

REPORT | Criminalized Survivors: Today's Abuse to Prison Pipeline for Girls

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Executive Summary

The Georgetown Initiative on Gender Justice & Opportunity and Rights4Girls jointly released a new report on the criminalization of girls who experience sexual violence. The report is a follow-up to our 2015 publication, *The Sexual Abuse to Prison Pipeline: The Girls' Story*, which raised awareness of how girls who have experienced sexual violence are sent into the juvenile justice system, despite being child survivors.

Our new release examines where the pipeline is today for girls in the wake of the Black Lives Matter movement, the #MeToo movement, and the pandemic—and found that we are not just allowing girls to fall through the cracks – we are still actively punishing victims, rather than helping them support and heal. Our report calls for systemic change to stop sexual abuse and end the criminalization and re-victimization of survivors.

We highlight three of the most urgent pathways for girls who are pushed into the legal system as a direct result of their victimization:

- Survivors of sex trafficking who are punished for prostitution or as traffickers themselves;
- Survivors who harm their abusers in their attempts to escape or in self-defense; and
- Survivors who report abuse to police, but are charged with filing false reports.

We also discuss progress that has been made in law and policy at the state and federal levels to protect survivors of sexual violence, and provide guidance for further action.

Since the launch of our original publication, the concept of the abuse to prison pipeline has spread widely, helping to shape the public narrative around women and girls' incarceration. Since 2015, the *Sexual Abuse to Prison Pipeline* report has been cited in hundreds of peer-reviewed journals, law review articles, and reports, influencing laws, policies, and legislation designed to protect survivors and promote trauma-informed practices for victims of gender-based violence.

Key Findings:

Progress in disrupting the pipeline has been made since 2015. Public awareness of the criminalization of survivors and the injustice of arresting child survivors of sex trafficking on prostitution and related charges, has especially increased. As a result, many states have enacted safe harbor laws and other legal reforms that mitigate punishment for trafficking survivors whose behavior stems from their abuse, including attempts at self-defense and escape.

Despite this progress, the abuse to prison pipeline for girls has not ended. Bills introduced after our 2015 report have generally not resulted in meaningful laws, and implementation of laws that have been passed is sometimes stifled due to limitations in training, resources, and cross system communication. Lack of resources and alternatives can even result in the decision to detain survivors, justified by the paternalistic notion that putting children behind bars is the surest way to protect them. In some of the most extreme cases, survivors are forced to resort to violence in order to escape or defend themselves against their adult exploiters, then face decades to life in prison, despite being child victims of crime.

Police and even schools collude in girls' criminalization. Law enforcement and educators, who are entrusted with authority over girls' lives, perpetuate the pipeline by filing charges of false reporting, or suspending girls from school when they report instances of sexual abuse—effectively turning the very systems that girls turn to for help into mechanisms of punishment. These systems can also criminalize survivors when they fail to recognize status offenses like truancy and running away for what they are – signals of escaping abuse.

Ultimately, girls and all youth who experience violence deserve to be met with support, safety, and healing. It is our hope that through this report and the following guiding principles we can affect the systems and cultural change needed to end the harmful and unjust patterns of criminalization that punish survivors of gender violence for the abuse they experience and promote the more equitable treatment of girls.

Calls to Action:

1. **Prevent Gender-Based Violence** by investing in ending sexual assault and abuse.
2. **Decriminalize and Support Girls who have been Sexually Abused and End the Punishment of Children Who Act Against Abusers in Self-Defense.** Laws must expressly prohibit the arrest of victims for offenses related to the sexual violence they have survived.
3. **End the “Credibility Discount” Against Girls and Hold Law Enforcement Accountable for Disregard of Abuse Claims** by prohibiting the practice of filing false reporting charges against girls who report sexual abuse and robustly investigating claims and protecting survivors.

4. **Address the Disproportionately High Rates of Sexual Abuse Against Girls with Intersectional Identities.** Girls of color, girls with disabilities, LGBTQI+ and gender expansive youth, immigrant girls, and other girls who experience adversity continue to experience sexual violence at disproportionate rates and are more likely to be blamed and punished for the abuse they have survived. While all children must be protected against gender-based violence, specific attention should be paid to children with multiple layers of identity that subject them to complex forms of discrimination.

5. **Ensure that Efforts to Address Gender-Based Violence Account for the Unique Experiences and Vulnerabilities of Adolescent Girls.** Too often, adolescent girls are grouped in with adult women in research, law, and policy on gender-based violence. Young girls and adolescents should be examined separately in research and protected in ways that recognize their unique experiences.