



Testimony of Pablo Villeda Ortiz, International Justice Mission  
Before the  
House Committee on Homeland Security  
Subcommittee on Border Security and Enforcement and Subcommittee on Emergency  
Management and Technology

“The Broken Path: How Transnational Criminal Organizations Profit from Human Trafficking at  
the Southwest Border”

October 24, 2023

Chairman Higgins, Ranking Member Correa, Chairman D’Esposito, Ranking Member Carter, and distinguished members of the subcommittees, thank you for the opportunity to testify at this important hearing. From my personal and professional experience, I hope to shed light on the all-too-common reality of violence and human trafficking in Latin America, as related to the situation at the southwest border of the United States.

My name is Pablo Villeda Ortiz. I serve as the Regional President for Latin America at International Justice Mission (IJM). IJM is a global, non-governmental organization (NGO) that works to protect people in poverty from violence.<sup>1</sup> We partner with government authorities in 31 program offices in 16 countries to combat human trafficking, police abuse of power, violence against women and children and online sexual exploitation of children. Since 1997, IJM has worked to achieve this mission through the strengthening of justice systems and community support mechanisms that restore survivors to safety and strength, strengthen local law enforcement, and bring criminals to justice.

In Latin America, IJM currently works in Guatemala, El Salvador, Honduras, Colombia, Peru and Bolivia to address violence against women and children (VAWC). Additionally, IJM recently concluded a 10-year project to address sex trafficking of children in the Dominican Republic.

I grew up in Guatemala City, Guatemala. Before joining IJM as Guatemala Field Office Director in 2007, I was a lawyer. I was inspired to enter the legal profession by my father, who was also a lawyer, and who not only used his career for personal gain but also to help many people in need. In my upbringing, my family was comfortable as part of the Guatemalan upper middle class. We lived in a secure home with high walls, free from fear of violent crime, physical or sexual assault, or any kind of abuse. However, I knew that this was not the experience of millions of others in Guatemala who face persistent insecurity and the threat of violence in their daily lives. In fact, I witnessed this reality firsthand. Firstly, before practicing law, I worked as a law clerk in the Guatemalan court system. I saw that those living in poverty or those without influence, power or

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<sup>1</sup> <https://www.ijm.org/>

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wealth could not afford legal representation, and did not have access to justice. Secondly, in my work at IJM, I have personally met many survivors of violence who expect little to no protection from their law enforcement and legal systems.

### **The Challenges**

In many parts of Latin America, including my country of origin, Guatemala, violence is a common and ever-present danger for many women and children, particularly those living in poverty. For instance, the forthcoming results of IJM studies measuring the prevalence of violence against women and children in multiple Latin American countries show that:

- In both El Salvador and Guatemala, nearly 40% of women and 30% of adolescents have experienced physical or sexual violence in their life.
  - Within the last 12 months alone, 6.2% of women and 6.9% of adolescents in El Salvador and 7.6% of women and 9.8% of adolescents in Guatemala have experienced this kind of violence.
- In Bolivia, over 50% of women and nearly 40% of adolescents and in the municipalities of Sucre, El Alto and La Paz have experienced physical or sexual violence in their life. Nationwide, 29.6% of women and 24.1% percent of adolescents have experienced life-threatening violence in their life – and a majority of these women and adolescents are vulnerable to being victimized again.

Studies conducted by other organizations show similarly high rates in other countries<sup>2</sup> and IJM will soon develop prevalence studies for Colombia, Peru and Honduras.

In the face of such pervasive violence faced by Latin American communities, it is also important to note that government authorities responsible for addressing violence are often themselves a barrier to justice for the victim of a crime. Law enforcement and justice system officials respond slowly and with unprofessionalism that jeopardizes the quality of cases and protection of the victim. Instead, these officials inadvertently retraumatize the victim in their questioning and uncaring treatment, failing to counteract the fear and shame that the individual is experiencing. At the same time, systems for the reception and processing of cases are outdated, susceptible to corruption, and inefficient, creating significant backlogs that can last years before any sense of justice can be achieved. In the meantime, victims are left unsupported to navigate a complex and intimidating system and perpetrators continue to commit crimes in impunity, fearing little in the way of repercussions.

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<sup>2</sup> WHO: <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>; UN Women: <https://caribbean.unwomen.org/en/materials/publications/2021/7/research-brief---intimate-partner-violence-in-five-caricom-countries>; The Lancet: [https://www.thelancet.com/article/S0140-6736\(21\)02664-7/fulltext](https://www.thelancet.com/article/S0140-6736(21)02664-7/fulltext).



IJM studies evaluating the performance of the public justice systems in Bolivia, Guatemala and El Salvador demonstrate the existence of these barriers to justice for victims. For example, a review of criminal case files in Bolivia in 2023, revealed that only 33.3% of cases contained complete information to be evaluated and only 39.6% allowed for the identification of the suspect and their location, reflecting a poor handling of the case from its initial intake and investigation. Most concerning, only 4% of reported cases reached any form of sentencing. In an assessment of official interactions with victims, only 6.55% of victim interviews were conducted in Gesell Chambers (private, nonthreatening spaces for taking victim testimony) and not a single interaction that took place within the court (hearings and preparation for the survivor to testify) was conducted with trauma-informed care, implying that 100% of these interactions resulted in re-traumatization for victims.

In Guatemala, of all the reported cases of violence against women and children in 2019, prosecution offices dismissed 40% of cases and had taken no action in 32% of cases by the end of 2022. In El Salvador, of all reported cases between 2016 and 2019, prosecution offices dismissed 46% of cases.

The title of this hearing suggests “a broken path”. If such a path exists, it is indeed broken and it is broken from the outset. It is broken in the homes and communities of millions of people in Latin America, for whom the rule of law is a notion and impunity is the norm.

Let’s consider the plight of those impacted by violence and the unbearable options before them. Where can they turn and what options do they usually have?

- One option is to suffer in silence and see their lives, the lives of their loved ones and communities deteriorate;
- A second option is to take matters into their own hands, which is why support for extrajudicial violence against alleged criminals by outraged mobs in poor communities is common in Latin America;<sup>3</sup>
- A third option, also unfortunately common in many places in the region, either by desperation or under extortion, sees many people resort to the “protection” offered by criminal gangs and cartels;
- And a fourth option is the difficult choice to leave their community and loved ones behind, flee, and attempt to migrate to a place of safety and opportunity.

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<sup>3</sup> Cruz, J., & Kloppe-Santamaría, G. (2019). Determinants of Support for Extralegal Violence in Latin America and the Caribbean. *Latin American Research Review*, 54(1), 50-68. doi:10.25222/larr.212



## **The Solutions**

In recent years, a host of issues, including violence, have contributed to an upsurge of outmigration from Central America. In the face of these challenges, we must look to the source and then work to address the factors that drive people to abandon their homes, their families, and their communities. IJM's experience in Latin America, where we work in partnership with public justice system officials, is that progress is possible and has not been disrupted by changes in national leadership, nor has it been severely or seriously undermined by corruption. Local governments must be responsible for extending the benefits of protection of the rule of law to all citizens, but especially those in poverty, so that they are safe and secure within their own communities – and there are proven, effective ways to achieve this end.

For over 20 years, IJM has been countering the problem of violence through the strengthening of justice systems and mechanisms of community support for victims and survivors. In each context, IJM works alongside prosecutors on actual cases of violence and human trafficking, providing mentorship, technical resources and training to address weaknesses and gaps in capacity. Through firsthand insight into these cases, IJM works to identify and address systemic issues that prevent the identification of victims and prosecution of perpetrators. In the process, IJM develops targeted, contextualized interventions that address the core, systemic issues that allow for impunity to continue unhindered, while mobilizing political will and social demand so that local governments increase their ownership and actions to strengthen the protection of those living in poverty from violence.

From IJM's programmatic experience in Latin America, we have seen the effectiveness of these interventions to address trafficking and violence:

### ***Dominican Republic***

IJM recently concluded a project in the Dominican Republic (DR) to combat sex trafficking of children.

Nearly a decade ago, a 2015 IJM study<sup>4</sup> showed sex trafficking of children in the Dominican Republic was a rampant crime, with children comprising 1 in 10 people who were observed in sexual exploitation – most as young as 13 to 15 years old. Traffickers operated with impunity in establishments like bars, brothels and even private businesses, but the crime truly thrived in public settings. The prevalence of minors in sex trafficking in public spaces like parks, beaches, and streets surrounding private establishments was as high as 24 percent of individuals observed in sexual exploitation. Customers would work through either formal or opportunistic pimps – young men or women who work as trafficking facilitators and offer to find children for sex.

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<sup>4</sup> IJM (2015). [Commercial Sexual Exploitation of Children in the Dominican Republic](#).



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This had been the norm for years — studies carried out during the early 2000s consistently reported women and children as the most vulnerable to trafficking and sexual exploitation, particularly highlighting the number of children trafficked for the purpose of commercial sexual exploitation.<sup>5</sup>

As the scale of violence and impunity became clear, the U.S. Department of State’s Office to Monitor and Combat Trafficking in Persons (J/TIP) funded an anti-trafficking program led by IJM. This strategic investment in U.S. foreign assistance leveraged IJM’s years of experience assisting local law enforcement and justice sector authorities in the fight against sex trafficking and helped transition the focus of the work to sustainable protection in the long term, to ultimately strengthen local authorities’ capacity to proactively identify this crime and enforce laws.

According to the State Department, this programming sought to create “a measurable deterrence and a significant reduction in the prevalence of sex trafficking in the country” through “consistent apprehension and effective prosecution of perpetrators,” and provide “an effective response to sex trafficking that ensures the sensitive treatment of survivors and results in a deterrent effect that reduces the prevalence of the crime throughout the country.”

During this project, IJM and our partners:

- Developed investigation standards that ensure that police respond to victims with trauma-informed care and gather the proper evidence for a case to advance through the legal system.
- Spurred a civil society movement to successfully advocate for a ban of child marriage, which had served as legal loophole that enabled perpetrators to act in impunity.
- Worked with the Dominican National Police to co-design the nation’s first electronic investigation system that will safeguard the integrity and documentation of collected evidence and enable the effective prosecution of sex trafficking cases.

As a result of these initiatives, we have seen a tremendous improvement in the performance of the Dominican justice system<sup>6</sup> and reduction in prevalence of violence<sup>7</sup> in cases of sex trafficking of children.

- From 2010 to 2013, the anti-human trafficking department of the Dominican National Police did not handle **any** cases of sex trafficking; while from 2014 to 2021,

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<sup>5</sup> UNICEF: <https://docplayer.es/20918363-Estudio-cualitativo-sobre-explotacion-sexual-comercial-de-ninos-ninas-y-adolescentes-en-republica-dominicana-resultados-preliminares.html>; Sorensen, & Claramunt, M. C. (2003). Commercial sexual exploitation of children and adolescents in Central America, Panama and Dominican Republic: synthesis report. ILO.

<sup>6</sup> IJM (March 2023). Study of the Dominican public justice system in response to sex trafficking and commercial sexual exploitation of children, 2010-2022.

<sup>7</sup> IJM (January 2023). Commercial Sexual Exploitation of Children in the Dominican Republic: Endline Study.

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- 130 cases were initiated. This crime was once unrecognized and unpunished – and now it is actively investigated and prosecuted.
- Similarly, the Attorney General’s Office of the Dominican Republic only handled eight cases from 2010 to 2013, while it registered a total of 90 cases between 2014 and 2021.
  - The total prevalence of children involved in sex trafficking was reduced from 10.0% in 2014 to 2.2% in 2022. This represents a 78% decrease in children in sex trafficking over the course of eight years. In other words, in 2014, 1 in 10 individuals involved in sex trafficking was a minor experiencing sexual exploitation. In 2022, one in 45 individuals involved in sex trafficking was a minor.

### ***Northern Triangle***

The effectiveness of this approach is not unique to the Dominican Republic but has generated promising results in other parts of Latin America. IJM has worked in Guatemala since 2005, beginning by partnering with justice system actors to address sexual violence against children. Over several years, our team in Guatemala:

- Provided field mentoring to police officers and case-based consultation to prosecutors to improve outcomes and quality of investigations and cases;
- Developed technological and data management tools to assess the criminality of perpetrators and identify gaps in the performance of the justice system;
- Assisted in the launch, training and capacity building of the first-ever specialized sex crimes police units and crimes against children prosecution offices;
- Provided training on best practices in trauma-informed care for victims so that evidence collection and victim testimonies are non-threatening; and
- Made tangible contributions to the quality and expediency of forensic reports rendered by the National Institute of Forensic Sciences.

As a result, according to an 2018 external impact evaluation<sup>8</sup> commissioned by IJM, the Guatemalan justice system has more effectively responded to cases of child sexual abuse, as evidenced by:

- 357% more arrests – from 301 (2008 – 2012) to 1077 (2013 – 2017)
- 318% more charges brought by prosecutors – from 520 to 1,658
- 335% more convictions – from 181 to 581
- 80% of charges brought by prosecutors at endline (cases sent to trial) met legal requirements – from 28% at baseline
- Increased victim sensitivity by justice system officials, including a reduction in the number of times victims give testimony, increase in the use of pre-trial testimony, and an increase in the use of victim-friendly spaces for child victims.

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<sup>8</sup> IJM (December 2018). Final Evaluation of Program to Combat Sexual Violence Against Children and Adolescents in Guatemala, 2005-2017.





Based on this success, IJM expanded its program in Guatemala to the broader issue of violence against women and children (VAWC). IJM is making progress by:

- Strengthening the capacity of the recently launched Victim's Institute as the primary government agency tasked with providing free, specialized assistance and accompaniment to victims of crime to ensure their access to justice, restoration, and dignified treatment throughout the process. IJM has been instrumental in assisting the Victim's Institute by co-developing its model of attention, protocols, best practices, case monitoring system, and victims' reparation policy, informed by consultation with actual survivors of violence.
- Improving the application of restraining orders so that perpetrators are kept from committing further violence, and women and children are protected from further harm.
- Piloting a Coordinated Community Response model, as a scalable and replicable model to enhance security based on building trust, cooperation and capacities in both state agencies and community actors.
- Organizing and equipping groups of survivors to amplify their voice, stories and advocacy for sustainable change.
- Embedding training and best practices into justice and citizen security agencies' official curricula and training academies.

Additionally, in El Salvador, where IJM has worked since 2018, IJM has already seen a 78 percent increase in the number of police investigations that meet quality standards, including evidence collection and analysis and application of investigative techniques.

### **Conclusion**

At IJM, we are convinced that when a justice system protects its most vulnerable, it will deter violence and break the cycle of abuse and crime. When a justice system protects its most vulnerable, victims report their cases and perpetrators experience real consequences for their crimes. When a justice system protects the most vulnerable, victims are treated with dignity and care so that they can heal and flourish. When a justice system protects the most vulnerable, people can live peacefully within their own communities without the need to seek help and opportunities elsewhere. When local governments increase their ownership, strengthen policies, and improve their law enforcement performance with support from effective international partners, change is accelerated, and wins are more sustainable. Our experience is evidence of this.

From IJM's experience, when strategic investments are made to strengthen the capacity of the government authorities to respond to violence and support survivors, substantial progress can be made in the performance of public systems responsible for the protection of their citizens. In both the 116th and 117th Congress, IJM was pleased to support the Central American Women and Children Protection Act – bipartisan legislation designed to strengthen public justice

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systems to protect women and children, support victims of violence, and hold perpetrators accountable. In the fiscal year 2022 appropriations bill, Congress appropriated funding "to support bilateral compacts with the governments of such countries for the specific purpose of strengthening their capacity to protect women and children from domestic violence, sexual assault, trafficking, and child abuse or neglect, including by holding perpetrators accountable."

The United States has a pivotal role in this fight to counter violence as a fundamental factor that creates instability, drives migration and makes people vulnerable to trafficking and exploitation. Toward that end, I offer the following recommendations:

1. **Partnering with and investing in local governments in Latin America:**

Criminal justice systems can be unresponsive to reports of crimes of physical and sexual violence against women and children. Yet continued partnership between governments can significantly improve the performance of criminal justice systems for lasting change. While civil society and community members play an important role in child protection, the goal cannot and should not be for those actors to replace the crucial role of government officials and those institutions mandated to protect children in their communities. These include law enforcement, the judiciary, social welfare services and local leaders; all of whom need more trauma and technical training, and practical resourcing to be able to build trust with those citizens and create sustainable systems that are accessible and reliable for those in the communities they serve. Accordingly, this requires funding for public justice system improvements, including:

  - a) Fair, transparent and efficient administration of justice: International NGOs such as IJM are playing a role in improving case management in courts, court-based victim's support services and the use of technological tools to increase efficiency in criminal hearings. There is also an increasing need in this field to promote greater engagement from civil society organizations to foster accountability, integrity and transparency in criminal processes.
  - b) Community-based services for women and children: Through MOUs and cooperative agreements, NGOs in Latin America can and do effectively partner with government agencies to enhance reporting, response, and restoration services. NGOs are part of the government's referral system for women and child victims and often provide support services to the most vulnerable populations, including women who had been forcibly displaced from their communities or reside in areas that are subject to the control of gangs.
  - c) Assisting government partners: It is essential to work alongside government partners to ensure a coordinated response to violence against women and children occurs, police protocols increase the safety and stability of victim's access to justice, and all legal processes are trauma-informed and survivor centered.
    - o Training and mentoring justice officials including police, prosecutors, and social workers.

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- Reforms to bolster witness accompaniment, to improve the process of “walking alongside” individual clients throughout the court process. (Lacking this, witnesses fall away and violent criminals fail to be held accountable.)
  - Mentoring and equipping local leaders, including civil society and survivor-led groups to serve as advocates for change.
2. **Increase U.S. diplomatic efforts to address violence against women and children in partnership with the government of Honduras.** IJM welcomed the joint statement by the governments of the U.S. and Honduras<sup>9</sup> at the Strategic and Human Rights Dialogue in January 2023 in which both governments “reaffirmed their continued commitment to jointly address the root causes of irregular migration and forced displacement” and announced “their intention to sign a joint memorandum of understanding that defines specific actions against domestic and gender-based violence while also increasing support to survivors.” IJM encourages the Department of State to work with the government of Honduras to finalize and commence such a joint MOU, as soon as practicable. IJM recommends that a joint MOU specify particular government institutions that are responsible for implementation to maximize fiscal accountability and outcome-based measurement. We also recommend activities under a joint MOU be implemented by experienced NGOs that support local authorities and provide technical assistance, mentorship and training to police, prosecutors, courts, and social service agencies.
  3. **Prioritize the reauthorization of the Trafficking Victims Protection Act (TVPA).** Notably, September 30, 2023 marked two years since the previous authorization of the international TVPA programs expired. It is past time for this important legislation, which guides U.S. programming and policy to combat human trafficking globally, to be reauthorized. Survivors, NGOs, and governments worldwide look to the United States as a leader on this issue and the TVPA is central to this fight. A bill, H.R. 5856, was recently introduced in the House for this purpose and we encourage members of this committee to support that legislation.
  4. **As Congress negotiates a 2024 appropriations bill, it is essential that funding is sustained or increased for programs that combat trafficking and other forms of violence abroad.** We can all agree that no child should be trafficked, exploited, or violently abused. U.S. government programs that support the efforts of foreign governments to identify victims, prosecute traffickers and violent criminals, and support survivors in their journey of healing should continue to receive robust funding.

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<sup>9</sup> [Joint Statement on the U.S.-Honduras Strategic and Human Rights Dialogues](#). January 10, 2023.