



Testimony of Holly Burkhalter, Vice President for Government Relations  
International Justice Mission

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Thank you for holding this hearing, Chairman Cardin, and for inviting me to testify. My name is Holly Burkhalter and I am Vice President for Government Relations at International Justice Mission (IJM.)

IJM is a human rights service provider with fourteen field offices. IJM investigators and lawyers, almost all of them nationals of their own countries, investigate violent crimes including rape, trafficking, slavery, illegal detention, and property expropriation from widows and orphans. Working with local law enforcement, we help bring relief to the victims, and apprehend the perpetrators of these crimes. IJM lawyers also push these cases through the local courts, helping local prosecutors bring justice to those who prey on the young, the poor, and the vulnerable. Meanwhile, IJM social workers help victims obtain the medical care, shelter, education and/or job training they need.

Through our collaborative casework model and our working relationships with local law enforcement, prosecutors, and child welfare officials, IJM is able to not only assist individual victims of crime but also to identify infirmities and gaps in the public justice system and help local government officials address them. IJM's goal is for public justice systems to reliably and professionally investigate and prosecute violent crimes, including slavery and trafficking.

As you know, slavery and trafficking are illegal in virtually every country of the world, yet these crimes flourish because of the failure of local governments to enforce the law, protect the victims, and arrest and prosecute the perpetrators. Over the course of a dozen years of anti-trafficking casework in the Philippines, Cambodia and India we have seen that these crimes can be stopped when local law enforcement officials do their jobs.

**Reducing Prevalence of Sex Trafficking:** An example can be seen in Cebu, an island in the Philippines. With funding from the Gates Foundation, IJM contracted an independent baseline study of the prevalence of minor girls in the commercial sex industry in Cebu *before* we began working there. The study indicated that almost seven percent of those in prostitution were minors.

IJM then began training the local police and investigating sex venues to locate minor girls. After two years, hundreds of minor girls had been removed by police from brothels, 27 perpetrators were arrested and facing trial and 4 brothels that had offered children for sale were permanently closed. A second independent study was done to measure the impact of these activities on the prevalence of minor girls in prostitution in IJM's project area. We found that the number of minor girls in prostitution had been reduced by 72 percent after only two years of IJM collaboration with local law enforcement.

As IJM's experience in Cebu illustrates, it is not necessary to arrest every single pimp, brothel owner, and trafficker to dry up the trade in children. Traffickers are in the business of making a great deal of money by selling minors for sex. If they observe others in a Red Light district being arrested and their assets seized, and the potential costs of trading in children become more likely than the profits to be made, they simply get out of the business.

**Importance of U.S. Diplomacy:** IJM's experience working with local police and prosecutors in Cambodia is another example of the power of a functioning public justice system to rescue and restore victims, apprehend and convict perpetrators, and deter the crime of sex trafficking. Our experience in Cambodia also illustrates the importance of U.S. diplomacy.

In 2002, IJM conducted a 3-week undercover operation in a notorious brothel area known as Sway Pak just outside of Phnom Penh. Basically, our investigators, posing as sex tourists, visited brothels, bars, and other venues selling sex, and they asked for underage children. They collected abundant evidence of dozens of young children in prostitution and took it to the Cambodian authorities. The Government did nothing in response. As a consequence, the U.S. Government, under the auspices of the Trafficking Victims Protection Act of 2000, placed Cambodia on Tier III in its Trafficking in Persons Report of 2002. The U.S. Ambassador to Cambodia, Ambassador Charles Ray, amplified the message and urged the Cambodian government to confront the trade in minor girls. It did so.

Eight years later, Cambodia is a very different place. Its specialized police unit, the Anti Human Trafficking and Juvenile Protection force (AHTJP) which IJM regularly trains, has rescued hundreds of minor girls from prostitution and contributed to the arrest and

conviction of nearly 200 pimps, brothel owners, madams, traffickers, and pedophiles in IJM cases and the conviction of 119 of them.

But the progress we have seen in Cambodia and the Philippines does not mean that either government routinely protects its population from exploitation and abuse. Indeed, both Cambodia and the Philippines are a long way from that goal, and backsliding is distressingly frequent. That is why the Trafficking in Persons Report and the excellent diplomacy by the State Department, particularly officials in the State Department Office to Monitor and Combat Trafficking in Persons is so important.

**Importance of the TIP Report:** This year's report on Trafficking in Persons is an extraordinarily useful tool for recognizing the gaps and weaknesses in public justice systems, as well as the areas of progress. We at IJM are especially pleased that this year the TIP report also included a report on the U.S. Scrutinizing our own country's record – including areas that need improvement – not only helps the U.S. address the crime. It also aids the work of our diplomats when they raise these issues with foreign leaders. The TIP report is an American document, but the human rights issues it covers are matters of international law. Including the U.S. in the document makes that point effectively.

Another important feature of the TIP report is the Tier ranking system for each country that is included in every report. Tiers I through III indicate a country's record in meeting the minimum standards for the elimination of trafficking. Tier III includes those countries that have wholly failed to meet the minimum standards. Tier II includes those countries that are doing something, but not enough, to meet the minimum standards. The Tier II Watch list was created by Congress for countries that fail to meet Tier II standards, and are subject to additional monitoring and diplomacy.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 included a provision limiting to two years the amount of time a country may be on the Tier II Watch list. It was the clear intention of Congress that the Tier II Watch list not be a "parking lot" for U.S. allies that actually belonged on Tier III, but were being saved from that embarrassment by appearing on the Tier II Watch list year after year.

This year's TIP Report includes some countries in their second year (since passage of the 2008 Act.) If they fail to make significant efforts to meet the minimum standards, the State Department is required by law to downgrade them to Tier III after this year. This is a very serious diplomatic decision, in that it both stigmatizes the countries for failing to address the crime of trafficking and slavery, and it can also limit such countries' access to certain forms of U.S. foreign assistance.

That means that this year provides a unique opportunity for U.S. diplomacy on trafficking and slavery. The U.S. and its allies should encourage those second-year countries on the

Tier II Watch list to take very specific and measurable actions that address chronic infirmities in the public justice system that allow the crime of trafficking to be committed with impunity.

The Philippines, for example, is in its second year on the Tier II Watch List. Making the substantive changes that are required to move up to Tier II instead of down to Tier III next June will require the new Aquino Government to forcefully address two major impediments to deterring trafficking: inefficiency in the courts and corruption in the police and judicial system.

Inefficiency and delays in the courts are a very serious impediment to deterring criminals from trading in human beings. IJM has found that on average, it takes over four years to reach a conviction in an anti-trafficking case, during which time the victim has to appear in courts dozens of times.

The Philippines judiciary is well aware of the inefficiencies and weaknesses in its procedures; indeed, a number of foreign donors, including the United States, have provided millions of dollars to address them. These programs are helpful, but they are not a substitute for political will in the Philippines Government to implement the legal reforms the Supreme Court has called for, and to eliminate corruption in the police, courts, and judiciary. The Aquino Government has an opportunity to make a fresh start to eliminate trafficking in the Philippines by making it a national priority and naming and supporting effective and accountable leaders, especially in the police. A good place to start will be to develop the Regional Anti-Trafficking Force that was created in 2009.

**Conclusion:** The Trafficking Victims Protection Act is one of the most important pieces of human rights legislation Congress has passed. It combines a reporting, monitoring and diplomatic function that we see in the Trafficking in Persons Report. It also provides the State Department's TIP office with a grant-making fund to help governments confront perpetrators and rescue victims. IJM, along with hundreds of other organizations, has received grants from the TIP office, and we know TIP to be a careful steward of its scarce resources.

We encourage Congress to continue to support funding for this important grants program and to enlarge it considerably in the coming years. Next year's reauthorization of the Trafficking Victims Protection Act is an excellent opportunity for Congress to review the TIP Office's ten year history, and provide the office with the increased staff and grant-making funds it needs to confront modern day slavery and trafficking in the next decade.