

My name is Sara Barber. I am the Executive Director of the South Carolina Coalition Against Domestic Violence and Sexual Assault

I wish to speak today specifically to the rape and incest exception included in this bill and whether it would actually protect the victims and survivors of these violent crimes. Unfortunately, it does not. The numbers of women who are raped is far greater than most people know. The National Intimate Partner and Sexual Violence Survey from the CDC estimates that 20%, or 368,000 South Carolina women have experienced at least one attempted or completed rape during their lifetime. Data from the Bureau of Justice reports that only one out of four rapes are reported to law enforcement. The perpetrators of rape are most often current or former intimate partners, acquaintances and family members. Victims are often young. Of incidents of sexual battery reported to SLED in 2017, 33.1% of victims were aged 10-17. Even when victims of rape do report, they are often met with skepticism or outright disbelief.

There is overwhelming public support for ensuring that people are able to terminate pregnancies that result from rape or incest. However, the rape and incest exception in this bill will not protect victims. In fact, it will subject them to additional harm. First of all, a victim must be willing to disclose what happened to them – something most victims are not able or willing to do. If they are ready to disclose, they must find a sympathetic and trained medical professional who will believe them, and who will be willing to put their career and their freedom on the line to provide an abortion under this restrictive legal framework. Finally, the exception requires that the victim's disclosure of rape or incest be recorded in their medical record & that these records be kept for seven years. This puts victims' privacy & safety at risk. Anyone with access to the victim's medical record will now learn of the sexual assault. Further, in any criminal prosecution under this statute, – prosecutors & physicians trying to defend themselves would seek a court order to gain access to the victim's records to investigate the conditions under which the rape, incest occurred, or under which conditions the abortion was provided. Essentially, we would be forcing victims to re-disclose their story to every person who gains access to their medical records & we would be placing the victim's credibility on trial – this is the opposite of compassionate and effective care.

Rape and incest take away women's self-determination over their bodies and their lives. The proposed legislation would make it even harder for victims to make the decisions that are right for them. I urge you to consider that the exceptions do not protect victims and negatively impact their right to self-determination along their path to healing.