Sexual Violence

Name

[Institutional Affiliation(s)]

Author Note

**Response 1 (a)**

**Affirmative Consent**

An individual engaged in sexually activity having legal age and capacity when delivering signals of willingness and satisfaction with a smile or other gestures is a form of affirmative consent (“Legal Role of Consent | RAINN,” n.d.). During intercourse, a person would display signs that he is alright during the encounter.

**Freely Given Consent**

When a person is fully willing to encounter intercourse and deliver the signs of willingness with his free will would be termed as freely given consent. In this case, individuals are freely and willingly agreed to give their consent for the sexual activity would be categorized in freely given consent.

**Capacity to Concept**

A person having legal age such as the age of consent and have the ability to consent (“Legal Role of Consent | RAINN,” n.d.). In persons that are included in the capacity to consent are of legal age and can give their consent. Persons having physical infirmity would not be able to freely give their consent and the capacity to consent would be altered or not considered. Similarly, the individuals suffering from infection would not be able to give consent freely (“Legal Role of Consent | RAINN,” n.d.). Older age persons and children would also be categorized as not able to capacity to consent as they cannot give their consent legally.

**Response 1 (b)**

**Physical Disability**

When a person is physically ill or have a disease that can cause hindrance In the process of giving consent would be considered as physically disabled. In the case of physical disability, the consent would be affected (“Legal Role of Consent | RAINN,” n.d.). In individuals having physical infirmity would not be able to freely give their consent and the capacity to consent would be altered.

**Intoxication**

The person having drugs or is under the influence of intoxication would also be not considered to give their consent (“Legal Role of Consent | RAINN,” n.d.). The intoxication state would affect the person's capacity to consent. The state of mind would be changed, a person will not be fully willing to give consent.

**Vulnerable Adults**

When the person is mentally ill, having a physical illness or are older than the age of consent would be considered as vulnerable. Similarly, the vulnerability of a person is affected by illness, age or sickness (“Legal Role of Consent | RAINN,” n.d.). The person suffering from illness would not be able to give consent (“Legal Role of Consent | RAINN,” n.d.). Older age persons would also be considered as vulnerable as they cannot give their consent. The capacity of older people and the sick person would be affected to give consent.

**Response 1 (c)**

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| QUESTIONS | **ALASKA** | ARIZONA | CALIFORNIA |
| Does physical disability, incapacity or helplessness impact the victim’s ability to consent? | **Incapacitated** describes temporarily incompetent of assessing the nature of one's conduct or physically unable to express unwillingness to act. Alaska Stat. § 11.41.470. Certain physical disabilities that prohibit an individual from making outward expressions may limit the ability to expressing unwillingness to act, thus constituting incapacitation.Lack of consent is not an element of many sex crimes involving incapacity (meaning the offender is responsible regardless of whether the victim consented):* The following constitutes sexual assault in the second degree:
	+ A person engaging in sexual penetration with a person who the offender knows is incapacitated. Alaska Stat. § 11.41.420.
* The following constitutes sexual assault in the third degree.
	+ A person engaging in sexual contact with a person who the offender knows is incapacitated. Alaska Stat. § 11.41.425.
 | No. | Yes, a person can be incapable of giving legal consent because of a physical disability. California Penal Code § 261. |
| Does the definition require "freely given consent" or "affirmative consent"? | No. Alaska Stat. § 11.41.470. | No. | Yes. California Penal Code § 261.6. |

**Response 2 (a)**

Sexual violence is a term that describes rape, sexual assault, and sexual abuse. It is an all-inclusive term that refers the sexual abuse. Violence is present among communities of all states. It can occur in well-developed countries or underdeveloped countries. However, countries and states that are additionally prone to sexual violence are underdeveloped. Various kinds of sexual violence has been observed in states and countries. Major six types of sexual violence are described whereas only two would be discussed in detail.

1. Intimate partner sexual violence
2. Drug facilitated sexual assault
3. Sexual assault of men and boys
4. Incest
5. Child sexual abuse
6. Sexual assault

**Response 2 (b)**

**Drug-Facilitated Sexual Abuse**

The drug-facilitated sexual assault happens when liquor or medications are castoff to compromise a person's capability to consent to sex or intercourse action (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). These drugs facilitate it easier for a committer to pledge sexual assault since they constrain an individual’s capability to repel and can avert them from memorizing the attack (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). Medications and liquor can result in reduced capability, a lawful word that differs in meaning from region to region.

The drug-facilitated sensual attack happens in two behaviors: one form in which the culprit gets the benefit of a victim's voluntary consumption of drugs and second when a person is forcefully and unintentionally forced to consume drugs (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). Both methods are usually involved in drug-facilitated sexual attacks. Drugs and medications cause intoxication and vulnerable. The committer or offender is at ease to take advantage of the condition. In this form of sexual violence, the second behavior involved the forcefully use of medications and drugs whereas the first method involved the voluntary use of drugs. The first method creates additional benefit for the offender. Drug facilitated sexual abuse is common in societies having higher rates of crimes. The communities and societies have criminals that take the benefit of those persons that consume drugs. Both males and females are involved in sexual abuse or violence. Generally, individuals are well aware of those persons that consume medication regularly. The advantage of this state result in a way that individuals do not remember any misconduct and also are not able to give their consent.

Various victims usually responsible themselves for the consumption of drugs or alcohol that made them in a potentially hazardous condition (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). It’s imperative to reminisce that if a sexual attack happens under these conditions, it is still not an individual's mistake. The offender is responsible for his actions. Drugs and medications facilitate offenders to conduct sexual assault of individuals as they are under the influence of drugs. The advantage of this state is taken by the offender as the individuals would not be able to remember any action of the offender (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). The committer usually take advantage of the state that individuals would be under drugs influence and would not resist in this state. Drug facilitated sexual abuse is most common in communities of low socioeconomic status. The communities and societies have offenders that take advantage of those persons that consume drugs (“Drug-Facilitated Sexual Assault | RAINN,” n.d.). As it is evident that men and women are equally involved in sexual abuse or violence. Generally, individuals are well aware of those persons that consume medication regularly. The advantage of this state result in a way that individuals do not remember any misconduct and also are not able to give their consent. Use of drugs that causes addiction is also rising in communities and societies that have given an edge to the sexual offenders to misuse individuals. Mental health problems are also rising with time which is the leading factor in the upsurge of drug abuse among individuals particularly, school-going adults. Drugs and medications affect individual and they become drunk or intoxicated which is a state when the offender or criminal can take the opportunity to misuse persons, children or females.

**Child Sexual Abuse**

Child abuse is very common in communities in various forms. Children are not able to give their consent for sexual activity and they cannot consent for sexual assault. Child sexual abuse is conduct performed to exploit children against their will physically, emotionally and sexually. Child abuse can happen everywhere such as hospitals, schools, and communities (“Child Sexual Abuse | RAINN,” n.d.). Children in the current years are not safe. Child abuse is an activity that involved the exploitation of children sexually. Various individuals use drugs to manipulate children to take advantage of the state. Children are usually misused by the offenders and criminals as they are vulnerable and fragile (“Child Sexual Abuse | RAINN,” n.d.). Child abuse is present in communities in various forms, for example, school-going children are misused by their teachers and educators. Children have no sensibility for the detection of abuse of misuse therefore, teachers use them for their sexual pleasure and continuous sexual activities are conducted in this form of child abuse (“Child Sexual Abuse | RAINN,” n.d.). It was known for ages that only males are involved in this conduct however, recent studies have shown that both males and females are equally responsible for this misconduct. Children are unaware of sexual activities and have no idea what is going on with them to report it as a crime (“Child Sexual Abuse | RAINN,” n.d.). Media and television are also not highlighting these factors that can identify such offenders and children are misused for several years. Child abuse activities involve masturbation, intercourse, fondling, and sex trafficking. 93% of the children know who the offender is but are unaware of the facts to report (“Child Sexual Abuse | RAINN,” n.d.).

Child abuse is linked and interconnected with the impaired behaviors in individuals that force them to use children against their will for sexual activities. Teachers particularly females misuse children for their sexual pleasure and excitement. Children are more close to their teachers as they recognize them as their familiar relations (“Child Sexual Abuse | RAINN,” n.d.). However, teachers take advantage of the situation and use them for sexual activities. Child abuse is very common in cities and states of low socioeconomic status. Poverty and lack of education are associated with the upsurge in the number of offenders and therefore, every child is at risk of sexual abuse (“Child Sexual Abuse | RAINN,” n.d.). Individuals involved in this misconduct do not recognize it as offense and consider it a normal activity as children are not able to report against them. Though various offenders involved in child abuse were sent to rehabilitation therapy units after some time they again commit child abuse. Various studies have shown that individuals involved in child abuse can be easily identified from communities with multidisciplinary approaches.

# References

Child Sexual Abuse | RAINN. (n.d.). Retrieved November 26, 2019, from https://www.rainn.org/articles/child-sexual-abuse

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