



Sexual
Violence
Prevention
Association

State Sexual Violence: State Sanctioned and Tolerated Sexual Violence



Authors

Authors

Omny Miranda Martone, Katie Knick, Katrina Cole, and Michelle Reilly

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About the Sexual Violence Prevention Association

The Sexual Violence Prevention Association (SVPA) is a national nonprofit dedicated to preventing sexual violence systemically. Through advocacy, education, and community engagement, we strive to create a world where everyone can live free from the threat of sexual violence. We believe that by challenging harmful attitudes and behaviors, and advocating for policies that prioritize safety and respect for all, we can prevent sexual violence systemically and create a safer, more equitable society.

Designers

Cassidy Jacobsen and Juliana Miloseski

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Definitions

State Sanctioned Sexual Violence

Definition:

An agent or institution committing a nonconsensual sexual act with explicit impunity granted to them by the state, for any reason other than immediate personal safety of the individual.

State-sanctioned sexual violence refers to nonconsensual sexual acts carried out by agents or institutions through authority explicitly granted by the state, for reasons unrelated to the immediate personal safety of the individual. Often justified in the name of “public order,” “security”, or “collective safety,” this form of violence is embedded in laws, policies, or institutional practices and normalized

through bureaucratic authority rather than personal intent. It encompasses practices such as strip and cavity searches in jails and prisons or genital checks imposed on K-12 sports participants as gender or sex verification. While framed as administrative, preventative, or protective measures, these acts function as sexual violence enabled and reproduced by state power.

State Tolerated Sexual Violence

Definition:

An agent or institution committing a nonconsensual sexual act with implicit impunity granted to them by the state.

State-tolerated sexual violence refers to nonconsensual sexual acts committed by agents or institutions who hold power granted by the state and are afforded implicit impunity through systemic inaction, dismissal, or protection rather than explicit legal authorization. While these acts are not formally sanctioned, they are enabled by entrenched power imbalances and sustained by the state’s failure to investigate, punish, or meaningfully prevent sexual violence.

This commonly occurs in hierarchical settings, such as a military superior sexually assaulting a lower-ranking servicemember, or a police officer raping a detainee with the expectation that complaints will be ignored or discredited. In these cases, the state’s tolerance is expressed through institutional silence, retaliation against survivors, or general lack of accountability. The tolerance functions as an implicit authorization or permission structure for sexual violence.

Definition Breakdowns

State Sanctioned Sexual Violence:

An **agent or institution** committing a **nonconsensual sexual** act with explicit impunity granted to them by the state, for any reason other than **immediate personal safety** of the individual.

State Tolerated Sexual Violence:

An **agent or institution** committing a **nonconsensual sexual** act with implicit impunity granted to them by the state.

Agent or Institution

Agent

Direct government personnel, such as police officers, military service members, and congressional representatives or people with powers granted by the government such as lawyers, medical personnel, social workers, and foster parents.

Institution

Direct government institutions, such as prisons, the police, the military, public schools, and Congress or institutions with powers granted by the government such as hospitals, colleges, and homeless shelters.

Non-Consensual Sexual

Consent must be continuous, specific, informed, unambiguous, and freely given by someone with sufficient mental capacity, free from coercion, and over the age of 18. An act committed without these specifications is non-consensual. A non-consensual sexual act encompasses the following:

- Physical sexual assault and rape
- Verbal or written sexual harassment
- Visual or media-based sexual harassment

Immediate Personal Safety

Immediate personal safety refers to an individual's physical safety and protection from bodily harm. This does not refer to public safety or the safety of a community as a whole. For example, first responders may engage in a non-consensual sexual act, such as grabbing a person who is naked, if the individual is having a severe mental health episode and threatening to harm themselves.

Definition Breakdowns

State Sanctioned Sexual Violence:

An agent or institution committing a nonconsensual sexual act with **explicit impunity granted to them by the state**, for any reason other than immediate personal safety of the individual.

State Tolerated Sexual Violence:

An agent or institution committing a nonconsensual sexual act with **implicit impunity granted to them by the state**.

Explicit and Implicit Impunity

Impunity

When someone is immune, exempt, or excused from punishment or accountability for specific behaviors.

Explicit Impunity

When laws, policies, and practices directly allow or excuse a behavior, often in the name of perceived greater good such as public safety. For example, forcefully stripping someone of their clothing is sexual assault which is punishable by law. Yet, the law requires ICE agents to forcefully strip search all detainees upon entry.

Implicit Impunity

When illegal behaviors are tolerated, ignored, and effectively allowed, often through routine nonenforcement, abuse of power, and toxic culture. For example, raping someone is illegal but US military personnel regularly rape lower-ranking service members and are not held accountable.

Granted by the State

State

State refers to a political entity with governmental authority over a specified territory, such as a country. For example, the United States national government, all state governments, city councils, and local municipalities are all the “state.”

Granted

Granted means directed through laws, regulations, rules, executive orders, case law, and other legally binding mechanisms of communication. The powers granted by the state may refer to policies or practices that are required by law, or it can refer to actions an agent or institution has the discretion to take. For instance, correctional officers have power and authority over incarcerated people because the government grants them that power. Likewise, hospitals and psychiatric institutions have the power to hold people against their will (involuntary commitment) if they are experiencing a severe mental health crisis.

Strip/Cavity Searches

An Example of State Sanctioned Sexual Violence

What is it:

Strip searches are when a correctional officer forces a prisoner to remove their clothes to be inspected for weapons, drugs, or other contraband. Cavity searches are when correctional officers force a prisoner to undergo a visual or physical inspection of their body cavities, including the anus and vagina, which is conducted by a prison physician.

How is it State Sanctioned Sexual Violence:

Strip and cavity searches are a form of state-sanctioned sexual violence because the prison (which is a government institution) and prison staff (who are government employees) are committing a nonconsensual sexual act with explicit impunity granted to them by the government. Their justification for doing so is to maintain “security” and “collective safety” of the other prisoners and the prison staff, not for the immediate personal or physical safety of the individual.

Example

A federal prison in New York required all inmates to be strip searched after every contact visit. Specifically, the policy required male inmates to “lift their genitals and bend over to spread [their] buttocks for visual inspection,” and required the visual inspection of females’ vaginal and anal cavities.”¹



1) Markham, Jamie. “Strip Searches of Arrestees at the Jail.” North Carolina Criminal Law, UNC School of Government, February 19, 2010. <https://nccriminallaw.sog.unc.edu/2010/02/19/strip-searches-of-arrestees-at-the-jail/>

K-12 Sports Genital Checks

An Example of State Sanctioned Sexual Violence

What Is It:

Sex verification testing is an invasive and discriminatory practice in which tests are conducted to determine an athlete's eligibility for sporting events that are restricted to women. This can be done through a physical inspection of an athlete's genitals, chromosomal or hormone testing, or medical imaging.²

How Is It State Sanctioned Sexual Violence:

Beyond disregarding naturally occurring biological diversity, such testing grants authority to perform invasive and degrading physical examinations and access to personal genetic and medical information. These invasive and unnecessary examinations constitute violence by violating fundamental human rights and policing women's bodies.

Example

Legislation recently proposed in Ohio sought to require high school athletes to undergo inspections of their genitalia to confirm their gender before participating in sports. Had this bill passed, it would have explicitly allowed adults access to children's private parts to have their internal and external genitalia inspected against their wishes. As state representative Miranda said, "This extreme legislation, which would require children to have genital exams to play high school sports, is nothing short of state sanctioned sexual abuse."³



2) GLAAD. The Inclusion Playbook: Harms of Sex Verification Testing. 2025. PDF file.
<https://assets.glaad.org/m/361c34d3aa842a81/original/Inclusion-Playbook-Harms-of-Sex-Verification-Testing.pdf>

3) Ohio House of Representatives. "Ohio Republicans Want to Force Children to Undergo Genital Exams to Play High School Sports." *Democrat News*, November 4, 2022. <https://ohiohouse.gov/news/democrat/ohio-republicans-want-to-force-children-to-undergo-genital-exams-to-play-high-school-sports-110422>

Military Sexual Violence

An Example of State Tolerated Sexual Violence

What it is:

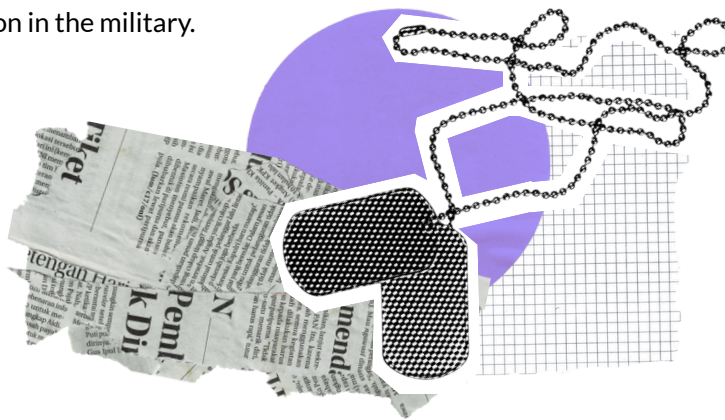
It is well known that sexual violence within the U.S. military is a pervasive issue. Sexual violence committed by ranking officers and superiors is particularly problematic, as servicemembers, especially women, who officially report their assaults can experience retaliation.⁴ Thus, many are discouraged from reporting and believe that “rape was to be expected in the military”.⁵

How it is State Tolerated Sexual Violence:

Given military culture, inadequate reporting and accountability, and the fact that the ability to send these cases to court martial lies at the sole discretion of the commanding officer, this represents state-tolerated sexual violence, where military leadership use their powers to bury incidents of sexual violence and enable its continued perpetration in the military.

Example

A former marine has spoken out about her experience being sexually assaulted in the military.⁶ Thae Ohus says reporting the assault to her command led to retaliation and her eventually being medically retired from the marines. She also filed an official report that should have triggered an investigation, but no such investigation was conducted.



4) Bicksler, Barbara, Carter Farris, Bonnie Ghosh-Dastidar, Lisa H. Jaycox, Dean Kilpatrick, Suzanne Kistler, et al. *Sexual Assault and Sexual Harassment in the U.S. Military*. Vol. 2. Edited by Andrew R. Morral, Karen L. Gore, and Terry L. Schell. Santa Monica, CA: RAND Corporation, 2014..

5) Sadler, Anne G., Brenda M. Booth, Brian L. Cook, and Bradley N. Doebbeling. “Factors Associated with Women’s Risk of Rape in the Military Environment.” *American Journal of Industrial Medicine* 43, no. 3 (2003): 262–273.

6) Ramos, Stephanie, Sarah Baniak, Emily Lippiello, and Ivan Pereira. “Former Marine Speaks Out over Alleged Sexual Assault and Mistreatment by Superiors.” ABC News, December 15, 2023. <https://abcnews.go.com/US/former-marine-speaks-alleged-sexual-assault-mistreatment-superiors/story?id=105393315>

Unconscious Pelvic Exams

An Example of State Tolerated Sexual Violence

What it is:

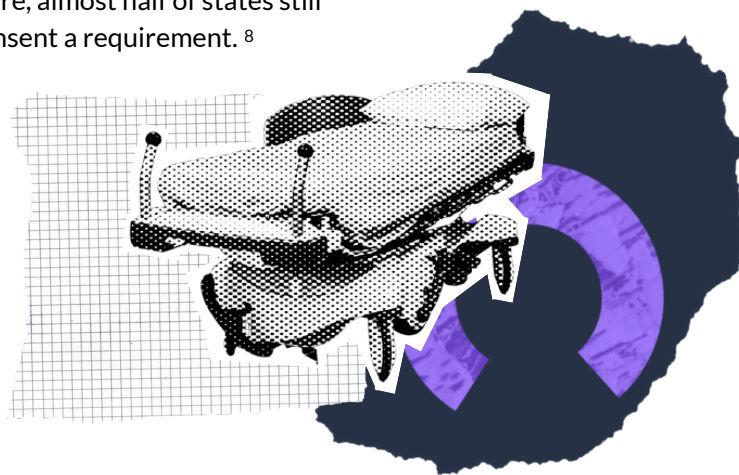
It is a somewhat common practice for medical schools to allow medical students to practice pelvic exams on unconscious patients without their knowledge or consent.⁷

How it is State Tolerated Sexual Violence:

Because there are no federal laws explicitly criminalizing these exams on unknowing and unconscious patients, this would be considered an instance of state tolerated sexual violence. Instead, regulations around these exams are left to the states. The state is tolerating these violations of bodily rights and autonomy by allowing patients to be unknowingly penetrated and inspected. Although many states have begun moving toward banning this practice without the patient's explicit consent for the training procedure, almost half of states still have yet to make consent a requirement.⁸

Example

A study on Pennsylvania medical students found that 90% of them had performed pelvic exams on anesthetized patients during their gynecology rotation. One medical student described performing them "for 3 weeks, four to five times a day, I was asked to, and did, perform pelvic examinations on anesthetized women, without specific consent, solely for the purpose of my education."⁹



7) Desjardins, Lisa, and Claire Mufson. "Why More States Are Requiring Consent for Pelvic Exams on Unconscious Patients." *PBS NewsHour*, February 11, 2023. <https://www.pbs.org/newshour/show/why-more-states-are-requiring-consent-for-pelvic-exams-on-unconscious-patients>

8) RAINN (Rape, Abuse & Incest National Network). "Involuntary Pelvic Exams: Protect Patients With Informed Consent." RAINN. Accessed January 13, 2026. <https://rainn.org/rainns-recommendations-for-legislators/involuntary-pelvic-exams-protect-patients-with-informed-consent/>

9) Goldberg, Emma. She Didn't Want a Pelvic Exam. She Received One Anyway." *The New York Times*. February 17, 2020. <https://www.nytimes.com/2020/02/17/health/pelvic-medical-exam-unconscious.html>



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www.s-v-p-a.org | 508-367-5080 | info@s-v-p-a.org

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