



Freedom Network USA

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Submitted via email to EndTrafficking@acf.hhs.gov

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RE: Freedom Network USA's Public Comment on HHS Prevention Framework

Freedom Network USA (FNUSA), established in 2001, is a coalition of 95 non-governmental organizations and individuals that provide services to and advocate for the rights of trafficking survivors in the US. Since the enactment of the Trafficking Victims Protection Act of 2000 (TVPA), FNUSA members have worked to ensure that trafficking survivors receive the full array of legal and social services needed and that they are engaged in ensuring effective implementation of the law. FNUSA members include survivors who have experienced both sex and labor trafficking in the US, prosecutors who have criminally prosecuted sex and labor trafficking cases, civil attorneys who have brought cutting-edge lawsuits against traffickers, criminal attorneys who have represented survivors wrongly charged with a crime, immigration attorneys who have represented hundreds of individuals granted T and U visas, and social service providers who have assisted thousands of survivors, including US citizens and foreign nationals, minors and adults, and individuals across the gender spectrum.

We are grateful to see the Department of Health and Human Services (HHS) working to implement comprehensive prevention planning into its programs through the National Human Trafficking Prevention Framework (the Framework). The integration of a public health approach and existing violence prevention frameworks shows a significant step towards appropriately addressing human trafficking as a form of violence that is intrinsically connected to many other forms of violence. This framework can be a great starting point for future implementation of prevention plans. We hope the full Human Trafficking Prevention Action Plan includes significant investment in primary prevention and support for existing effective violence prevention efforts. It has been four years since the original request for information was published, and we hope to see HHS move forward swiftly to complete and implement the plan. We also request that HHS share more details about the next steps of this plan and implementation to reduce confusion among stakeholders.

FNUSA is concerned about the short timeline provided for comments on this Framework. The request for information was published in the Federal Register on June 1, 2023, providing only eight days to draft comments on a 72-page document. By limiting the time available for comment, the Office on Trafficking in Persons (OTIP) created significant barriers to receiving comprehensive feedback. This short turnaround will result in fewer people, including people with lived experience, being able to provide

feedback. The Framework rightfully notes the importance of input and involvement from people with lived experience. However, failing to provide sufficient time for input creates a substantial barrier to involvement for survivors who may not have the time to draft comments in the midst of work and other life responsibilities.

We offer the below comments on the draft Framework's overarching approach, guiding principles, and specific strategies and actions to inform revisions.

Overarching Feedback

I. Integrate trafficking into existing violence prevention programs

There is a strong need for comprehensive primary prevention programs throughout the US, but it is ineffective and costly to create new violence prevention programs focusing specifically on human trafficking. Instead of encouraging new programs that need to be built from the ground up, HHS should focus on building up effective violence prevention programs and providing the tools to include topics related to human trafficking. As the Framework notes, human trafficking is closely connected to other forms of violence, and people are made more vulnerable to trafficking by the same social structures creating vulnerabilities to other forms of interpersonal violence. Existing educational and community programs can incorporate trafficking-specific prevention tools like comprehensive consent and sex education, information on workers' rights for working children and adults, and lessons on economics and financial exchanges.¹

There is no need to create new programs from the ground up when the work has already been put in by the communities most affected. A new trafficking-specific program would only be effective if it included all of the same violence prevention methods. One-off training on identifying trafficking in schools or workplaces should not replace thorough primary prevention programs. Some states have replaced comprehensive violence prevention education programs with trafficking-specific ones that do not cover the same depth of knowledge and can be harmful. By specifying program integration should be the standard, this Framework could present a worthwhile and impactful opportunity to expand excellent community-based violence prevention programs to more communities and help prevent a wide range of violence rather than encouraging multiple less-productive efforts.

II. Expand primary prevention strategies and activities

While the introductory sections of the Framework place an emphasis on primary prevention, the Strategies and Approaches and Potential Activities sections focus almost entirely on secondary and tertiary prevention. Without comprehensive primary prevention efforts coordinated across the government, the Federal response to trafficking will never be fully successful. There has been a major emphasis on secondary prevention in the US, specifically the identification of survivors as the bulk of prevention efforts, that misses the mark on what truly effective prevention looks like. Billboard

¹ FNUSA, HEAL, and NSN Recommendations for OTIP Human Trafficking Prevention Plan, 2019, <https://freedomnetworkusa.org/app/uploads/2020/02/FNUSA-Recommendations-for-HHS-OTIP-Prevention.pdf>

campaigns, training modules for transportation workers, and see-something-say-something campaigns have little to no proof of efficacy. These trainings can result in immense harm for survivors of trafficking who do not want to report to law enforcement and have resulted in traumatic racial profiling of mixed-race families. Some secondary and tertiary prevention efforts are highly successful. We know that rapid and sustained access to services is essential to achieving stability for survivors, and those elements should remain in this Framework. However, HHS and other agencies have a larger role to play in primary prevention.

Real primary prevention strategies and activities must be included throughout the Framework rather than relegated to the theoretical introductory foundation. FNUSA, HEAL Trafficking, and the National Survivor Network previously provided recommendations for strategies to promote primary prevention to HHS.² Key recommended elements of primary prevention are missing from the draft Framework, like promoting livable wages, affordable housing, reliable and affordable childcare, universal health care, comprehensive sex education, the decriminalization of sex work, criminal justice reform, and increased worker protections and support.

The overarching primary prevention strategy should include financial support for existing violence prevention programs, research on effective integration of trafficking-specific elements, and support for communities to develop their own outreach programs specific to the needs they face. This Framework could outline a path forward for HHS to support community-based organizations to prevent violence in their communities. The below comments highlight specific places where the strategies and approaches can better integrate primary prevention.

III. Include structural sources of inequality and harm

This Framework fails to grapple with the structural roots of social inequality, poverty, and violence. Without acknowledging how existing legal structures, government programs, and social norms create vulnerabilities to human trafficking, prevention efforts will only ever target the resulting risks and not the root causes. People do not face poverty, housing insecurity, forced migration, unsafe immigration status, food insecurity, discrimination, or other risk factors in a vacuum. Government agencies and legislation enforce social and legal norms that create vulnerabilities to trafficking. This Framework only focuses on the results of those impacts rather than acknowledging the sources of them. There is room here for HHS to acknowledge where its programs and other Federal programs influence vulnerability and to commit to action to reduce this impact.

Feedback by Section

I. Partners in Prevention

While it is helpful to list the many types of partners who can be involved in prevention efforts to encourage everyone to feel empowered to participate, some of the roles are not correctly aligned with the day-to-day actions of professionals or accepted definitions.

² FNUSA, HEAL, and NSN Recommendations for OTIP Human Trafficking Prevention Plan, 2019, <https://freedomnetworkusa.org/app/uploads/2020/02/FNUSA-Recommendations-for-HHS-OTIP-Prevention.pdf>

a. Advocate

The current definition of advocate equates it with lawyers; however, advocates are not necessarily lawyers. Instead, the term “advocates” represents a much wider group of people advocating for the rights of trafficking survivors. These two positions should be separated from each other. Legal advocates can be included in the definition, but other types of advocates in the anti-trafficking and violence prevention fields should be included.

The summary of the role of lawyers should be expanded to include the many ways lawyers can be involved in prevention. Not all lawyers work for legal aid organizations. There are many ways lawyers can participate, including trafficking-specific, immigration, or child welfare organizations, as well as private firms.

b. Funder

Funders should be a part of this Framework because they are crucial to ensuring prevention programs have the financial support to operate. The activities included in the Framework are essential but missing opportunities for funders to support primary prevention efforts. This section should be expanded to include these opportunities, including funding existing primary violence prevention efforts and offering support for community-based organizations to build their own violence prevention programs, including trafficking elements, in areas where there are not existing efforts.

c. Health and Behavioral Healthcare Provider

Healthcare administrators have a role to play in making healthcare affordable and ensuring that people in all areas have access to comprehensive care. Healthcare services like primary care, mental healthcare, reproductive care and family planning, emergency care, and disability-specific care are crucial primary prevention components that must be incorporated throughout this Framework.

d. Individuals with Lived Experience

Including people with lived experience in anti-trafficking prevention efforts is vital to ensuring they are effective. This Framework should explain that any organization hoping to bring in people with lived experience should also be ready to invest in career advancement opportunities and support. Additionally, creating equitable and safe workplaces is central to establishing environments that empower people with lived experience to participate in all aspects of the work and do not tokenize.

e. Law Enforcement Official

Law enforcement’s role in prevention should be considered carefully, as engagement with law enforcement has led to immense harm for many survivors.³ The structural system of law enforcement in the US enforces inequalities that make people more vulnerable to human trafficking. Law enforcement can serve a role in secondary prevention under the current legal structure by providing certification for T

³ National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking, 2016, <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>

Visas and requesting Continued Presence. The role of law enforcement in exacerbating risk factors for violence cannot be ignored in a true prevention framework.

f. Service provider

Service providers listed in this section provide essential secondary and tertiary prevention services. This section should also include providers who are administering services related to primary prevention, such as community-based providers and organizations already running effective violence prevention programs.

II. Multidisciplinary Collaboration

Multidisciplinary collaboration among a wide range of organizations is crucial to a comprehensive prevention approach and is a necessary component of this Framework. This section is missing a specific focus on primary prevention and should be expanded to discuss how partners can coordinate primary prevention efforts, not just post-trafficking services and resources.

The sentence on information collection should specify that no partners should be sharing personally-identifying information, including with researchers and other partners.

III. Strategies and Approaches

a. Strategy 1: Strengthen Skills to Promote Self-Efficacy and Prevent Human Trafficking

Programs that strengthen skills and well-being are great pieces of a primary prevention approach. Recommendations for these programs should explicitly require comprehensive sex and education and workers' rights training for children and adults. These are essential components of trafficking prevention. Children need comprehensive education on consent starting at a young age to provide them with the tools to identify inappropriate touches and unhealthy relationships, or they may lack the knowledge to recognize they are being abused and whom they should tell. Children should also be provided with strong early education on their rights at work to prevent labor exploitation and give children and teens the tools to report it. Adults and youth in skills-based education programs should also receive education on workers' rights so they can recognize exploitation in the workplace.

This strategy should also specify that comprehensive violence prevention programs should integrate components of trafficking education rather than creating new trafficking-specific programs. Community-based organizations offering violence prevention programs should be provided with the tools and resources to expand their programs to include trafficking-related elements. These types of programs should not be replaced by trafficking prevention programs that are intended just to raise awareness among youth.

i. Strategy 1: Activities

These activities are in alignment with Strategy 1 and mostly represent a strong skills-based approach to prevention. The activities in this section should be adapted to specify that prevention programs for workers, children and youth in high-risk settings, youth in schools, or youth in other settings should focus on primary violence prevention that includes trafficking. This specificity can help prevent programs

that just raise awareness and do not provide participants with real skills to prevent trafficking from being the norm. Awareness campaigns are not going to prevent trafficking from occurring and can encourage bystanders to act in ways that can endanger the safety of a survivor. Instead, to be the most effective, these activities must focus specifically on primary prevention education and violence as a whole.

b. Strategy 2: Identify and Support People At Risk for or Who Have Experienced Human Trafficking to Increase Safety and Reduce Harm

i. 2.2 Human trafficking screening

Screening tools can be useful for identifying trafficking survivors in order to refer them to services, but screening is not necessary to ensure that people are referred to services. Someone does not need to be screened prior to receiving emergency housing, food, or mental health services. Responding to any need of a client with all the resources available is a form of trafficking prevention. Screening should not be a barrier to resources, and non-trafficking specific resources should be included in all service provision. There are times when specialized services are necessary, and screening can help clients gain access to them, but screening can act as a roadblock to survivors receiving necessary services in a timely manner. This section should be adapted to suggest guidance to providers to offer clients the services immediately available before screening and work towards trafficking-specific services.

ii. 2.3 Treatment to reduce the harm of exposure to violence and neglect

This approach, and the Framework in general, should include an emphasis on connecting survivors of violence to community-based organizations, not just service providers. Community-based organizations typically know the services available in their area and can connect survivors with more options and community-specific resources than traditional service providers.

iii. 2.5 Safe reporting and communication channels to request assistance

Safe reporting channels are critical for survivors. ACF should utilize this Framework to stop the practice of operating the National Human Trafficking Hotline with the dual purpose of sharing resources with survivors and reporting tips to law enforcement. Survivors should have access to a hotline to connect them with services without law enforcement becoming involved without their consent.

iv. 2.6 Enhancing services in underserved areas and for underserved populations

This Framework will be more useful to a wide range of partners if sections like this offer more specificity. The types of services that are missing for underserved populations and the types of partners that can help fill these gaps must be listed. These services should include free and affordable mental health care, therapy, and substance use treatment, as well as expanded access to mental health professionals that share identities or communities with clients. There is a major gap in available BIPOC and LGBTQ+ mental healthcare professionals compared to the needs of patients. The barriers to accessing mental healthcare impact both people at risk of experiencing violence and survivors.

v. 2.7 Crisis intervention during and after periods of acute risk

The inclusion of crisis intervention services is important to this Framework, but the lack of specific interventions provides little guidance for partners. Suggestions like anticipatory guidance for disaster workers will not reach the target audience as effectively as targeted outreach by partners to migrant workers. There should be a stronger framework of recommendations for targeted outreach to people in crisis or acute risk, including providing essential information and ways to reach assistance when phone or internet access is low, acknowledging the choice of the person at risk to accept or not accept the help offered, and empowering individuals to make their own safety plans.

For youth involved in the child welfare system, screening for trafficking when youth have run away does not prevent the circumstances that cause youth to purposefully leave the system. This is an area where the Framework should prioritize primary prevention. HHS has a role to play in improving the child welfare system to increase the safety of children in its care, and should explain how it will do so here.

c. Strategy 3: Strengthen Economic Supports

i. 3.1 Household financial security

Household financial security can greatly reduce vulnerability to human trafficking, but this section lacks specificity about how financial security can be achieved. This section should promote approaches such as making childcare affordable for all families, reinvesting in the public health system and reducing healthcare costs, strengthening access to comprehensive reproductive healthcare, eliminating medical debt, making safe housing affordable, reducing food costs, encouraging strong enforcement of labor laws, and improving protections for workers, making living wages the standard, and expanding access to social services that allow households to access everything they need. Financial insecurity is caused by many forces and requires a multi-faceted, coordinated approach to lessen risks for all households.

ii. 3.2 Long- and short-term housing programs

Housing programs should also utilize housing first principles to ensure clients are able to achieve safety without unnecessary requirements. Housing programs should be comprehensive and avoid creating barriers to access, like requiring sobriety or the participant leaving the sex trades, enforcing restrictive curfews that prevent participants from working, or maintaining policies limiting the movement of clients.

iii. 3.3 Leadership opportunities for individuals with lived experience

Leadership opportunities are valuable for people with lived experience, but recommending creating opportunities for involvement in programs without investment in career support and policies that ensure survivors are able to thrive in these opportunities will result in harmful practices. Compensation is important, but so is access to career advancement and skills-building.

iv. 3.4 Quality education and employment opportunities

Investment in quality education and employment opportunities needs to include a significant reduction in, rather than minimization of, financial barriers. Education and job training opportunities are widely inaccessible, and reducing the overall costs and creating no-cost options are vital.

v. 3.5 Post-release services for formerly incarcerated individuals

This section must specify that post-release services should operate under the violence prevention framework. These programs should also be trauma-informed and client-led. These programs serve clients who have survived complex violence and trauma. A cookie-cutter approach will not be effective. After a period of isolation and subjection to the restrictions of incarceration, clients' choices of and autonomy over their own safety and action plan should be centered.

d. Strategy 4: Promote Family Environments That Support Healthy Development

This section puts the onus of creating strong family environments on individual families and does not sufficiently address the structural factors that can make it difficult for parents or guardians to offer enough resources to effectively support their families. When working multiple jobs to make ends meet, a parent only has limited time and resources to provide a nurturing environment and address the issues their children are facing. Reducing the financial barriers to healthy familial development is a necessary step in primary prevention that cannot be ignored here.

i. 4.1 Maternal, paternal, infant, and early childhood home visiting programs & 4.2 Family preservation, parent and caregiver skills, and family relationship programs

There are many concerns to be addressed before recommending home visits and family relationship programs in this Framework. If there is any form of reporting system to Child Protective Services, these programs should not be recommended in a prevention framework. Black and Brown families are separated at disproportionate rates compared to White families and experience increased scrutiny of their parenting practices. Programs intended to provide support to families must not increase their exposure to the criminal legal system and child welfare system. Instead, this approach should focus on providing resources and material support to all families. Caregivers are able to provide better home environments when they have the resources to work a standard number of hours, feed their children, provide them with clothes and other material needs, access affordable childcare, and send children to high-quality preschools. Rather than spending funds on increasing scrutiny over households, resources would be better spent on ensuring all material needs are met so caregivers are empowered to provide for their families. There is a role for healthcare services and social services to be provided at home when requested, but caregivers will be able to utilize these services best when they have basic needs met.

e. Strategy 5: Promote Social Connectedness

Overall, this strategy will benefit from naming specific communities that face barriers to social connectedness. We know that LGBTQ+ communities rely on social spaces to share lifesaving resources and that those spaces, both virtual and physical, are under targeted attacks. Highlighting examples like this in the Framework will give partners the tools to fully understand why social connectedness helps prevent trafficking and which communities need support.

i. 5.1 Community and school engagement activities

School engagement activities that build life skills are crucial and underfunded across the country. This section should also highlight that providing safe environments and activities for kids to have fun and

engage with their peers is a key component of prevention. These positive experiences and opportunities to participate in a community should be included and featured as a primary prevention tactic.

ii. 5.2 Mentoring and peer-to-peer support programs

Including mentoring and peer-to-peer support programs in the prevention Framework is important. These programs should be inclusive of all communities, and sufficient resources for them to be productive long-term should be prioritized. OTIP should prioritize an emphasis on including resources and support for peer-to-peer support programs for people with lived experience of violence and trafficking. This structure can be a part of a primary and secondary/tertiary prevention approach.

iii. 5.3 Support for social integration

Social integration efforts should prioritize supporting community-based organizations to connect people with the appropriate services and education to thrive in their community. These organizations have already assessed the needs of their community and have a specialized support network that can support social integration.

iv. 5.5 Freedom of association

Freedom of association is crucial and often missed in prevention conversations, so having it included in the Framework is powerful. This section should be built out to explain ways in which partners can help support workers to organize and collectively bargain so they can assert their rights at work and create protective environments for all workers.

f. Strategy 6: Create Protective Environments

i. 6.1 Well-established and consistently applied workplace policies and practices

Workplace policies are only effective if a safe and consistent reporting mechanism is in place through which workers can easily access reliable external evaluators and investigators to follow through on complaints. Workers can only access their full rights when these mechanisms are available

ii. 6.2 Human trafficking risk assessments

Risk assessments can be a tool for companies to perform due diligence, but with no requirements for performing these assessments or sharing them publicly, there is no accountability for companies selling goods made with forced labor. Companies are incentivized by the financial system in the US to use the cheapest labor possible, even if it is dangerous and exploitative. Assessments will not prevent trafficking effectively unless the incentives for companies to use forced labor are removed and enforcement of all labor rights laws globally is the norm.

g. Strategy 7: Foster Multidisciplinary Networks and Coalitions

i. 7.1 Shared protocols for preventing and responding to human trafficking

Identification of potential trafficking victims is not a strong prevention approach. Survivors need access to services, whether trafficking specific or not, to create their own safety plans. Encouraging everyone who comes across a suspected victim of trafficking to call law enforcement will result in harm to survivors. Standard protocols should be based on providing potential victims with the resources and tools to report their cases or receive services however they feel comfortable doing so. When prevention

efforts focus on responding to trafficking immediately, they often de-prioritize the survivor's agency to choose what safety looks like to them, which can result in trauma and failure to connect them with appropriate services.

Law enforcement raids have been a primary strategy of multidisciplinary efforts to combat trafficking in the US. Law enforcement-based approaches have resulted in the identification of few survivors of trafficking and often result in emotional or physical harm to survivors.⁴ Resources should be dedicated to prevention strategies, especially primary prevention strategies that have been proven effective, rather than diverted to law enforcement stings and investigations.

ii. 7.3 Data standardization and interoperability

Human trafficking data collection projects have historically focused on data-sharing, which does not promote survivor-centered practices. All collected data should be thoroughly de-identified, and confidentiality should be at the center of data collection standards. Research under this Framework should focus specifically on prevention, especially primary prevention, where data is extremely lacking.

The resource spotlight on the Bureau of Justice Human Trafficking Data Collection Activities Report does not fit this Framework. The number of prosecutions related to human trafficking does not reveal the prevalence of trafficking or the impact of prevention efforts; it only shows where law enforcement and prosecutors have targeted their efforts. It should be removed.

h. Strategy 8: Promote Social Norms That Protect Against Violence

i. 8.1 Programs to engage bystanders

Bystander training to improve social norms should take into consideration the potential ways a bystander's intervention can threaten a survivor's safety. These trainings should focus on identifying negative behaviors in a community and connecting potential survivors with resources, not on calling law enforcement in every instance.

ii. 8.2 Programs to mobilize allies

Allies should not be engaging in prevention work without taking into consideration the recommendations of people with lived experience. Violence prevention involves a wide range of social issues and forms of violence that need to be taken into consideration. Allies should not organize themselves alone. Rather, they should engage with affected communities to learn what people who have experienced trafficking or other forms of violence actually need.

iii. 8.3 Community education, awareness, and outreach

Community education and outreach should originate from community-based organizations and be targeted for the specific community. The current widespread awareness campaigns utilizing billboards, signage, and ads are not targeted to local needs and are not proven to be effective. Violence prevention

⁴ USC Gould, Over-Policing Sex Trafficking: How U.S. Law Enforcement Should Reform Operations, 2021, <https://humanrightsclinic.usc.edu/2021/11/15/over-policing-sex-trafficking-how-u-s-law-enforcement-should-reform-operations/#:~:text=In%20light%20of%20our%20findings,reduction%20strategies%3B%20and%20investing%20in>

programs, on the other hand, have shown that their efforts are effective at preventing violence, and their work should be prioritized above general awareness campaigns. Communities need comprehensive sex education, knowledge of workers' rights, and safe reporting and services more than they need awareness campaigns.⁵ HHS should prioritize primary violence prevention efforts.

This Framework presents a thorough starting point for an effective prevention plan for HHS. Some critical changes will result in this Framework being the most effective by prioritizing primary prevention efforts. Thank you for your commitment to preventing human trafficking. Please reach out with any questions or for additional information.

Sincerely,

A handwritten signature in black ink that reads "Jean Bruggeman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jean Bruggeman
Executive Director
Freedom Network USA

⁵ FNUSA, HEAL, and NSN Recommendations for OTIP Human Trafficking Prevention Plan, 2019, <https://freedomnetworkusa.org/app/uploads/2020/02/FNUSA-Recommendations-for-HHS-OTIP-Prevention.pdf>