



New York State Coalition Against Sexual Assault

Working for a World Without Violence.

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NYSCASA Statement in Support of Legislation Prohibiting Court-Ordered Rape (S08351/A08546)

Bodily autonomy is central to the work to prevent and respond to sexual violence. Bodily autonomy for survivors and victims has to be understood from a holistic perspective. We must not only consider the dynamic between the victim and the perpetrator of violence. We must also consider the operations of the criminal legal system, especially the role of the courts in healing after sexual violence.

As an organization that seeks to protect, heal, empower, and advocate for survivors of sexual violence, the New York State Coalition Against Sexual Assault (NYSCASA) supports the immediate passage of S08351/A08546, which prohibits courts from ordering the victim to undergo a gynecological or physical examination. The re-traumatization of victims through mandatory physical examinations, also known as “court-ordered rape,” is detrimental to their health and wellbeing. This should be a voluntary decision made by the victim.

Though we would like to see further detail on the bill memo’s inclusion of the ability for the defense to request such examinations, specifically the power dynamics inherent to the lawyer/victim relationship, NYSCASA will continue to support this bill’s passage in order to prevent the courts from re-traumatizing survivors and victims of sexual violence.