

HUMAN TRAFFICKING FEDERAL FUNDING AND FAITH-BASED ORGANIZATIONS

Overview

Faith-based organizations can play an important role in delivering services to victims of human trafficking. Faith-based organizations trained in victim services can help survivors become self-sufficient and thrive in communities across America. Faith-based organizations not trained in victim service delivery can partner with existing service providers in their community to support the health and healing of trafficking victims.

Federal funding is available to support faith-based organizations as they serve victims of human trafficking. Federal agencies are required to remove barriers for faith-based organizations applying for funding and must consider them on the same basis as any other organization. Knowing the legal restrictions on activities funded by federal money will help faith-based organizations apply for and use funds to support victims of human trafficking. For example, federal funds cannot be used to directly support religious activities such as prayer, worship, or proselytizing. Inherently religious activities must be voluntary and separate in time and location from services provided with federal funding.

Civil Rights Laws and Non-Discrimination Provisions

All federal funding recipients must comply with federal laws and regulations prohibiting discrimination in the delivery of services and employment practices on the basis of race, color, national origin, religion, disability, sex, and age. Department of Justice (DOJ) regulation [28 C.F.R. pt. 38, Partnerships with Faith-Based and Other Neighborhood Organizations](#) outlines legal protections and what is allowed with DOJ-funded faith-based programs and services. While this regulation expressly prohibits religious discrimination in service delivery, it states faith-based organizations retain independence from the government in carrying out their missions, including the practice and expression of religious beliefs.

Disclaimer: Civil rights laws including Title VI of the Civil Rights Act of 1964, Section 1407(e) of the Victims of Crime Act of 1984, and departmental policy all serve as sources of non-discrimination grant requirements. The information in this document does not constitute legal advice and is for general informational purposes only. The Office for Civil Rights at the Office of Justice Programs is responsible for ensuring recipients of financial assistance from the Office for Justice Programs and its components comply with federal laws that prohibit discrimination in both employment and the delivery of services. For more information, contact OCR at askOCR@ojp.usdoj.gov or at 202-307-0690.

Service Delivery Using Federal Funds

When using federal funds, faith-based organizations cannot discriminate on the basis of religion when providing services, in compliance with 28 C.F.R. pt28. When supporting victims of human trafficking, faith-based organizations using federal funds must—

- Ensure direct federal funding is not used to support explicitly religious activities;
- Separate religious activities in time or location;
- Make participation in religious activities voluntary;
- Prevent discrimination against clients based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to participate in a religious practice;
- Provide written notice that the organization will not discriminate on the basis of religion, will not require clients to participate in any religious activities, and will separate religious activities;
- Refer clients who object to the religious character of the organization to an alternative service provider that is in reasonable geographic proximity and offers comparable services; and
- Track referrals and contact DOJ if an alternative service provider cannot be identified.

Employment Practices Associated with Federal Funding

Some faith-based organizations give employment preference to members of their own religion or require employees to sign a declaration of faith. Faith-based organizations may request certificates of exemption to hire based on religion, granted by DOJ on a case-by-case basis. To receive an exemption, a faith-based organization must certify it—

- Offers all federally funded services to all qualified clients;
- Ensures religious activities will be voluntary and kept separate from federally funded activities; and
- Believes abandoning its religious hiring practice in order to receive federal funding would substantially burden its religious exercise.

Additional Resources

- [28 C.F.R. pt. 38 Frequently Asked Questions](#)
- [Sample Written Notice of Beneficiary Protections](#)
- [Sample Beneficiary Referral Request](#)
- [Certification Regarding Hiring Practices on the Basis of Religion](#)