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## **The U.S. Advisory Council on Human Trafficking Survivors of Human Trafficking Empowerment Act**

The Survivors of Human Trafficking Empowerment Act (P.L. 114-22, sec. 115) established the U.S. Advisory Council on Human Trafficking (“Council”). The Council consists of 8-14 survivors of human trafficking from diverse backgrounds and experiences, in order to provide recommendations to the U.S. Government to strengthen U.S. federal policy and programming efforts that reflect the best practices in the field. The Council is responsible for publishing an annual report to inform federal government agencies on ways to achieve this goal. Members of the Council must be appointed by November 29, 2015. ATEST supports the Recommendations of the National Survivor Network (NSN), “Suggested Implementation Plan for The Survivors of Human Trafficking Empowerment Act,” released June 2015 and offers these additional recommendations.

### **Structure & Operations**

- Immediately appoint a point of contact (POC), at the White House and Department of State, who is responsible for implementing the Act, and make these designations publically available.
- Ensure adequate funding for staff support for Council responsibilities and activities. Ideally, staff support provided to the Council would include survivors of human trafficking. Other U.S. advisory councils of a similar size and nature have between .8 and 1 FTE staff support.<sup>1</sup> Similar support should be provided to this Council. ATEST also recommends ongoing support for Council members by an individual with a background in mental health/trauma care.
- Provide financial compensation to Council members, beyond per diem and travel cost. *At a minimum*, Council members must receive a stipend for each official meeting and working group call, as well as per diem and travel expenses, as authorized by section 5 U.S.C. § 5703 for persons employed intermittently in government service.
- Establish a schedule in advance so that applicants and appointees have a clear understanding of the time commitment required of Council members.
- Consider putting structural mechanisms in place to provide an opportunity for Council members to obtain feedback from human trafficking survivors across the United States, such as by engaging in social media and online outreach.

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<sup>1</sup> See National Advisory Council on Indian Education, which has 15 members and .8 FTE support staff; National Council on Nurse Education and Practice, which has 21 members and 1 FTE support staff; National Advisory Council on Migrant Health, which has 15 members at .9 FTE support staff.

## **Selection Process & Membership Composition**

The Council must be representative of the diversity of survivor voices in the United States, including those trafficked for sex or labor, individuals trafficked as adults or as children, and both U.S. and foreign born individuals, including Limited English Proficiency (LEP) candidates. To ensure this diversity within the application process, applicants would need to answer targeted questions to ensure the Council be comprised of:

- An equal division of member representation among the following groups:
  - A comparable number of survivors who were trafficked for labor and sex;
  - A comparable number of survivors who were trafficked as minors and adults;
  - A comparable number of U.S. and foreign born individuals;
- At least one survivor who brings personal experience with the following backgrounds:
  - Runaway and homeless youth services;
  - Child welfare services;
  - Domestic work industry;
  - Agriculture labor movement; or
  - LGBTQ issues;
- Survivors who represent diverse geographic regions, including at least one from the South, North, East and West United States; and
- To the extent practicable, Council membership should include survivors who can speak to diversity of perspectives and experiences among the survivor community. To that end, we recommend at minimum 2-3 Council members who represent survivor-led networks, coalitions, or organizations.

The selection process should consider selecting survivors with diverse training and backgrounds, including – but not limited to – legal, social work, mental health, medical, training & outreach, survivor specific program experience, shelter specific program experience, or youth services. The selection process also should make every effort to include diversity in race, ethnicity, and gender identities.

## **Nomination Process**

- Notification should be provided in the Federal Register of the nomination process, as well as through agencies such as the Department of Health and Human Services, Office on Trafficking in Persons, the Department of State, and the Department of Justice, Office for Victims of Crime, in addition to other sub-agencies that work directly with trafficking survivors, to ensure a diverse candidate pool.
- Specific nomination forms should be developed and made public by October 1, 2015.
- Interested persons may nominate one or more qualifying persons for membership. Self-nominations should be accepted. Nomination forms should contain the following information for each nominated candidate:
  - A letter of nomination that clearly states the name and affiliation of the nominee, the basis of the nomination (i.e., specific attributes that qualify the nominee for service in this capacity), a statement that the nominee is willing to serve as a member of the council and appears to have no conflict of interest that would preclude Council membership;

- The nominator's name, address, and daytime telephone number, the home/work address and telephone number, and email address of the individual being nominated; and
- A statement of interest from the nominee to support experience working with human trafficking issues, expertise in the field, and a personal desire in participating as a Council member.

### **Annual Report**

- U.S. Government agencies should provide the Council with suggested topics for the Council to examine and include in the following year's annual report. The Council then would have the opportunity to address the suggested topics or develop their own areas of research, based on their fields of expertise and the capacity of the Council.
- A structured process should be put in place for Council members to receive suggested topics from U.S. Government agencies for the following year's annual report.

### **Long-term Outlook**

- A Chair and Vice-Chair for the Council should be appointed among the members.
- After appointment, unless an accommodation is requested and approved by the Chair and Vice-Chair, if a Council member attends less than 75 percent of the meetings/calls during his/her term, the member shall not be eligible for reappointment.
- Any member appointed after a member could not fulfill his or her term shall be appointed only for the remainder of the term.
- After the initial appointments for two years, future membership appointments should be staggered, and the duration of these appointments should be for two years.
- A process should be formalized for removing appointees from the Council.
- The U.S. Government should provide additional staff support for the Council to produce an annual report that focuses on each government agency's efforts to combat and prevent human trafficking and that proposes tailored improvements for the following calendar year.