



Combating Global Human Trafficking
Testimony of Peter Williams, International Justice Mission
Before the
House Foreign Affairs Committee
Subcommittee on Africa, Global Health, and Global Human Rights
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Thank you, Chairwoman Bass and Congressman Smith for inviting me to testify at this important hearing on the state of the global fight against human trafficking. My name is Peter Williams and I serve as Principal Advisor on Modern Slavery for International Justice Mission (IJM). International Justice Mission is a global non-governmental organization (NGO) that protects people in poverty from violence. IJM partners with local authorities in 24 program offices in 14 countries to combat slavery, violence against women and children, and other forms of abuse against people living in poverty. IJM works to rescue and restore victims, hold perpetrators accountable, and help strengthen public justice systems. IJM's over two decades of on-the-ground experience working alongside public justice system actors and in partnership with governments will inform my remarks today.

I appreciate the opportunity to discuss the 2021 Trafficking in Persons (TIP) Report and the impact of the COVID-19 pandemic on trafficking, including the rise in the online sexual exploitation of children (OSEC). The TIP Report continues to be an inestimably important resource in the global fight to end trafficking and slavery. The U.S. Congress's keen interest in the issue, and its bipartisan collaboration to resource the State Department Office to Monitor and Combat Trafficking in Persons (TIP Office) and protect the integrity of the TIP Report have assured its continued relevance, over 20 years since its inception.

The TIP Office has been superbly led during previous administrations – both Republican and Democrat. It is regrettable that the current Administration has not yet nominated someone to lead the office, particularly as a new cycle of research and diplomacy on the 2022 report will begin in just a few months. IJM respectfully calls upon President Biden to announce a nominee to lead the TIP Office, and for the Senate to take up the nomination forthwith.

The TIP Report's usefulness as a tool to combat the crime of trafficking goes beyond the pages of the document itself. The process of U.S. experts developing the narrative, gathering the data, and discussing the findings and tier rankings with officials in 188 countries contributes to improvements; it stimulates authorities to recognize victims and prosecute perpetrators, and it bolsters the efforts of reformers and anti-slavery activists – including the essential work of survivor leaders.

INTERNATIONAL JUSTICE MISSION



As a part of my testimony, I request that a statement from the Global Survivor Network (GSN) be accepted into the record. The GSN is an international group of survivor leaders who desire and pursue safe communities through justice systems that protect the most vulnerable. This includes survivors of different forms of violence like modern-day slavery, sex trafficking and bonded labor. The GSN has chapters in nine countries, where many of the local survivor groups in the network have been operating and advocating powerfully for many years in their communities. We strongly believe that survivors are experts on the issues of violence and exploitation that they have suffered and that their collective voices will inspire change. Annex I of this testimony includes the full statement from the GSN.

TIP Report: IJM has found that the TIP Report’s narratives and tier rankings are closely observed in the countries where we work and influential with government officials. For example, after the TIP Report was released this year, the Interagency Council Against Trafficking (ICAT), the Philippines’ central coordinating body that monitors and oversees the implementation of the country’s Anti-Human Trafficking Act, convened a special meeting with stakeholders to discuss the TIP Report’s recommendations and come up with an action plan.

Philippines: This year’s TIP Report rightly observes the Philippine Government’s continued progress in addressing trafficking. IJM collaborates with the authorities to combat the trafficking of children to produce new child sexual exploitation material (CSEM), including via livestreaming video.

The TIP Report rightly considers the creation of CSEM, including via livestreaming, as a form of sex trafficking. That is consistent with the legal definition set out by the internationally recognized Palermo Protocol and legislation of many countries, including the Philippines. The 2021 TIP Report also helpfully addresses the for-profit production of CSEM, which harms increasingly younger victims, often below the age of 12. This can encourage countries to strengthen their systems and capacity to protect children from this form of sex trafficking. In fact, a recent expert roundtable co-hosted by IJM and the WeProtect Global Alliance observed that “human trafficking attracts more attention, political will and resources globally than online sexual exploitation” and “a political focus on trafficking has led to more police and prosecutorial capability and capacity” in some countries.

Assessing how governments are engaging the technology and financial sectors are not part of the report’s prioritized recommendations, although effective legal frameworks are critical in the fight against sex trafficking facilitated online, and the Philippine Government has made efforts to engage them. (IJM recommendations on government engagement with the technology sector are included in Annex II.)

INTERNATIONAL JUSTICE MISSION



The TIP Report rightly noted effective child protective solutions by the Philippine Government, such as plea bargains that shorten the legal process and recorded child victim interviews that reduced multiple interviews and re-traumatization of survivors. Reducing victim interviews through a victim-centered approach is something the TIP Report could increasingly address across country reports as a best practice.

Dominican Republic: IJM has seen political will and government investment in anti-trafficking increase in the Dominican Republic (DR) when it was downgraded to the Tier 2 Watch List in 2020.

IJM's team in the DR observed that the threat of a Tier 3 ranking and loss of U.S. foreign assistance caught the attention of government officials. In the DR, and many of the countries where IJM works, it can be difficult to make anti-trafficking efforts a priority among full government agendas. The threat of reduced assistance immediately changes the dynamic.

In 2021, the DR was upgraded to Tier 2, and the government's attention and anti-trafficking energy diminished from when Tier 3 was a real possibility. The majority of actions that allowed the Dominican Republic to rise to Tier 2 in 2021 were carried out by civil society. One particularly positive government action was initiating some investigations against public officials involved in crime. IJM encourages the TIP Office to continue pressing the DR authorities to improve and increase investigations into trafficking.

Cambodia: This year, as in years past, the TIP Report recommends investment in stronger data disaggregation and more robust reporting. IJM strongly endorses this as a key need in Cambodia. We are advocating similarly in-country and standing by to support the government's efforts in response.

For the sake of clarity, IJM also recommends that the 2022 TIP Report more directly address the need to differentiate between the Cambodian government's anti-trafficking efforts and its basic border security actions. There appears to be some conflation of the two responses in recent government reporting and public statements. Branding actions to stop irregular border crossing as anti-TIP will have the net effect of mischaracterizing many cases and over-stating the extent of the Cambodian government's direct response to counter TIP specific activity.

Additionally, IJM encourages the TIP Office to consider limiting the practice of adding extra 'exemption' years which keep countries on the Tier 2 Watch List beyond report norms (two years). The intention of giving governments more time to address weaknesses in anti-TIP policy and practice may unintentionally result in disengagement by the government and weakened diplomatic power of the report.

INTERNATIONAL JUSTICE MISSION



Ghana: This year, as in years past, the TIP Report recommends that the legislature of Ghana amend its TIP offence provisions by removing the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. IJM is concerned about this recommendation, as are most practitioners and government agencies. In some cases, culpable parents of victims engage in the act of trafficking out of desperation and severe vulnerability. Judicial discretion should remain to impose fine-only sentences in this limited category of cases.

Child Protection Compacts: IJM would like to take this opportunity to comment on the TIP Office's Child Protection Compact (CPC) Partnerships. These government-to-government agreements ("Child Protection Compacts, CPCs") to address sex and labor trafficking of children have proved to be an effective tool for increasing political will in selected countries and informing strategic disbursement of U.S. foreign assistance to increase government capacity to investigate and prosecute perpetrators of trafficking and restore victims. The approach has been employed by the TIP Office, which has secured CPC agreements in five countries, beginning with Ghana in 2015.

International Justice Mission partners with government officials in two CPC countries: Ghana and the Philippines. (IJM was the designated NGO partner for the CPC in the Philippines. In Ghana, IJM received a grant to implement a post-CPC program.) Based on our positive experience and that of our government partners, IJM recommends the approach for addressing other human rights issues, especially violence against women and children (VAWC).

Supply chain scrutiny: The issuance of Withhold Release Orders (WROs) from U.S. Customs and Border Protection has added a powerful new tool to US anti-trafficking policy. IJM encourages U.S. trade negotiators to include the issue of perpetrator accountability in dialogue with local authorities about forced labor in exports. Pervasive forced labor found in agriculture and manufacturing sectors require robust enforcement of anti-trafficking laws, and investigation, arrest, and prosecution of all those who engage in or profit from forced labor. Unless and until criminal deterrence is established, unscrupulous recruiters, managers, owners, and even government officials will exploit those most vulnerable in the workforce: refugees, migrant workers, women, children, and minorities.

COVID-19 impact on trafficking: The COVID-19 pandemic created a perfect storm for increases in human trafficking and violence against vulnerable populations. As it relates to online sexual exploitation, experts across multiple domains (including the financial sector, law enforcement, and NGOs such as IJM) documented increases in harm and risk. For instance, Europol reported that live distance child abuse "intensified," while the U.S. Financial Crimes Enforcement Network (FinCEN) issued a Notice to members due to a 17% increase in suspicious activity reports (SARs) for online sexual exploitation of children, including the production of

INTERNATIONAL JUSTICE MISSION



child sexual abuse materials (CSAM).¹ The pandemic has dramatically increased vulnerability to TIP for irregular migrants, children, women in domestic service, and other previously vulnerable groups.

The Philippines Government adjusted to the reality of pandemic lockdowns by conducting videoconferencing court hearings and placing survivors in temporary shelters pending results of COVID-testing. IJM has also supported video testimony in collaboration with the Romanian and UK governments in recent trafficking cases. Having seen this approach effectively applied in jurisdictions from Asia to Eastern Europe in recent months, IJM recommends allowing survivors of cross-border trafficking to provide evidence by video, obviating the need to stay in the country of exploitation, which in many cases can mean preventing months or even years of waiting to return home. Not surprisingly, survivors are reluctant to report crimes or access services if it means lengthy compulsory internment in shelter facilities.

TVPRA: IJM commends the leadership of this Subcommittee, Chairwoman Bass and Congressman Smith, for the development and introduction of the Frederick Douglas Trafficking Victims Prevention and Protection Reauthorization Act, H.R. 5150.

IJM wishes to express IJM's particular appreciation for Section 111: "Preventing unfair sentencing of youthful offenders who have been trafficked, abused, and assaulted." We strongly support the principal of non-prosecution of individuals of any age for crimes committed in the context of their victimization.

IJM also welcomes Section 204, the reauthorization of the Program to End Modern Slavery, which funds innovative anti-trafficking programming with a focus around the reduction of prevalence of the crime.

Conclusion: One of the greatest contributions of the TIP Report is its inclusion of government data on victim identification and perpetrator prosecutions. There are some in the anti-trafficking community who feel that the TIP Office's famous "3P" paradigm – prevention, protection, and prosecution – have outlived their usefulness, and the emphasis on prosecution, in particular, is sometimes criticized. We at IJM strongly support the inclusion of justice statistics in the TIP Report and commend the diligence of the TIP Office in promoting accountability for trafficking perpetrators.

Research into criminal deterrence shows the just enforcement of just laws to be highly effective in reducing crime rates. This is especially well documented where a holistic, multi-disciplinary approach to law enforcement and survivor care is taken. Likewise, where victims are well

¹ See Europol's [Serious and Organized Crime Threat Assessment 2021](#), p. 41; FinCEN Notice, FIN-2021-NTC3, at <https://www.fincen.gov/sites/default/files/shared/FinCEN%20OCSE%20Notice%20508C.pdf>

INTERNATIONAL JUSTICE MISSION



accompanied through a trauma-informed criminal justice process, the legitimacy of local law enforcement grows. A virtuous cycle of victim trust and reliance on criminal justice officials leading to strong perpetrator accountability outcomes contributes to measurable impact on the decision-making of would-be traffickers. We have found this effect to be accelerated in communities where enforcement of anti-trafficking laws has been historically absent, because many traffickers choose to profit from the exploitation of others when the risk of detection and punishment is low. Conversely, they will desist from trafficking when that risk increases.

Annex I: A Statement from the Global Survivor Network to the United States House Committee on Foreign Affairs Subcommittee on Africa, Global Health, and Global Human Rights

Introduction

Chairwoman Bass and Congressman Smith, thank you for the opportunity to submit this testimony on behalf of the Global Survivor Network on the issue of Combatting Human Trafficking Globally.

The Global Survivor Network² is an international group of survivor leaders who desire and pursue safe communities through justice systems that protect the most vulnerable. This includes survivors of different forms of violence like modern-day slavery, sex trafficking and bonded labor. We have chapters in nine countries, where many of the local survivor groups in the network have been operating and advocating powerfully for many years in their communities. The GSN started in 2019 and draws from the learnings and experience of survivors globally. We strongly believe that survivors are experts on the issues of violence and discrimination that we have suffered and that our collective voices will inspire change.

COVID-19 and Human Trafficking

In a world without a pandemic, traffickers have often preyed upon the most vulnerable, and those on the margins of society. If you look at the demographics of survivors, we often are ones

² <https://globalsurvivornetwork.org/>



without a proper safety net – whether that is income or protection. The pandemic has only exacerbated the violence experienced by vulnerable populations and has created exploitative opportunities for perpetrators. Due to COVID-19 lockdown measures, many people are at risk of falling victim to human trafficking because of unemployment, lack of stable income, poor access to healthcare, among other vulnerabilities. Traffickers have been quick to exploit both new victims as well as re-exploit others who lost their jobs and are looking for employment. In desperate times like these, it is survivor-led communities who have stepped up to protect and care for the vulnerable. For instance, a local survivor group, the Released Bonded Laborer Association (RBLA) in Chennai, India, distributed well over 3,000 relief kits, food supplies and COVID-19 kits to vulnerable families in the area. In addition, Tamil Nadu was hit by a cyclone in November 2020, and the RBLA stepped in to help restore damaged homes as well as provided them with resources needed for their livelihood.

As the world slowly recovers from the blow that COVID-19 dealt, we should prioritize the well-being of survivors as well as those at risk of exploitation. It requires exploring the issues unique to communities and groups prone to trafficking. Each of these groups might require responses that are unique to their region, but the overarching theme is the same. We need to create economic safety nets that provide stability through regular income and access to opportunities such as education, healthcare and justice. And most importantly, one way that we can end slavery is for traffickers to see that there is a consequence to their crimes. When justice is delivered through the courts, that will send a strong message to others. A system that will protect survivors is one that will benefit everyone in the community. Our goal should be to create a system where survivors have the ability to secure justice and protect themselves and their families from past, current and future exploitation.

Survivor-Informed Interventions

A way to create this change is by amplifying survivor voices and giving them a seat at the table. We need to shift the narrative and stop viewing survivors as helpless victims of horrific acts of violence committed against them. We need to empower survivors by seeing them as experts on these issues of violence and allowing for their experiences to influence policy. While each survivor has unique experiences and perspectives it is important to note that the theme of violence is common across different countries. It is time to listen to survivors as experts, to pay attention and invite our contributions in the design, methodologies, implementation and assessment of humanitarian programs.

When we do this, we see real change start to happen. For instance, Victoria Nyanjura, founding member of the GSN Leadership Council, was instrumental in coordinating the efforts of more than 500 war-affected women to provide input into the Ugandan government's post-conflict policy and program. Her work resulted in the Parliament of Uganda unanimously passing a

INTERNATIONAL JUSTICE MISSION



resolution to address the plight of women survivors of northern Uganda’s conflicts, and the adoption of a National Transitional Justice Policy that considers the unique, gendered, justice needs of war-affected women and their children born out of sexual violence.³

Another example from the GSN, is its local chapter in Guatemala, called My Story Matters (Mi Historia Importa) and their work with the Victim’s Institute (Instituto para la Asistencia y Atención a la Víctima del Delito.) The Institute designed its survivor care model in collaboration with members of “My Story Matters”, a movement of adult survivors of child sexual violence that has been advocating for access to justice since 2017. This Institute was established by an act of the Guatemalan Congress and has a legal mandate to represent and serve victims of crime, including homicide and sexual assault. The Institute is responsible for providing free legal assistance, emergency health care, counselling, and accompaniment of victims throughout the criminal justice process. It also serves a case management and case coordination function.

The GSN applauds the 2021 TIP Report which encourages incorporation of survivor voices into trauma-informed practices within organizations. It is crucial for organizations in this line of work to pursue survivor-informed approaches, incorporate survivor feedback and implement change. However, the GSN encourages that we go further and not limit survivors to simply influencing trauma-informed approaches within humanitarian organizations. It is time to view survivors as a collective group of champions in the movement against human trafficking globally.

Recommendations

Prioritize lived experiences of survivors: Engage survivors and survivor-led organizations in policy formulation. Empower survivors to share their stories and highlight their lived experiences to influence decision making and policy recommendation.

Survivor voices to influence policy: Organizations should shift away from tokenization of survivor stories but give survivors a seat at the table. As donors, fund initiatives that work with survivors. As lawmakers, prioritize survivor informed policy. Survivor groups are struggling and working hard in their communities and you need to put them at the center. By centering survivor groups and initiatives, you are giving survivors a chance to be heard, to be viewed as experts and to contribute to making change.

Ensure justice for survivors of violence: Survivors of violence need justice—we want to see those who enslave and abuse people convicted of their crimes. Congress should work on strengthening

³ <https://magazine.nd.edu/stories/eight-years-a-captive/>



policy that relates to the protection of victims and ensure that justice is swiftly delivered to them.

Submitted by: Founding Members of the Global Survivor Network (GSN) Leadership Council

Pachaiyammal Arul, *India*
Josephine Aparo, *Uganda*
Vanessa Bautista, *USA*
M. Raja Ebenezer, *India*
David Makara, *Kenya*
Jakelin Mayen, *Guatemala*
Victoria Nyanjura, *Uganda*
Lara (a pseudonym), *India*
Charito (a pseudonym), *Philippines*

Annex II: *IJM's recommendations to governments regarding technology sector engagement*

Considering the overwhelming volume of suspected child exploitation reported to the U.S. National Center for Missing & Exploited Children's (NCMEC) CyberTipline by electronic service providers (ESPs) (21.7 million in 2020), and global law enforcement's limited capacity to effectively triage and respond to all of them, reducing demands on investigative resources is essential to efforts to counter these crimes against children. Indeed, harnessing technology to prevent harm before it happens supports local justice system efforts to protect children from ongoing violence and trafficking.

Tech companies' adoption of end-to-end encryption (E2EE) would certainly have the effect of dramatically reducing reports of suspected child exploitation, but that outcome would be achieved by turning a blind eye to such offenses within encrypted environments. A reduced workload resulting from E2EE-induced blindness is not a solution that protects children.

Instead, on-device or "client-side" implementation of technologies to detect and disrupt the creation and distribution of child sexual exploitation material (CSEM) could effectively *prevent* CSEM from being produced in the first place and from ever entering online platforms at all. Image classifying and/or matching technologies could detect suspected CSEM within a device's camera viewfinder or rendered for display on its screen, triggering disruptive and preventative actions such as disabling image capture or recording, obscuring explicit content, or preventing transmission or uploading of the file. If images are never allowed to enter ESPs' servers, they cannot be stored or shared through those platforms, and mandatory reporting obligations (such as under 18 U.S. Code § 2258A) would not be triggered. The use of these solutions to prevent

INTERNATIONAL JUSTICE MISSION



certain offenses without triggering mandatory reporting obligations would also mitigate concerns about threats to user privacy, negative consequences of false positives and accuracy thresholds.

In addition to reducing reports and the corresponding demand on already strained investigative resources, solutions that prevent—rather than only detect—reportable offenses also serve a child protection function. Where the solutions are used to detect and block the distribution of known CSEM, survivors will be protected from the ongoing distribution of illegal images and videos depicting their sexual abuse and exploitation. Where image classifiers are used to detect new, first-generation CSEM, children will be protected as perpetrators' attempts to memorialize and even sell abusive acts will be disrupted and frustrated by devices incapable of recording or capturing an exploitative scene.

Companies including SafeToNet, DragonflAI, and Apple have each already developed client-side image detection technologies, although these tools have yet to be broadly deployed. These solutions could be deployed alongside E2EE, preventing CSEM from entering an encrypted environment where it could otherwise be distributed with impunity. That combination offers the privacy of encryption with the safety of CSEM detection and disruption at the device level. Such solutions would prevent sexual abuse and exploitation of children, including in trafficking contexts. Some offenders would be displaced, seeking out devices without the technology or online platforms that refuse to use such preventative measures. Common sense suggests that wide adoption—by device manufactures, operating system developers, and online platform operators—could still significantly reduce reporting by actually reducing CSEM production and distribution. This reduction in workload would free investigators to focus their limited resources on more sophisticated offenders, or—in the case of solutions relying solely on PhotoDNA or known hash value matching—on new CSEM production. And that would make a world of difference to children being sexually abused, exploited, and trafficked today.

INTERNATIONAL JUSTICE MISSION