



INTERNATIONAL  
JUSTICE MISSION

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International Justice Mission

House Subcommittee on Africa, Global Health, Global Human Rights and International  
Organizations

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Thank you, Chairman Smith and the entire Subcommittee, for the opportunity to testify today on the issue of trafficking in persons and Frederick Douglass Trafficking Victims Protection Act of 2017. I would also like to take the opportunity to thank your staff who worked relentlessly and with sincere passion to craft a bill that takes a comprehensive approach to address the needs of all victims, both here in the United States and abroad, children and adults, men and women from all types of exploitation.

I am honored to be here today speaking on behalf of International Justice Mission, a global human rights agency that works to increase the ability of justice systems to protect vulnerable populations from violence, including forced labor and sexual exploitation. We have provided relief to over 34,000 people from violent oppression by collaborating with police, courts, prosecutors, judges and social workers around the world to rescue victims, hold perpetrators accountable through investigations, arrests, and prosecutions, and restore survivors. IJM has seen broken justice systems improve dramatically by ending impunity for trafficking crimes and providing a deterrence for trafficking and slavery.

Rather than providing you with stories from IJM clients who have endured horrific abuse and violence, I would like to focus on the change that is possible with the leadership of the United States Government – leadership that, I believe, is irreplaceable in combatting this crime around the world. Chairman Smith, thanks to your leadership almost two decades ago, Congress passed the original Trafficking Victims Protection Act of 2000, which identified trafficking in persons as a priority for the United States Government and brought about much-needed foreign assistance to help countries improve their response to trafficking in persons. Other iterations of the Trafficking Victims Protection Act have created innovative anti-trafficking programs like the Child Protection Compact, which is being implemented in Ghana and, most recently, the Philippines, to work collaboratively with selected countries, to identify gaps and weaknesses in anti-trafficking programs and policies, and to equip, train, and support effective law enforcement operations to rescue children from exploitation and abuse and restore them to a

safe childhood, apprehend perpetrators, and substantially lessen the crime by creating effective deterrence.

The TVPA of 2000 also established the Office to Monitor and Combat Trafficking in Persons in the U.S. State Department and annual Trafficking in Persons Report, embedding anti-trafficking priorities within U.S. diplomatic efforts. The Trafficking in Person's Office, under the direction of an Ambassador-at Large, leads the U.S. Government's global engagement on human trafficking and slavery with foreign governments, international organizations, the private sector and civil society. The staff at the TIP Office are dedicated public servants who represent the very best of American values and ideals – we should be extraordinarily proud of them. The grants administered by the Trafficking in Persons Office are the U.S. Government's primary foreign assistance to combat trafficking and slavery and assist foreign governments meet the minimum standards of care and address the failings identified in the Trafficking in Persons Report. The release of the annual Trafficking in Persons Report is instrumental in identifying gaps in government response and encouraging governments to achieve the minimum standards of addressing trafficking in persons.

When the State Department's regional bureaus, the TIP Office, and our Embassies communicate a consistent message on trafficking and slavery, U.S. diplomacy can have a remarkable impact on combatting trafficking in persons. IJM has seen firsthand through our collaboration with local government authorities how a consistent approach to the in the tier rankings creates clear expectations and strong motivation for countries seeking to improve their ranking. My colleague who led IJM's work throughout Asia and now oversees all of our international programs once said testified in front of this subcommittee that he has seen no action of a Western government that is more effective at anything than the annual release of the Trafficking in Persons Report by the State Department.

Consider Cambodia and the Philippines – two countries where IJM has seen dramatic improvement in the enforcement of anti-trafficking laws and the concrete actions taken by those governments to protect its children from sexual exploitation. When IJM began operating in these countries, there was near total impunity for perpetrators who would openly exploit young children.

IJM collaborated with these governments to develop and implement effective models of protection and prosecution, but it was through strong U.S. diplomacy, particularly dedicated US Ambassadors and State Department's accurate tier ranking process in the annual Report that continued to bring the issue to the attention of the Cambodian and Filipino Government encouraging them to take concrete actions to keep children safe. IJM's project areas in these countries have seen a dramatic decrease in the availability of minors being exploited by 79, 75 and 86% thanks to the improved response of the justice system within these countries.

This, of course, is not to say that the issue of trafficking is solved in these two countries. Cambodia still faces challenges to maintain the gains that have been made to reduce child sex trafficking and to address domestic and cross-border labor trafficking. The Philippines must confront a growing industry of online exploitation. But there is now a reliable, predictable government response to sex trafficking in both countries where there used to be none. The Cambodian and Filipino Governments deserve an immense amount of credit for their efforts to address the exploitation of children – but so does the United States Government for using the tools available through the Trafficking in Persons Report to spur these countries to improve.

While the Trafficking in Persons Report is mostly objective and accurate in its rankings, at times considerations other than a country's efforts to eradicate trafficking influence a country's rankings – typically at the urging of others in the State Department rather than the anti-trafficking experts at the Trafficking in Persons Office. In 2015, according to an examination by Reuters the TIP Office was overruled by others in the State Department on 14 of 17 disputed rankings, giving the countries a higher ranking than was recommended by the specialists at the TIP Office.

The politicization of the tier rankings, against the advice of the anti-trafficking experts at TIP Office is to the detriment of the annual Report, the U.S. Government's leadership on combatting this human rights abuse, and, ultimately, to the people exploited in the countries which receive an undeserved higher ranking. The U.S. Government has a many number of diplomatic and political tools to support allied countries, but rewarding them with undeserved rankings in the TIP report should not be one of them.

The minimum standards that were articulated in the original TVPA and maintained for the two decades have given U.S. diplomats a solid foundation for engaging governments on the minimum steps required to meet the international anti-trafficking requirements on which the TVPA standards are based. It is important not to move the goal posts: country governments know what those standards are; changing these standards risks losing the leverage that the TIP Office has built over its many years of engagement.

Having said that, there are useful changes that could be made to maintain the minimum standards while at the same time strengthening the reporting process. As demonstrated by the examples of Cambodia and the Philippines, it is not just the enactment of laws or the promise of future action that makes a difference – it is enforcement of those laws that protect vulnerable people and create a deterrent for these crimes from ever occurring. As such, when considering justification for appropriate tier rankings for each country, Congress should require the State Department concrete action and credible evidence that demonstrates improvements in a country's efforts, such as active investigations, prosecution conducted, convictions attained, trainings provided, active programs and partnerships, victim services offered including immigration services and restitution, and the amount of money the government in question has committed to these actions.

But even while we support these proposed changes, it is worth reiterating that politicized rankings, such as Malaysia's upgrade last year, did not occur because U.S. law was unclear. It occurred because other interests prevailed over factual accounting. The "fix" for that problem isn't legal or legislative, it is rather for the entire State Department to put its weight and will into reporting candidly, and helping governments make progress.

Many of the struggles between Congress and the Executive branch have been over the Tier2Watch ranking. Chairman Smith among others has taken steps to prevent it from being a "holding pen" for poorly performing countries that the State Department doesn't want to downgrade to Tier 3. The reason the State Department doesn't want to downgrade a country to Tier 3, even when the facts warrant it, is because Tier 3 appears to be populated almost entirely by countries that the U.S. doesn't like for other reasons. Consigning friendly countries to this list then becomes quite problematic and the regional bureaus within the State Department are reluctant to do so. But if Tier 3 was simply an accurate assessment based on governments TIP performance, rather a losers club of North Korea, Iran, Venezuela and Syria, it needn't be a dramatic or disruptive gesture: just a statement of fact.

In closing, I would like to stress the importance of Congressional oversight and engagement on trafficking and slavery policy. In our estimation, the Trafficking Victims Protection Act and the work of the Trafficking in Persons Office have been transformative – in ways that other human rights legislation has not– because Congress has engaged in close oversight since the legislation was first enacted. Congress’s support of the TIP Office, including by increasing its budget, holding regular hearings, and its willingness to protest politicization of the rankings has been extremely helpful. It has strengthened the hand of the TIP Office, it has strengthened U.S. anti-slavery policy, and it helps countries that are burdened by slavery.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify and your prioritization of this issue, and I look forward to take your questions.