

Human & Civil Rights

The newsletter of the Illinois State Bar Association's Section on Human & Civil Rights Law

Chair's Column

BY JUNAID "J" AFEEF

Serving on the Human and Civil Rights Section Council is both an honor and a joy because of the wonderful programs, articles, and deliberations (mainly over legislation) that it produces. All of that results from the wonderful people who serve and the wonderful staff at the ISBA who make our roles easier. Thank you to everyone!

We are in good hands in the 2024-2025 bar year. Our new chair, Ronald Langacker, is someone I have come to admire and respect. Ron's service to this section council is well known. During my tenure as a section council member, Ron has served as a co-editor of our newsletter, a frequent contributor to the newsletter, and

Continued on next page

Support for Proposed ABA Resolution Recognizing the Equal Rights Amendment to the U.S. Constitution

BY PROFESSOR CINDY G. BUYS

Background

In 2018, Illinois became the 37th state to ratify the Equal Rights Amendment (ERA). It did so with the support and encouragement of the ISBA. In 2020, Virginia became the 38th state to ratify the ERA, meaning that three-quarters of the states had ratified the amendment as required by Article V of the Constitution, clearing the way for the ERA to become the 28th Amendment to the U.S. Constitution.

However, the Trump Administration Department of Justice issued an opinion to the national archivist taking the position that the ERA ratifications were not valid and instructed the archivist not to certify and publish the ERA as the 28th Amendment to the U.S. Constitution. To date, the national archivist has not certified or published the ERA.¹

Continued on next page

Chair's Column
1

Support for Proposed ABA Resolution Recognizing the Equal Rights Amendment to the U.S. Constitution
1

Book Review: 'A Day in the Life of Abed Salama: Anatomy of a Jerusalem Tragedy' by Nathan Thrall
3

Title IX: Over 50 Years Old and Lookin' Good—But What Have You Accomplished, What Remains, and Where Will You Lead Us Next?
4

New Law Supports Recovery for Youth Trafficking Survivors
7

Making a Difference for Survivors of Gender-Based Violence
8

Chair's Column

CONTINUED FROM PAGE 1

a contributor to CLE programs.

Our incoming vice chair, Jill Leka, is another great asset to the Human and Civil Rights Section Council. I am grateful for Jill's partnership on numerous CLE programs over the past few years. Jill has coordinated CLE programs, served as a speaker, and played the role of moderator—a trifecta!

In 2024-2025, Candice Stearns, one of our co-editors of the Human and Civil Rights Newsletter, will step up to the plate as secretary. Please join me in welcoming all three of our incoming officers!

I felt lost when I joined the section council several years back. The Annual Meeting is the first for newly appointed members, and the section council meeting seemed perfunctory. Only when I began

contributing articles for the newsletter, serving as a representative of our section council to the Diversity Leadership Council, reviewing the slew of proposed bills sent to us for our input, and assisting with CLEs did I realize that the meetings were just one part of service. The work that happens in between meetings is very important, too!

I appreciate everything the outgoing members did for the section council. Lastly, welcome to our newly appointed members in 2024-2025. Given all that's happening in human and civil rights, the significant number of legislative matters we must review, and the need to continue developing and delivering great CLEs and educational articles, we have plenty to accomplish in the 2024-2025 term! ■

Support for Proposed ABA Resolution Recognizing the Equal Rights Amendment to the U.S. Constitution

CONTINUED FROM PAGE 1

American Bar Association Resolution

At its Annual Meeting in Chicago in July 2024, the American Bar Association (ABA) is expected to consider adoption of a resolution recognizing the ERA as the 28th Amendment to the U.S. Constitution because it satisfies all requirements of Article V of the U.S. Constitution. Supporters of this ABA Resolution have asked the ISBA to support its adoption.

What Is the ERA?

The text of the Equal Rights Amendment states:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this

article.

Section 3. This amendment shall take effect two years after the date of ratification.

This language has been ratified by 38 states since Congress passed the joint resolution in 1972. There is no time limit for ratification in Article V. However, Congress included a time limit for the ratifications in its resolution, giving rise to arguments that the last three ratifications came too late as they were after the time limit. The draft ABA Resolution rejects the argument that the ratifications are time barred because the time bar is not part of Article V of the Constitution and because it was contained in the text of a congressional resolution and not in the language of the amendment itself.

The other main legal argument of those opposed to recognition of the ERA as the

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The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

28th Amendment is that five states attempted to rescind their resolutions of ratification some years after they had adopted them.² However, when the 14th Amendment to the U.S. Constitution was adopted, a few states also attempted to rescind their previous ratifications. The federal government took the position that those attempted rescissions were invalid and determined that the 14th Amendment was part of the U.S. Constitution.³

Why Is It Important to Adopt the ERA?

Women are not mentioned anywhere in the U.S. Constitution. When the Equal Protection clause of the 14th Amendment was ratified, it was focused on issues of racial equality. While the U.S. Supreme Court had expanded the scope of equal protection to include gender equality, some Supreme Court justices have expressed skepticism that it should be expanded beyond its original purpose to apply to issues other than race.⁴ Given the current Supreme Court's focus on the historical meaning of the Constitution, it is possible that gains for gender equality may

be reversed. In addition, even though gender equality is currently recognized under the U.S. Constitution, gender discrimination is subjected to intermediate scrutiny rather than strict scrutiny, making it easier for governmental bodies to discriminate on the basis of gender.⁵

Conclusion

The ERA is more than a symbol. It is a promise that we all are equal under the law made manifest. The ISBA has already formally supported Illinois' ratification of the ERA. Both the Human and Civil Rights Section Council and the Women and the Law Committee have approved of the following resolution asking the ISBA to help finish the process by adding its voice to that of the ABA in recognizing the ERA as the 28th Amendment to the U.S. Constitution.

Suggested ISBA Resolution

WHEREAS, the ISBA is the voice of the legal profession of Illinois, it is fitting and proper for this Association to take steps to ensure gender equality in the U.S. Constitution;

AND WHEREAS, for the reasons set forth in the attached draft ABA Resolution;

THEREFORE, be it resolved the Illinois State Bar Association declares its support of adoption of a resolution by the American Bar Association recognizing the Equal Rights Amendment as the 28th Amendment to the U.S. Constitution.

Cindy G. Buys is a professor of law at the Simmons Law School, Southern Illinois University. She serves on both the ISBA Human and Civil Rights Section Council and the International and Immigration Law Section Council. ■

1. Additional information regarding the history of ratification of the ERA and legal arguments about its status can be found in an article by Michele H. Thorne, *A New Era for the ERA? Our 28th Amendment to the U.S. Constitution*, CBA Record 31 (May/June 2022).

2. *See id.*

3. *See id.*

4. *See, e.g., The Originalist*, CALIFORNIA LAWYER, January 2011. *See also*, Jennifer Senior, *In conversation: Antonin Scalia*, N.Y. MAG., October 7, 2013, available at <http://nymag.com/news/features/antonin-scalia-2013-10/>.

5. *See* Craig v. Boren, 429 U.S. 190 (1976).

Book Review: 'A Day in the Life of Abed Salama: Anatomy of a Jerusalem Tragedy' by Nathan Thrall

BY JUNAID "J" AFEF

A prolonged military occupation, annexation of land through military force, and apartheid are all illegal under international law. Unless you are from Palestine or Tibet, or you remember the apartheid in South Africa, for example, it's hard to grasp why these are so horrific. Nathan Thrall's "A Day in the Life of Abed Salama: Anatomy of a Jerusalem Tragedy," published in 2023, makes all of it heart-wrenchingly real.

The Story

This is a true story about Abed Salama, a

Palestinian living in the occupied West Bank, and his search for his young son, Milad Salama, after a tragic traffic accident between a school bus and a truck.

The story begins the night before the accident. Milad is a five-year-old Palestinian boy living in Dahiyat a-Salaam, a portion of Jerusalem annexed by Israel. On the eve of a school picnic, Milad's father, Abed, takes him to a convenience store nearby to buy his favorite drink, Tapuzina, an Israeli orange drink, a tube of Pringles, and a chocolate Kinder Egg. Two hundred pages later, the story ends with funerals, destroyed families,

and little accountability.

This is a fast-paced story laid out in 200 very easy-to-read pages. It's about Palestinians and Israelis living side by side but in totally different realities. The characters and the story are complex. It's not a good guys vs. bad guys, Palestinians vs. Israelis, or even Muslims vs. Jews story.

Abed Salama is a complex character with a patriarchal bent who can sometimes be selfish but also is a father who loves and adores his children. Abed's desperate search for Milad in the hours after the bus accident illustrates the complexities, hardships, and

inequities that Palestinians living under occupation face as Abed navigates military checkpoints and occupation forces in search for Milad.

Along the way, the reader meets Palestinians who have friendships with Israelis, Palestinians who are collaborators with the Israeli occupation forces, Israelis who try to help in whatever ways they can, and Israelis who show callous disregard for Palestinian lives. For example, Dr. Huda Dahbour is a UNRWA endocrinologist, and Eldad Benschtein is an Israeli paramedic. Both arrive at the crash scene and work to save the children.

The story ends with three funerals. One of the families is that of Nansy and her husband, Azzam. Their son, Salaah, a classmate of Milad, was one of the children who died in the bus accident. Salaah could not be identified without DNA tests because his body had been severely burned. In the book's Epilogue, Mr. Thrall writes about the Israeli responses to the tragedy, including disparities in recoveries available to Palestinian families of the victims based on whether they lived in portions of Jerusalem

that are annexed into Israel and those that remain under military rule through the occupation.

Author: Nathan Thrall

Nathan Thrall, the book's author, is an American writer from California who lives in Jerusalem. Mr. Thrall is Jewish. He previously spent 10 years at the International Crisis Group, where he directed the Arab-Israeli Project.

Mr. Thrall also taught at Bard College. Bard College offers a dual-degree program in Palestine through a partnership with Al-Quds University in the West Bank.

In 2023, Mr. Thrall's teaching at Bard College became a flashpoint over alleged antisemitism. Originally reported on by the Guardian newspaper, a course taught by Mr. Thrall in the spring 2023 semester about apartheid in Israel drew fierce opposition from an Israeli diplomat and the Anti-Defamation League. Together, they put pressure on Bard College to cancel the course. The basis for the calls to cancel the course was that it was antisemitic. Bar College allowed the course to continue.

Mr. Thrall won a 2024 Pulitzer Prize for

"A Day in the Life of Abed Salama: Anatomy of a Jerusalem Tragedy." In a citation regarding the prize, the book is described as a "finely reported and intimate account of life under Israeli occupation in the West Bank...."

Recommendation

As a father, I felt Abed Salama's urgency, fear, and pain throughout the story. As someone who has never lived under a military occupation but has been aware of the Israeli occupation of Palestine for decades, this story gave me a rare glimpse into what it might feel like for the millions who endure it daily. This book is worth reading, especially for those involved in human rights and international law. ■

Junaid "J" Afeef is an ISBA General Assembly member and serves on the Human and Civil Rights Section Council, Diversity Leadership Council, and the Standing Committee on Racial and Ethnic Minorities and the Law. All views and opinions are his alone.

Title IX: Over 50 Years Old and Lookin' Good—But What Have You Accomplished, What Remains, and Where Will You Lead Us Next?

BY SHARON L. EISEMAN

What Is the Primary Tenet of Title IX and How Did it Become a Law?

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

This summary of the primary intent of Title IX arose from an initiative that

trailblazer Representative Patsy Mink of Hawaii, the first woman of color elected to Congress, conceived and presented to Congress in the 1970's to specifically focus on assuring equal rights for women and girls not specifically covered in the 14th Amendment of the Constitution which, you might be surprised to learn or recall, does not specify gender equality in various areas of life. With data submitted to Congress

by Dr. Bernice Sandler on behalf of the Women's Equity Action League (WEAL) reflecting substantial numbers of complaints of sex discrimination in employment circa 1969 that she had helped women file under Executive Order 11246. Rep. Mink recognized that females of all ages had been sidelined for years in achieving access to opportunities in many fields of endeavor which had received federal funds, including

education institutions and in the sports ‘arena’—in both the training aspect and participation in competitive sports, whether in local elementary and high schools and throughout professional sports of every kind. (For further details re: the founding and work of WEAL, see “TITLE IX AT 50: A Report by the National Coalition for Women and Girls in Education”)

Such gender inequality adversely affecting girls and women had also been evident in workplaces across all businesses and at all levels of employment therein. In connection with these exclusion phenomena, it was well known that their male counterparts did not face such barriers, thus making the barriers faced by females across age groups clear evidence of gender inequality. Given such a landscape, it was easy to conclude these inequalities were also intentional since all the facts, such as salary differentials between the genders, were well known.

Once Rep. Mink raised this issue of endemic gender discrimination in Congress, she worked closely with various branches of the Federal government on refining her concepts regarding how to make such a federal law effective in assuring equality of access and treatment, irrespective of gender, in education and other public service arenas, which led to her introduction of Title IX into Congress. This life, economy, and culture changing piece of legislation, having been in gestation for a while, was ‘born’ on June 23, 1972, when President Richard M. Nixon signed and ‘delivered’ Title IX of the existing Civil Rights Act into law—thereby creating a lexicon for conduct that has brought us to this moment of observing—and also evaluating—the impact of Title IX on those it intended to benefit, as well as assessing what more might need to be done to reach the Title IX goal of achieving gender and racial equity across the designated areas.

Readers of this piece might be touched to learn that Congress renamed the Act as the PATSY T. MINK EQUAL OPPORTUNITY IN EDUCATION ACT following Rep. Mink’s death in 2022, and she was also posthumously awarded the Medal of Freedom.

How Far Does Title IX ‘Reach’ in its Coverage and What Entities Are Authorized to Enforce the Act When Violations Occur or Are Alleged?

The Act has a broad reach across many entities, and persons connected to such entities, that fall within the designation of an ‘education program or activity receiving federal financial assistance’ which includes, among many others, universities, early childhood education programs, public schools, school districts, the state, research and related programs, and medical institutions like hospitals, medical schools, and medical centers. Persons covered include students, parents, or participants in programs of any of the identified institutions. Please see 20 U.S.C. 1681. However, see *Waid v. Merrill Area Pub. Schs.*, 91 F.3d 857 (7th. Cir. 1996), for how a Title VII ‘pre-emption’ issue was addressed. (The *Waid* court examines whether a person alleging gender-based employment discrimination can simultaneously pursue remedies under both federal and state law, in this case per Title IX, the Equal Protection Clause of the Fourteenth Amendment, employment relief under the state of Wisconsin’s fair employment law, and via administrative procedures, or whether the legal precedent of preemption or preclusion would be applied to limit the plaintiff’s remedies. (This concept should also apply when addressing allegations of race-based discrimination in the institutions subject to Title IX.)

Proposed Amendments to Title IX and What They Mean

To celebrate, in the present, the half century of Title IX’s impact in protecting students and athletes from gender discrimination, the U.S. Department of Education recently proposed a set of amendments to the law intended to provide guidance to educational institutions at all levels in implementing Title IX protections. Per the Department’s recent announcement, the changes will “Advance Title IX’s goal of ensuring that *no person* experiences sex discrimination, sex-based harassment, or sexual violence in education” no matter that person’s sexual orientation or gender identity, or because of pregnancy, and that

the covered institutions must fully investigate reports of homophobic or transphobic slurs against students and athletes.

In addition, under the proposed amendments educational institutions and sports-related entities must take steps to protect students and athletes from such actions as bans on transgender girls in sports and denial of student access to restrooms consistent with gender identity. Moreover, the Biden administration, which advocated for such groups, noted that these amendments, if they are incorporated into law following the comment period, would ‘restore’ protections from sexual harassment and assault, including sex-based discrimination targeting LGBTQI+ students and the wider community, thereby overriding changes implemented by the Trump administration. Those amendments can be found on the Department of Education website via this link: <https://www.ed.gov>, and once you are there, type in ‘Enforcement’. That part of the DOE website will offer you numerous areas of Title IX to explore.

What Legal Recourse Does a Victim of Discrimination as Defined Under Title IX Have to Obtain Justice Following a Violation of This Law? And What Rules Apply to School Disciplinary Hearings Against Students?

Any lawyers practicing in this field should, of course, be aware that the lawsuit alleging a Title IX violation will be brought in Federal Court which is the proper jurisdiction for such matters, whether the defendant entity is a professional or college-based team, or an entity that provides training in a specific field of sports, or an educational institution through which the accuser has suffered any form of gender discrimination. However, the Civil Rights Act provides an option for an aggrieved complainant via a special statutory process allowing, via a request, resolution of a complaint by means of arbitration or mediation. Thus, that option should at least be considered for the client.

In any proceeding, the nature of the claim(s) to be brought on behalf of a complainant can range from gender-

based harassment and assault, including liability for “deliberate indifference” as an unreasonable response to “actual knowledge” of harassment, to gender discrimination, in regard to access to facilities, programs, and other resources in the ‘arena’ of sports through limiting access to programming, facilities, and other resources available to others. This general approach is part of the framework to assist the lawyer in obtaining as much detail as possible re: the actions of the entity being sued and the student facing discipline so that the precise nature of the violation(s) being claimed or being challenged can be determined and therefore cited in the complaint to be filed or in the response to a complaint that has been filed.

In such an assessment for the plaintiff, it may be relevant to determine whether the institution to be named as the defendant or one of the defendants may, due to its nature, be held to a different standard than is imposed elsewhere, and whether particular employees or other staff in decision-making positions, and/or consultants not on the ‘payroll’ but involved in the actions being challenged, may have been implicit in any of the acts of misconduct against the plaintiff accuser. That information will help determine whom to name.

Due to each matter consisting of many factual details possibly involving a number of persons in varied positions in the entity, it is important for legal counsel to obtain as much information as possible from his/her/ their potential client.

In a Successful Court Proceeding, What Remedies Are Available to a Plaintiff? And Is Mediation or Arbitration Available to Address an Alleged Title IX Violation?

In 2022 changes to Title IX complaint procedures, one of the additions now available to higher education institutions for resolving a Title IX matter is the option for an ‘informal resolution’ under specific circumstances. Such a resolution might be considered similar to a settlement of a complaint or claim in other types of litigation or dispute that allows concerns of each of the parties to be addressed. It may also replace a court process for litigants who

may agree with the basis for the availability of participating in such an informal process which was implemented to resolve an expressed concern about whether the due process rights of both parties were being observed in the proceedings.

As an interesting aside, in past instances where a complaint alleging sexual assault had been filed by a student or an employee at a federally funded educational institution against another student, an administrative official, or a teacher, a new guidance resolution, identified as a “Dear Colleague” letter, was proposed in 2011 by Vice President Joe Biden and Secretary of Education Arne Duncan, followed by additional guidance in 2014. This letter was intended to apply a ‘preponderance of the evidence’ standard as used in other civil cases, and discouraged institutions from allowing cross-examination. One outcome of such a means to address those allegations was that schools began to treat sexual assault allegations more seriously. However, those initiatives were rescinded in 2017 by the DOE, but new regulations were proposed.

What Can We Learn From Beneficiaries of Title IX Protections in the Field of Sports and What Comes Next Across the Landscape of All Populations Identified as ‘Protected’ Under Title IX?

Sadly, despite the presence of Title IX and its proposed amendments, gender abuse and inequities persist. As recently as 2018, an ‘independent’ investigation of Paul Riley, the coach of the North Carolina Courage Team, which is part of the National Women’s Soccer League (NWSL), confirmed allegations of systemic harassment and sexual coercion involving Coach Riley for at least the past decade—despite his denial of the accusations. After the allegations were first made, Coach Riley was fired. In addition, it was reported that NWSL Commissioner Lisa Baird had ‘stepped down’. Such an action suggests that the NWSL may need new leadership who is fully cognizant, and respectful, of the prevailing laws protecting women in sports from gender discrimination and abuse.

Links to Articles and Material re: Title IX

For an article on ‘Title IX of the Education Amendments of 1972’, the Voluntary Resolution Agreement between the Department and the Board of Trustees of Michigan State University and MSU Health team, and more, you may access the following site via: www.hhs.gov/ocr/index.htm which is the Health and Human Services website.

- For articles on women in sports, in particular, including a nice piece entitled ‘What you need to know about Title IX ahead of its 50th anniversary’, and ‘50 Years of Title IX: We’re Not Done Yet’, and more, check out the site of the Women’s Sports Foundation which appears to be hosted by NU (Northwestern University) at NUSports.com, accessible via www.NUSports.com.
- Also of interest is the Report by the National Coalition for Women and Girls in Education on TITLE IX AT 50 from the National Coalition for Women and Girls in Education entitled ‘Gender-and Race-Conscious Programs’, and available at www.ncwge.org.
- Check out an article by Adam J. Sheppard entitled “What are students’ due process rights in school disciplinary proceedings?” published in The Chicago Daily Law Bulletin: <https://www.chicagolawbulletin.com>
- “The New Provisions in Title IX Regulations-Taking the Right Steps for a Successful Informal Resolution” by Adrienne Publicover, Esq./JAMS Mediator Jams at www.jamsadr.com/JAMSADRinsights
- “Generations of Women Lawyers Pay It Forward by Advocating for Title IX” by Cynthia L. Cooper, NY independent journalist and Member of the ACLU Commission on Women in the Profession at <https://www.americanbar.org>
- <https://www.news.northwestern.edu/stories/2022/09/northwestern-events-to-celebrate-title-ix> . This link will take you to the report presented

in the fall of 2022 by Northwestern Medill Assistant Prof. Melissa Isaacson on ‘The dawn of Title IX a half century later and the long road to gender equity’ as part of the University’s program on ‘Title IX at 50: Past, Present, Future’.

- ‘Sports On the Lips’, is a website created and managed by gender

equality advocate Shellie Wilson, to reach females in sports, particularly at the collegiate level, to educate them as to their rights under Title IX and help connect them to opportunities for entry into the field of professional sports.■

Written with support from Hon. Deborah Gubin (ret.), as well as the Decalogue Society of Lawyers December 6, 2022, Title IX CLE Program Panelists Adam Sheppard, Charlie Wysong, and Shellie Wilson, and Program Moderator Helen Bloch

New Law Supports Recovery for Youth Trafficking Survivors

BY TAYLER MATTHEWS

A new law, [Public Act 103-0191](#) (effective 1/1/2024), follows [federal](#) sentencing reform efforts to amend the unfair sentencing practices that impact criminalized youth trafficking survivors.

Legislation like P.A.103-0191, also called the **Prevent Unfair Sentencing of Youth Act**, was formerly known as ‘Sara’s Law’ in recognition of Sara Kruzan. Sara is a [survivor](#) of child sex trafficking who was sentenced to life in prison when she was only 17. Sara defended herself and her right to be free from a trafficker who had abused her since she was 11 years old. She was then wrongfully imprisoned for almost 20 years before being released and pardoned. Today, she’s an advocate for sentencing reform for child victims of sexual exploitation.

We’ve repeatedly seen this kind of injustice harm the lives of other youth survivors, such as Chrystul Kizer, Zephi Trevino, and Cyntoia Brown-Long. **Youth survivors of sex trafficking are disproportionately at the intersections of marginalization and vulnerability.** These children tend to be [girls of color](#), [LGBTQ youth](#), foster youth, youth who have experienced abuse and/or economic and housing insecurity, and disabled youth.

The criminalization of survivors also particularly harms [Black youth](#). Black girls and transgender children are less likely to be seen as child victims of gender-based violence, more likely to be hypersexualized

and [viewed as adults](#), and are too often criminalized instead of offered supportive services. This makes sex trafficking a factor in the [sexual abuse-to-prison pipeline](#) for girls and LGBTQ kids of color.

To decrease the chances of survivors in Illinois facing such severe criminalization, the Chicago Alliance Against Sexual Exploitation (CAASE) championed this legislation with our national partners at [Rights4Girls](#). The law aims to limit the sentencing terms of child survivors of sexual violence, sexual exploitation, and domestic violence who are accused of high-level offenses related to their victimization. Illinois can now better protect child victims of gender-based harms from suffering lifelong criminal penalties, and support healing for survivors from marginalized communities.

The success of this law continues CAASE’s leadership to protect child victims of sex trafficking. In 2010, CAASE created and led the campaign to pass the [Illinois Safe Children Act](#), making our state the first in the nation to prevent youth under 18 from being prosecuted for ‘prostitution.’ Illinois now appreciates that **there is no such thing as a ‘child prostitute.’ There are only youth survivors who need** the recognition of, and support for, the harms they’ve experienced.

P.A.103-0191 Reforms the Criminal Legal System to See Youth as

Victims of Harm

Children should not be treated as adult criminals for defending themselves against an abuser. Survivor Cyntoia Brown-Long [explains](#) that when she experienced trafficking she ‘was always threatened [and] was always in survival mode.’ **The Prevent Unfair Sentencing of Youth Act provides an intervention so that youth can be identified as child victims. This law gives judges more discretion to consider the context of gender-based violence.**

The law adds vital mitigating factors, like sexual and domestic violence, and sexual exploitation, to the Unified Code of Corrections for judges to reflect on during sentencing. A judge can also reduce or suspend a child’s sentence. These amendments move us closer to a system where youth cases are examined in a trauma-informed setting.

P.A.103-0191 Encourages an Age-Appropriate and Trauma-Informed Judicial Response

Trafficking survivors frequently experience [trauma](#) that results in PTSD and dissociation. As Sara Kruzan [recounts](#), ‘I was a child sex trafficking victim who endured horrific abuse and rape at the hands of my trafficker and other adult males.’ In the criminal legal system, survivors are too often punished and revictimized in adult court instead of being treated with compassion.

P.A.103-0191 helps Illinois align with the [human rights](#) principles to foster the physical, psychological, and social recovery of child survivors of exploitation. Under both the Juvenile Court Act and the Unified Code of Corrections, a judge can now move a youth's case down to juvenile court, reflect on a child's involvement in the welfare system,

or identify other negative influences that contributed to a child's abuse experience. P.A.103-0191 further aims to provide victims with supportive services so a youth can spend less time in custody and have a better opportunity to make a full life for themselves after the trauma of sexual violence.

To learn more about CAASE's survivor-

centered advocacy visit our website at www.caase.org.■

Taylor Mathews is the public policy and advocacy associate at the Chicago Alliance Against Sexual Exploitation (CAASE).

Making a Difference for Survivors of Gender-Based Violence

BY PALOMA HOLLOMAN

Ascend Justice is an advocacy organization that empowers individuals and families impacted by gender-based violence or the child welfare system.¹ Ascend Justice helps survivors with various family law matters, orders of protection, and immigration matters, and offers support for those who need accommodations for work, housing, or crime victims' compensation. My favorite part about this organization is its Incarcerated Survivors Project. This program supports survivors of gender-based violence who are currently or were formerly incarcerated.²

Throughout my experience with Incarcerated Survivors, I've worked on Haymarket mitigation letters and matters involving child visitation. My clients are so much more than what society and the justice system have labeled them as, they are good mothers, entrepreneurs, artists... and the list goes on. My work with this project has allowed me to understand how empowering Ascend's mission is for survivors of gender-based violence and it has been an honor to be part of their mission.

I found the Incarcerated Survivor's Project by volunteering with Pro Bono Network. For an area of law that was new to me, I was grateful for the support I received from Pro Bono Network for the cases I was working on. Robin Spencer, who is a project manager at Pro Bono Network, has tremendously helped me navigate these cases and provided me with testimony of her own

experience with these cases.

Robin's Testimony:

Women experiencing incarceration are largely forgotten, and the impact of incarceration on their children, families, and our broader communities is substantial. Many lack access to civil legal help for issues of safety, family and parental rights, guardianship, and divorce, along with other issues affecting their personal and economic security and that of their families. In fact, women often lack basic access to information about civil case status and court process while incarcerated, let alone legal representation. Providing even short-term advice and brief services fills a tremendous unmet need and can relieve anxiety and fear. For survivors of gender-based violence, the circumstances are truly heart-wrenching.

This is why I volunteer, alongside other dedicated and caring pro bono attorneys on our team. In view of the enormous need, attorneys volunteering via Pro Bono Network's Incarcerated Survivors Project take clients and cases that our local agencies—working at full capacity—otherwise would not be able to serve.

Even one or two hours of attorney time therefore helps to make a real difference. As just one example of this, I often recall a woman forced into marriage with a complete stranger for a criminal purpose by a much older abuser. Only a very small bit of my attorney time, with records access, helped ease a legal and emotional burden that she

had carried alone for decades.

Before I began volunteering in this kind of pro bono work, I worried that my professional background was too different to be useful, and I've heard many new volunteers voice similar concerns. But we learn quickly that the work is very doable and, as we listen to and connect with clients, extraordinarily rewarding and important.

Conclusion

There are so many ways we can help others. If you aren't sure where to start, Pro Bono Network offers ample opportunities and resources for lawyers who would like to get involved with pro bono work. Pro Bono Network also partners with incredible organizations like Ascend Justice and provides training materials and resources to help along the way.³■

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1. <https://www.ascendjustice.org/mission-services/>.

2. <https://www.ascendjustice.org/incarcerated-survivors-2/>.

3. <https://www.pro-bono-network.org/>.