2016 (Pub. L. 114-236) as the first federal "Bill of Rights" for survivors of sexual assault. It was later expanded under the Violence Against Women Act (VAWA) Reauthorization of 2022. This Act provide the right of survivors to a free medical forensic exam (rape kit) without police involvement. It also guarantees the survivors right to request preservation of evidence for the statute of limitations period. This law also ensures the survivor's right to be informed of legal rights and resources by healthcare providers (U.S. Federal Legislative Information, 2016).

5. Debbie Smith Act 2004, Reauthorized 2019

This Act named after a rape survivor, this law funds DNA backlog reduction for sexual assault cases. It ensures rape kits are processed promptly, identifies serial offenders, and prevents future assaults (U.S. Congress, 2019).

6. Violence Against Women Act Reauthorization Act of 2022

The Violence Against Women Act (VAWA) is a landmark law that provides funding for victim support services such as shelters, legal assistance, and specialized law enforcement training. Its 2022 reauthorization expands protections for marginalized groups, including Native American survivors (by restoring tribal jurisdiction over non-Native perpetrators). It also allows them to prosecute non-Native perpetrators, which was previously prohibited due to jurisdictional gaps (U.S. Federal Legislative Information, 2022).

B. Sexual Violence in States legislation in U.S.

According to the legal system of the United States of America, in addition to federal laws, states have the authority to enact domestic laws and regulations for their own states. This has led to the establishment of a multitude of laws and regulations to prevent and combat sexual violence as a social problem at the state level in this country. For this basis, here just two examples of these laws regarding sexual violence are briefly explained.

1. California: Sexual Assault Survivors' Bill of Rights 2016, SB 813

This law removed the statute of limitations for rape and sexual assault cases. The legislation mandates that law enforcement agencies provide survivors with clear written explanations of their rights, including access to rape kits and legal assistance. Additionally, it requires the preservation of rape kits for at least 20 years, ensuring evidence remains available if survivors choose to pursue legal action later in life (California Legislative Information, 2016).

2. New York Enough is Enough Law 2015 (NYS Education Law Article 129-B)

The New York Enough is Enough Law 2015 is the Act to amend the education law, in relation to the implementation by colleges and universities of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures; and to amend the civil practice law and rules, in relation to privacy of name in certain legal challenges to college or university disciplinary findings, and making appropriations therefor (New York State Department of Health, 2015: 1).

The sexual violence against women in United States- Facts and figures

As previously stated, sexual violence is a common phenomenon in the United States of America, and various institutions in this country provide statistics and information about it. Here, in order to avoid ambiguity or multiplicity of data, only the latest official report published by U.S. Centers for Disease Control and Prevention is cited in this regard.

1. Rape

Rape is any completed or attempted unwanted vaginal (for women), oral, or anal penetration through the use of physical force (such as being pinned or held down, or by the use of violence) or threats to physically harm and includes when the victim was too drunk, high, drugged, or passed out and unable to consent (U.S. Centers for Disease Control and Prevention, 2022: 1).

According to the U.S. Centers for Disease Control and Prevention, one in 4 women (26.8% or 33.5 million) in the United States reported completed or attempted rape victimization at some point in their lifetime. In between, 2% of women (2.3% or about 2.9 million) reported rape victimization in the 12 months before the survey (U.S. Centers for Disease Control and Prevention, 2022: 3).

2. Sexual coercion

Sexual coercion is unwanted sexual penetration that occurs after a person is pressured in a nonphysical way (U.S. Centers for Disease Control and Prevention, 2022: 1). Nearly 1 in 4 women (23.6% or 29.4 million) in the United States reported sexual coercion victimization at some point in their lifetime. Almost 4% (3.7% or about 4.6 million) women in U.S. reported sexual coercion in the 12 months before taking the survey (U.S. Centers for Disease Control and Prevention, 2022: 4).

On the other hand, In 2024, 14% of women experienced a form of sexual coercion, such as being pressured to engage in an unwanted sexual relationship or touched in a sexual way without consent, compared to just 2% of men (WWP, 2024: 44).

3. Unwanted sexual contact

Unwanted sexual contact is unwanted sexual experiences involving touch but not sexual penetration, such as being kissed in a sexual way or having sexual body parts fondled, groped, or grabbed (U.S. Centers for Disease Control and Prevention, 2022: 1). According to the U.S. Centers for Disease Control and Prevention, nearly 1 in 2 women in the United States (47.6% or 59.4 million) reported unwanted sexual contact victimization at some point in their lifetime. Also, about 5% of women in U.S. (5.3% or about 6.6 million) reported unwanted sexual contact in the 12 months before the survey (U.S. Centers for Disease Control and Prevention, 2022: 5).

4. Sexual harassment

According to the U.S. Centers for Disease Control and Prevention, sexual harassment in a public place is verbal harassment in a sexual way that made the victim feel uncomfortable (U.S. Centers for Disease Control and Prevention, 2022: 1). Based on the latest U.S. official report, one in four non-Hispanic Black (26.2%) and Hispanic women (23.3%), about 1 in 3 non-Hispanic White (31.8%) and non-Hispanic Asian or Pacific Islander women (34.4%), 2 in 5 non-Hispanic American Indian/ Alaska Native (40.7%), and nearly half of non-Hispanic multiracial women (48.2%) reported being sexually harassed in a public place in their lifetime. In the 12 months before the survey, 1 in 10 non-Hispanic Black (10.8%) and Hispanic (10.2%), 1 in 11 non-Hispanic White (9.5%), 1 in 8 non-Hispanic Asian or Pacific Islander (13.0%), and 1 in 5 non-Hispanic multiracial women (21.4%) reported being sexually harassed in a public place (U.S. Centers for Disease Control and Prevention, 2022: 1).

Also, roughly 4 in 10 women have experienced some form of sexual harassment during their careers, from hearing sexist jokes to having obscene or sexually explicit comments directed at them. Notably, younger women, who have much shorter tenures, are just as likely as older women to have experienced some form of sexual harassment over the course of their career. This is a sign that the sexual harassment is not becoming any less by increasing the age of employees. In

addition, women are significantly less confident than men in their company's handling of sexual harassment claims (WWP, 2024: 44)

Policy recommendations

1. Despite comprehensive federal legislation and numerous state laws addressing sexual violence, the presented data shows the ample prevalence of sexual violence against women in the United States. Therefore, it is recommended that the U.S. government consolidate these laws into a unified National Sexual Violence Protection Act with mandatory minimum standards for prevention, survivor services, and law enforcement training across all jurisdictions.
2. Since legal reform requires significant time, it is suggested that the U.S. Department of Justice immediately establish a Sexual Violence Implementation Task Force to monitor compliance with existing laws.
3. The disproportionate impact of sexual violence on marginalized groups like Native women and women of color in the United States reveals systemic failures in protection. Therefore, it is recommended that the U.S. government mandate intersectional impact assessments for all sexual violence policies and allocate specific funding for programs serving high-risk populations, including women of color, and disabled women.

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