



Written Testimony

Emma Schwartz

The night of my assault, I knew something horrific had happened to me. I cried myself to sleep feeling devastated, scared, confused, violated, and deeply disrespected. Alone in the dark, I Googled, “is it assault if my boyfriend removed his condom without my knowledge?” Yes. Yes, it is.

I will never forget the searing pang of sadness I felt upon learning that such a heinous act, nonconsensual condom removal, had been awarded such a cheeky nickname: stealthing. A dangerous form of sexual violence, nonconsensual condom removal robs victims of bodily autonomy, while also posing serious risks including the potential for unintended pregnancy, sexually transmitted infections, and severe psychological consequences. Despite a victimization rate indicated to be as high as 43% for women and 19% for men who have sex with men, laws have grossly failed to keep pace with the widespread recognition that stealthing is a serious and prevalent form of sexual assault, and remain largely void of language specifically addressing this behavior.

The Department of Justice defines sexual assault as any nonconsensual act proscribed by federal, state or tribal law, and U.S. Code 920 identifies sexual assault as any person who commits a sexual act upon another person without the consent of the other person. Yet, the nonspecific verbiage of consent, gender-based violence, and civil rights statutes at the state level is often confusing, thus deterring stealthing victims from pursuing justice. It is time to change that. The ten percent of our population relying on condoms deserve to have protections in place and the right to seek justice when the scope of consent they supplied was violated.

Being a victim of stealthing has wholly upended my mental health and my life, and most days, I am unsure if I will ever call myself a survivor. Two years post-assault, I live in a near-constant state of anxiety, fear, and utter distrust. Everything about me is forever changed. The people who love and surround me are forever changed. Yet, the laws have stayed the same.

As a result, I founded a national organization dedicated to fighting for anti-stealthing laws. I do not want to wake up another day without specific protections in place for victims such as myself. It is time.

Please, support H40 in Vermont.

Mina Hashemi

I'm writing to share my experience with nonconsensual condom removal, otherwise known as stealthing, and to ask for urgent action to close this loophole on sexual assault by supporting H 40.

Three years ago, I was stealthed by a man who I consented to have protected sex with, meaning only after explicitly requiring a condom. After, I was shocked to see the condom had been removed during the act. I did not consent to unprotected sex and I felt deeply violated.

In talking with close friends about what happened to me, I was disheartened to learn I was not alone in being violated in this way.

I was fortunate to have access to reproductive health resources to mitigate and try to prevent additional physical harm to my body and future. Even so, in the weeks that followed I experienced deep anxiety about unwanted pregnancy and sexually transmitted infections. I missed work to see my doctor for testing and had to spend money on Plan B.

I think about the many women who can't access resources after sexual assault.

Since my own assault, I have looked for resources available and found very few practical resources for victims and no legal remedies. There are countless stories of people of all ages who have been stealthed, and while I was lucky not to get an STI or pregnant, there are many stories of women who did. In addition to the tremendous physical impacts for our bodies and futures, women experience trauma and with so little awareness, support, or resources available, feel alone navigating what's happened to them.

Through all of this, what I have found is that stealthing is a very specific type of sexual violence that does not neatly fit within the definitions of sexual assault. We must close this loophole.

We must create remedies for people like me who have experienced this type of assault and protect our reproductive consent. Survivors deserve a mechanism to hold our perpetrators accountable and remedies to assist with the financial barriers and emotional trauma we experience.

Thank you for your attention to this important issue. I urge you to take immediate action.

Lily Mobraaten

I have yet to shake the feeling of the shower burning my skin as I tried to scrub the feeling of him off of me. I will never forget how it felt to let my tears fall silently, using every ounce of my strength not to collapse to the ground. My roommate had plans early in the morning. I couldn't wake her.

I was only a few months into my freshman year in college, and at the time I was on top of the world. I felt empowered with myself. I had successfully moved to a new city, I was surrounded by wonderful new friends, and I was learning how to navigate my adulthood. I felt safe with myself, with my environment, and with the people around me. That changed when, during a sexual encounter, a man removed a condom without my consent and denied having done it. At the time, I could not identify why I felt so uncomfortable with this. I shook it off, discounting it as part of the experience of sex.

Six months later, during a regular trip to my gynecologist, I was asked to answer a question on a routine survey "during the past year, has anyone disrupted the use of a contraceptive without your consent?" I answered hesitantly, and she informed me that there was a term for this experience. I was shocked. I hadn't yet conceptualized myself as a survivor.

As soon as I heard that this had happened to other people, I broke down crying. The silent tears from six months prior had not been enough to process my pain. I realized that I felt like an emptier version of myself. I recognized then that I had been stripped of my autonomy at the time. I felt alone, I felt ashamed of myself, and I felt violated, as if my body was not fully mine. I talked to my roommates that night, and they apologized profusely that I had been taken advantage of in an experience that should have been safe and consensual. They also inquired whether I had considered taking legal action against the offender. I had not as nonconsensual condom removal was not considered criminal, and I previously had no idea what I went through.

Today, you have the opportunity to protect people from this traumatic and isolating experience. By establishing a civil action for nonconsensual condom removal, you will make it clear to victims that they do have the right to their own bodies, and that they are not alone in their pain. Supporting H40 will be a crucial step in protecting people against future offense, sending a clear message to perpetrators that consent must be required every step of the way.

Georgilee Flynn

I hold many titles, but the most important title I hold is, “mommy.” How I gained that title is why I am writing - to share my experience of nonconsensual condom removal.

My Google search the morning after my assault was, “Is it illegal for someone to take a condom off during sex without the other person's consent?” That morning I could not yet fully comprehend the magnitude of what happened to me, nor the magnitude it would have on the rest of my life. I still don't have the words to describe what it felt like reading the word ‘pregnant’ on that test. Although being a mom was all I ever dreamt of being in life someday, my fate was now to become one as the result of this serious act of sexual assault. The future was terrifying.

My perpetrator wholeheartedly encouraged me to get an abortion, even leaving a 4-page letter at my door outlining the reasons raising this child was not going to work. At one point, he even had the audacity to say he heard getting an abortion would be very similar to getting my period. Abortion is not a reflection of who I am in my heart, nor the beliefs I hold close.

I now have a three and a half year old son who is the absolute joy of my life. I have raised my son alone, and am one hundred percent responsible for his day to day care, safety, security, happiness, and the financial stresses that come with being the sole parent. Since my only option for financial support from my perpetrator would be to file for child support, I elected to forgo that avenue, as it only opens the door to custody and visitation rights. As such, his biological father has been able to live with no consequences and without responsibility.

I would obviously never wish the malicious and life altering act of nonconsensual condom removal to happen to anyone, but that's unfortunately inevitable. In fact, there is a very good chance someone close to you has experienced stealthing. And if so, there is also a very good chance they repeated the same Google search as I did, saw their limited options, and chose to stay silent.

My hope is for future victims to have a clear path to justice. So, if this happens to your child, sibling, friend, colleague, or the cashier you see every week at your grocery store, I desperately want their Google search results to look different than mine. I want them to find there is action that can be taken to hold their perpetrator accountable. We must modernize laws to reflect the reality of what is happening in communities across our country. I emphatically believe having civil remedies in place to assist with the many financial burdens of a sexual assault and its consequences is crucial for victims.

You have the opportunity to put protections in place for other victims by establishing a civil action for nonconsensual condom removal. We must put protections in place for future victims of this senseless act. We must make it clear to perpetrators that this will not be tolerated and that they will be held responsible for their actions. I urge you to support H40.

Jennifer Friedman, M.D.

I am a licensed physician and a licensed clinical professional counselor in Chicago. I practiced gynecology for nearly 20 years and currently have a counseling practice for women, specializing in medical trauma.

Nonconsensual condom removal, commonly known as stealthing, is a very serious issue of sexual and reproductive violence. When people experience it, there are often significant medical and psychological consequences. It is a form of intimate partner violence and a specific brand of sexual assault.

Medically, patients need to be screened for STIs and STI prophylaxis, and they also need to be counseled on emergency contraception and/or screened for unintended pregnancy.

Psychologically, the experience of nonconsensual condom removal can cause Acute stress disorder, PTSD, symptoms of panic disorder, anxiety disorders, and depression. For many women, one of the unique challenges associated with this type of sexual violence is that they often feel betrayed and disrespected by someone whom they previously trusted or on whom they rely.

Treatment in both medical and mental health settings is very important to the care of an individual who experiences this type of assault. While the issue may be newly gaining attention and momentum for legislation, as far back as 2013, the American College of Obstetrics and Gynecology laid out a series of recommendations for women experiencing all types of intimate partner violence, including nonconsensual condom removal. In summary, nonconsensual condom removal is the cause of significant psychosexual harm and has potentially dire consequences for victims.

As a legislator, you have the power and opportunity to put protections in place. I urge you to support this critical legislation.

Carrie Zhang

I still remember the feeling of my first STI test 8 years ago. I was in college and I wanted to be responsible. I remember the nervous laugh I let out when my gynecologist asked why I was in here today. I told her, “oh you know, forced entry.” At the time, I didn’t realize the weight of what I had said and what I had actually gone through.

But my gynecologist stared at me, and I could sense in the cold, concern in her eyes that this was not a joke to her. “What do you mean by forced entry?” I froze.

I did not process that I stepped in her office that day because a man I barely knew insisted on removing his condom before I had a chance to even tell him no. She then scheduled an appointment for me with the college Sexual Violence Prevention center. After months of psychiatric treatment, I learned that I experienced multiple accounts of sexual assault, including non-consensual condom removal.

RAINN describes sexual assault as “sexual contact or behavior that occurs without explicit consent of the victim.” Non-consensual condom removal by definition, falls under sexual assault. I did not explicitly consent to having sexual contact without a condom, and it drastically obstructed the course of my life.

As a legislator, you have the opportunity and responsibility to protect survivors of sexual violence. You have the opportunity to advance protection for survivors by calling it what it is. It is imperative that we codify recognition of non-consensual condom removal as sexual assault.



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March 7, 2024

Vermont State House
115 State Street
Montpelier, VT 05633

Re: Sponsorship of H40 - Non Consensual Condom Removal

Dear Senator:

My organization, Rise, is in **strong support** of H40. As advocates for survivors of sexual violence, we understand that the nonconsensual removal of any sexually protective device, including condoms, is a form of sexual violence and a grave violation of the fundamental right to bodily autonomy. Yet, this very specific act does not fit neatly within the confines of existing statutes. Updating legal verbiage to clearly recognize this dangerous and prevalent behavior is crucial.

Compilation studies estimate up to 43% of women and 19% of men who have sex with men are victims of this senseless act, and they deserve a path to justice when the scope of consent they provided is breached. 10% of the US population relies on condoms for protection against unintended pregnancy and sexually transmitted infections.

At Rise, we believe that justice should not depend on geography. Therefore, we urge legislators to support this critical amendment to Vermont's Civil Rights Law in the 2024 session. It is time Vermont sends a powerful message to perpetrators: their actions will have consequences, and our laws will not tolerate any form of sexual coercion or exploitation.

About Rise

Rise is a survivor-led nonprofit organization whose mission is to help people pen their own civil rights into existence. To date, the Rise community has passed 69 laws protecting rape survivors and Rise's democracy accelerator alumni have passed 19 laws spanning a diverse array of issues from preventing gun violence to regulating the troubled teen industry to ending student hunger. We made world history in 2022 when a Rise-backed resolution for access to justice for survivors during peacetime was unanimously adopted by the United Nations General Assembly after six years of lobbying at the UN. Rise also uses the power of art as a tool for justice through empowering works like the NYFW Survivor Fashion Show, "what were you wearing?" survivor outfit exhibit, and award-winning short film projects. Rise CEO and founder

Twitter: @RiseNowUS **Instagram:** RiseNow.US **Facebook:** RiseNowUS

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Amanda Nguyen's work has been recognized by TIME as a 2023 Woman of the Year and she was nominated for the Nobel Peace Prize in 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Zhang".

Carrie Zhang
Policy & Research Associate at Rise



We, the Women's Advocacy Initiative, a national nonprofit fighting to eliminate the barriers preventing survivors of sexual violence from reporting their assailants, are writing in support of H40.

Nonconsensual removal of any sexually protective device, such as condoms, constitutes a heinous form of sexual violence and a blatant infringement on the basic right to bodily autonomy. However, this specific act does not neatly align with current legal frameworks. It is imperative to update legal language to acknowledge and address this pervasive and deeply harmful behavior.

Compilation studies estimate up to 43% of women and 19% of men who have sex with men are victims of this senseless act, and they deserve a path to justice when the scope of consent they provided is breached. 10% of the US population relies on condoms for protection against unintended pregnancy and sexually transmitted infections. Furthermore, 50% of college students report using condoms as their primary form of contraception.

We call on lawmakers to back this crucial legislation during the 2024 session. It is imperative that Vermont delivers a strong message to wrongdoers: there will be repercussions for their actions, and our legal system will not condone any type of sexual manipulation, coercion, or abuse.

Sincerely,

Sheerin Gryloo
Founder and President
Women's Advocacy Initiative, Inc.