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Testimony of Blair Burns, Vice President for Southeast Asian Affairs
International Justice Mission
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Thank you, Chairman Smith, for inviting me to testify at this important hearing on the State Department Trafficking in Persons Report and the tier ranking process. It is an honor. I speak for my colleagues at International Justice Mission in thanking you for your decades-long leadership on trafficking and slavery at home and abroad. We well remember your role in leading the effort to enact the original Trafficking Victims Protection Act of 2000, which identified the issue of slavery as a U.S. Government priority, and established a unique office and infrastructure to address it.

I appear on behalf of International Justice Mission, with which I have been associated since 2004. The first four years of my career with IJM were spent at the organization's office in Chennai, India, where our team worked with Indian Government officials to identify, rescue and restore victims of bonded labor and apprehend perpetrators. For the past six years, I have been based at IJM headquarters, where I lead IJM's field offices in Southeast Asia.

Today I will discuss the impact of the annual State Department Trafficking in Persons Report (TIP Report) in two countries where IJM operates, Cambodia and the Philippines. In both countries, IJM collaborates with local authorities to identify, rescue, and restore minor victims of sex trafficking; collect evidence and apprehend perpetrators; and create deterrence of the crime. In both of these countries, we have seen how the State Department's close attention to trafficking, the scrupulous accounting in the annual TIP Report, and the tier ranking process has led to greatly increased political will and capacity to eradicate exploitation of children in the commercial sex industry.¹

The Philippines: IJM established its first office in the Philippines in Manila in 2001. At that time, it was commonplace to find minor girls in sex establishments throughout the Philippines. In Manila, Pampanga (adjacent to the former US military base), and in Cebu, hundreds of bars and brothels openly sold minor girls they had recruited from the poorest provinces, often deceiving and trapping them for years in brutal lives of sexual exploitation. Philippines laws against trafficking were weak and the Philippines police had neither the capacity nor the will to take on the trade in children.

Over the course of the next decade, that situation improved dramatically. There were several tipping points along the way. One was the adoption in 2003 of strong anti-trafficking legislation

¹ IJM also works on labor trafficking; specifically, bonded labor in India, which is IJM's largest program. IJM and our local NGO partners collaborate with Indian government officials to identify, rescue, and rehabilitate families in bonded labor and to prosecute perpetrators.

after a strong push by Philippine civil society with encouragement from the newly established Trafficking in Persons Office of the US Department of State. Another was significant support from the Bill and Melinda Gates Foundation to help develop and measure a law enforcement and victim assistance model. With that support, IJM initiated collaboration with the Philippines National Police in the country's second largest city, Cebu, to rescue minor girls from sexual exploitation and apprehend perpetrators. IJM contracted with an independent criminal data collection firm to execute a baseline prevalence of commercial exploitation of minors in Cebu's substantial sex industry. Over the next three years, IJM and its PNP partners investigated hundreds of establishments, rescued over 225 victims of trafficking, and apprehended 77 suspected perpetrators. Because trafficking is a non-bail offense under Philippines law, those suspects remained in jail, many of their businesses shuttered. The independent investigators conducted a mid-term study and a final study at the end of the 3-year period. They found that the availability of minor girls had plummeted by 79 percent in Cebu.

There were several factors that contributed to that welcome outcome. One was the PNP's designation of a special anti-trafficking police unit, called the Regional Anti Human Trafficking Task Force (RAHTT Force.) IJM trained and collaborated on a daily basis with the RAHTT Force in the identification and rescue of minors in the sex industry and the collection of evidence and apprehension of traffickers, pimps, brothel managers, and others complicit in the exploitation of girls.

IJM's contribution was to develop and implement an effective model of protection, prosecution and deterrence in collaboration with our partners in the Philippines justice system. But it was the State Department Trafficking in Persons Office and the annual TIP Report and tier ranking process that was crucial in encouraging the Government of the Philippine to make the eradication of sex trafficking a national priority. And that is exactly what happened.

As you recall, Chairman Smith, Congress enacted amendments to the Trafficking Victims Protection Act in 2008 that limited to two years the length of time a country could remain on the Tier II Watch List.² The Philippines was placed on the Tier II Watch List in 2009 and 2010.

² The Tier II Watch List standard is: Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The **absolute number of victims** of severe forms of trafficking is very significant or is significantly increasing;
- b) There is a **failure to provide evidence of increasing efforts** to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on **commitments by the country to take additional future steps over the next year.**

The TIP Report narrative made it quite clear what the Philippines needed to do to avoid an automatic down-grade to Tier III, which would have jeopardized a significant amount of U.S. foreign assistance, especially its large Millennium Challenge Corporation program. Notably, the U.S. Ambassador to the Philippines, Ambassador Harry Thomas, who was posted to the Philippines in 2010, made trafficking a priority in his relations with the Government of the Philippines.

Strong and consistent U.S. diplomacy and a fair and transparent tier ranking process greatly empowered those within the Government of the Philippines who were struggling against the long legacy of trafficking in their country. President Benigno Aquino III was elected in June, 2010 on a reform platform and made trafficking eradication an early priority. National authorities took note of the results from the IJM-PNP collaboration in Cebu and began a dialogue about replicating the model elsewhere in the Philippines. The Supreme Court Administrator issued a circular to the courts to prioritize anti-trafficking cases.

Since that 2010 tipping point, the Government of the Philippines has continued and enlarged its anti-trafficking campaign, allocating approximately 20 times the budget previously provided to its Inter-Agency Council Against Trafficking (IACAT). The Philippines National Police has stood up regional anti-trafficking police units in Manila and Pampanga and are making plans for a national level anti-trafficking group that promises to be the vehicle for sustained protection from trafficking nationwide for years to come. Justice Secretary Leila de Lima leads an active and effective Inter-Agency Commission Against Trafficking, which has adopted rigorous operational rules for victim rescue and perpetrator accountability. The Philippines courts, while still backlogged and slow, are starting to obtain convictions within a year – a substantial improvement over the five-six year trials that have been the norm.

The Philippines has more to do and U.S. encouragement in coming years will be important. The planned police anti-trafficking group must be fully funded and mandated to enforce anti-trafficking laws against sex industry crime groups with influential connections. The Philippines Department of Social Welfare and Development must commit resources to protect and treat the trauma of both male and female survivors. Prosecutors and courts must move from sporadic to consistent effective action in trafficking cases.

Among other challenges, there is a growing industry of Internet exploitation of children in the Philippines. IJM has collaborated with our police partners on six of these cases in the last year. The victims are much younger than those we have seen in traditional sex venues. Those exploiting them are frequently family members in their own homes, and buyers are all over the world. Eradicating this scourge will require increased technical capacity for the anti-trafficking police units, new approaches in child protection and trauma recovery, and stronger international law enforcement collaboration.

Cambodia: IJM first engaged in anti-trafficking activity in the Philippines in 2002, when we sent undercover investigators to the outskirts of Phnom Penh to gather evidence of commercial sexual exploitation of very young children. At the time, pre-pubescent children as young as five or six years old were openly marketed to Western sex tourists and pedophiles. Enforcement of Cambodian law against sex trafficking was nonexistent. Indeed, local police were widely understood to be indifferent or complicit in the trade.

IJM took this information to local authorities but there was no response. The State TIP Report

ranked Cambodia on Tier III, and appropriately so. But the situation began to change for the better the following year, when a committed U.S. Ambassador, Ambassador Charles Ray, made the issue a priority for the Embassy. Ambassador Ray engaged the Cambodian authorities at the highest level, exercising the leverage of the 2000 Trafficking Victims Protection Act (which prohibited U.S. foreign aid to countries on Tier III.) In 2003, Cambodian police and International Justice Mission collaborated to identify and remove thirty-five minors from the neighborhood of Sway Pak, just outside Phnom Penh where child sexual exploitation was routine. Ten of the children were under the age of ten; the youngest was five.

IJM established an office in Phnom Penh that year and another in Siem Reap in 2010. We provided on-going and extensive training to the Cambodian anti-trafficking police (AHTJP) force and collaborated on hundreds of rescue operations to remove minor children from sex venues and to gather evidence and apprehend those engaged in their exploitation. Under the leadership of General Bith Kim Hong, the AHTJP has performed with distinction and excellence.

Over the course of the next ten years, IJM's operatives and our Cambodian police partners saw fewer and fewer young children. The annual TIP Report and tier ranking process was an important factor in the Cambodian Government's continued attention to the issue. Tier rankings ranged from Tier II, to the Tier II Watch List to Tier III. The variance in the rankings reflects the reality that progress towards eradicating sex trafficking in Cambodia is not uniform or linear. Officials of integrity make progress, and they are upon occasion undermined by others.

One such setback was the pardon and early release from prison in 2011 of a Russian businessman, Vladimir Trofimov, who was convicted for the exploitation and abuse of some seventeen girls, the youngest of whom was 6 years old. IJM had investigated the case in collaboration with our police partners and represented the victims at trial. The pardon and release of Trofimov was a setback for Cambodian reformers, such as General Bith Kim Hong. U.S. pressure (and a dip in Cambodia's tier ranking) helped build political will to declare the Russian PNG and expelled from the country. He was arrested by Russian police and is awaiting trial in Moscow on charges of abusing a number of young Russian girls.

Even with setbacks, including continued concerns about government corruption, progress continued. As in the Philippines, the arrest and conviction of hundreds of customers, brothel owners, pimps, and traffickers had an enormous impact on Cambodia's sex trade. Over the years, brothel-based sexual exploitation declined steadily. Today, there is virtually no commercial sexual exploitation that occurs on premises. Rather, customers meet women in various entertainment establishments such as karaoke bars, pay a "bar fine" and leave to engage in commercial sexual relations elsewhere.

What of the minor girls in the sex industry? In 2012, IJM conducted a prevalence study, using methodology similar to that which we developed in Cebu. Investigators searched throughout Cambodia and its major cities for girls under the age of 15 (which IJM characterizes as "young minors,") and found that less than one percent of those in the sex industry met this description. We remain concerned about girls in the 15-18 age range, however, and found that they represented 7 percent of those in the sex industry. These older minors are trafficking victims; it is incumbent upon the Cambodian police and justice system to end their exploitation in the sex industry.

To identify and rescue these girls, it is essential that the Government of Cambodia formally authorize the anti-trafficking police to use under-coverage operations (such as buy-busts and stings) to identify and rescue these older teens and apprehend those who are exploiting them.

I would like to underscore the implications of what the Governments of the Philippines and Cambodia have done to put flight to child sex trafficking in just a decade. Pushed and encouraged by strong U.S. diplomacy and candid TIP reports, the two countries have enforced their own laws. In so doing, they have rescued hundreds of trafficking victims and they have created real deterrence of the crime. In short, effective and reliable law enforcement has achieved exactly what we expect it to: it has dried up the crime.

In conclusion, I'd like to draw the Committee's attention to HR2283 – the Human Trafficking Prioritization Act – a bill introduced by Chairman Smith and has bipartisan support from 63 other Congressional Representatives. This bill would upgrade the Trafficking in Persons Office to a Bureau in the State Department. Our work in the field, particularly in the Philippines and Cambodia, demonstrates the importance and effectiveness of an accurate and strictly fact-based tier ranking of countries in the annual TIP Report. We have also seen where political considerations other than a country's efforts to eradicate trafficking are brought into play, to the detriment of the Report's credibility. The TIP Office is highly regarded by Congress and it recognized for its excellence and expertise in the area of sex and labor trafficking. By elevating the stature of the TIP Office to a Bureau, the United States would give a visible sign of U.S. commitment to protecting the most vulnerable people on earth and an increased likelihood of the tier rankings being based solely on a country's efforts to combat sex and labor trafficking.

Thank you, Mr. Chairman and other members of the Subcommittee, for the opportunity to testify, and I will now take your questions.