



The National Alliance to End Sexual Violence provides a critical voice for sexual assault advocates in Washington, D.C.

## POSITION STATEMENT

# *Exemptions for Rape in Legislation Relating to Abortion and the Term “Forcible Rape”*

February 3, 2011

Sexual violence occurs on a continuum of complex and difficult crimes having devastating impacts on victims. According to the United States Department of Justice Bureau of Justice Statistics, only 31% of rapes are reported to law enforcement.<sup>1</sup> The term “forcible rape” is used in the Uniform Crime Report by the Federal Bureau of Investigation to report incidents of rape and is defined very narrowly excluding many forms of criminal sexual behavior.<sup>2</sup> Use of the term “forcible rape” in the Uniform Crime Report coupled with the underreporting of the crime has led to very limited statistical picture of sexual violence. Additionally, the term “forcible rape” fails to track either federal or state law relating to sexual crimes.

Every area of a victim’s life is affected by sexual violence whether it is a child sexually abused by a family member, a teenager coerced into sex by an older man, a college student drugged and assaulted at a party, or an adult raped by a stranger or by her ex-husband. Advocates at 1300 rape crisis centers across the United States bear witness to the trauma of sexual violence every day and see the torment caused by the loss of power and control over one’s body—one’s most intimate self—that is at the heart of sexual violence.

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<sup>1</sup> <http://bjs.ojp.usdoj.gov/content/pub/press/rcp00pr.cfm>

<sup>2</sup> [http://www2.fbi.gov/ucr/cius2009/offenses/violent\\_crime/forcible\\_rape.html](http://www2.fbi.gov/ucr/cius2009/offenses/violent_crime/forcible_rape.html)

We know that at least 1-5% of sexual assaults results in pregnancy.<sup>3</sup> In 2008, the Supreme Court of California upheld that pregnancy resulting from rape constitutes great bodily injury.<sup>4</sup> Most of us can't imagine what it would be like to face that pain. The cornerstone of our work as advocates is supporting victims in regaining control over their bodies and lives by explaining all available options and supporting the victim's decision about which option to choose. If after exploring all of her options, a victim of any form of sexual violence decides that she cannot go through with a pregnancy resulting from the crime, we should not add any hurdles or barriers to the process.

A narrow exemption for "forcible rape" fails to address the reality of women who become pregnant against their will. At the very least, such an exemption must include all cases of rape. Congress and the federal government should cease using the term "forcible rape" in any context, including abortion legislation, because the term limits our understanding of both the nature and extent of sexual violence in our nation. Additionally, to ensure that low-income victims of rape and incest have access to reproductive choices, states should not be permitted to exclude Medicaid coverage for abortion in these cases.

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**National organizations supporting NAESV's statement:**

Break the Cycle  
Casa de Esperanza  
Family Violence Prevention Fund  
Institute on Domestic Violence in the African-American Community  
Jewish Women International  
Joyful Heart Foundation  
Legal Momentum  
National Center for Victims of Crime  
National Center on Domestic and Sexual Violence  
National Coalition Against Domestic Violence  
National Congress of American Indians Task Force on Violence Against Women  
National Council of Jewish Women  
National Domestic Violence Hotline

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<sup>3</sup> Holmes, M.M., et al. (1996). Rape-related pregnancy: Estimates and descriptive characteristics from a national sample of women. *American Journal of Obstetrics and Gynecology*, 175(2): 320-25.

<sup>4</sup> *People v. Cross*, 45 Cal. 4th 58 (2008).

National Latino Alliance for the Elimination of Domestic Violence (Alianza)  
National Network to End Domestic Violence  
National Organization of Sisters of Color Ending Sexual Assault  
National Resource Center on Domestic Violence  
National Sexual Violence Resource Center  
Women of Color Network

**State / Local organizations supporting NAESV's statement:**

Arkansas Coalition Against Sexual Assault  
California Coalition Against Sexual Assault  
Colorado Coalition Against Sexual Assault  
Connecticut Sexual Assault Crisis Services  
ContactLifeline / Sexual Assault Network of Delaware  
Day One Rhode Island  
DC Rape Crisis Center  
Florida Council Against Sexual Violence  
Houston Area Women's Center  
Indiana Coalition Against Sexual Assault  
Iowa Coalition Against Sexual Assault  
Jane Doe, The Massachusetts Coalition Against Sexual Assault and Domestic Violence  
Kansas Coalition Against Sexual and Domestic Violence  
Louisiana Foundation Against Sexual Assault  
Maine Coalition Against Sexual Assault  
Maryland Coalition Against Sexual Assault  
Michigan Coalition Against Domestic and Sexual Violence  
Minnesota Coalition Against Sexual Assault  
Mississippi Coalition Against Sexual Assault  
Missouri Coalition Against Domestic and Sexual Violence  
Montana Coalition Against Domestic and Sexual Violence  
North Dakota Council on Abused Women's Services  
New Hampshire Coalition Against Domestic and Sexual Violence  
New Jersey Coalition Against Sexual Assault  
New Mexico Coalition of Sexual Assault Programs  
New York Coalition Against Sexual Assault  
North Carolina Coalition Against Sexual Assault  
Oklahoma Coalition Against Domestic Violence and Sexual Assault  
Oregon Coalition Against Domestic and Sexual Violence  
Panhandle Crisis Center, Perryton, TX  
Pennsylvania Coalition Against Domestic Violence  
Pennsylvania Coalition Against Rape  
Tennessee Coalition Against Domestic and Sexual Violence  
Texas Association Against Sexual Assault  
Washington Coalition of Sexual Assault Programs  
West Virginia Foundation for Rape Information and Services  
Wisconsin Coalition Against Sexual Assault