



**INTERNATIONAL
JUSTICE MISSION**

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Tom Lantos Human Rights Commission

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Thank you, Chairman Hultgren, Ranking Member McGovern and the entire Commission, for the opportunity to testify today on the issue of trafficking in persons and, specifically, how civil society, country governments and the private sector can be working in collaboration with each other. Each one has a distinct but critical role in addressing trafficking in persons, and I look forward to sharing IJM's perspective on this issue.

I am honored to be here today representing International Justice Mission, a global human rights agency that provides direct services to victims and survivors of human trafficking and other violent abuses and works to transform broken public justice systems to protect the vulnerable from violence. We have provided relief to over 44,000 people from violence 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 been working to address these situations of violent abuse for over 20 years, and we currently have 17 field offices in 11 countries around the world.

At IJM, we are very encouraged by the partnerships that are developing between country governments, civil society and private corporations. The most effective way to tackle the problem of trafficking in persons and modern-day slavery is to do it together. And we are delighted to have partners in this fight.

The U.N. Guiding Principles on Business Human Rights provides a helpful delineation of the responsibilities of governments and the private sector in addressing human rights abuses, including trafficking and forced labor. Governments have the "state duty to protect" human rights, and companies have a "responsibility to respect" human rights. We see this as a critical distinction. While the private sector can and should do more to ensure that their business practices are not using or contributing to the use of exploitative labor, it is the country governments' sole responsibility to enforce the rule of law. Allow me to describe how International Justice Mission – an NGO – partners with the governments in the countries where we work and with our partners in the private sector to help them fulfill their responsibilities.

In each of the countries where IJM works, the public justice systems – police, prosecutors, and judges – often fail to protect the most vulnerable populations from violence. And, indeed, this is true for most of the world’s poorest populations. According to the U.N. Commission on Legal Empowerment of the Poor, most poor people in the world – a stunning 4 billion – live “far from the law’s protection.” And not only are the world’s poorest not protected by their police and court systems, but they often actively avoid these systems because they are so abusive. Under-resourced, under-trained and corrupt law enforcement does not or cannot arrest and charge criminals or gather evidence. Trials move at a glacial pace, files are lost, victims are unnecessarily and repeatedly traumatized during the court process, and hearings are often conducted entirely in official languages victims cannot understand. Social services are under-resourced, untrained and uncoordinated. The dysfunction of developing-world public justice systems creates an environment of impunity, in which criminals know they will not be held accountable for trafficking or enslaving others. These systems are completely void of the deterrent effect that an effective criminal justice system should have. And thus, crime like human trafficking flourishes and goes unchecked.

As a remedy to this dysfunction, IJM’s team of lawyers, investigators and social workers partner law enforcement and judicial authorities on individual cases. For example, our investigators work alongside police units to assist in investigations, intervention and victim rescue, and evidence collection; our lawyers then help public prosecutors to prepare and try the case to hold perpetrators accountable; and our social workers will ensure that after the rescue, survivors receive the aftercare services they need.

In doing all of this, IJM’s team is able to provide rescue and relief to victims of crime, while also developing relationships of trust and goodwill with local public justice officials. This ground level support to move real criminal cases through the justice system also serves as a diagnostic tool, identifying exactly where gaps and blockages exist. This detailed understanding of where the system fails victims and survivors allows us to design larger scale programs to address those gaps to ensure that the system can function effectively and sustainably on its own. Improving the performance of the entire justice system, benefits all people who are victimized by the crime, and moreover, it creates a deterrent effect so that vulnerable populations are not exploited in the first place.

From IJM’s perspective, there is no substitute for developing an effective criminal justice response to the criminal act of trafficking in persons, but there are ways that the private sector can support these efforts. In recent years, investigative journalists have brought the world’s attention to the issue of forced labor in global supply chains. Major corporations, many with household name recognition, bear the weight of opprobrium when trafficking and forced labor is exposed. Dozens of industries have been outed – textiles, chocolate, electrics, seafood, agriculture, metals, bricks, flowers. And while these abuses have certainly existed in these areas for a very long time, recent attention has been helpful in encouraging corporations to do more.

No one should question the responsibility of the private sector to do their utmost to identify and clean their supply chains of exploitative labor. Some responsible corporations are already partnering with other excellent civil society groups to improve their business practices in strengthening internal audits, requiring responsible recruitment, facilitating safe migration and developing other safe labor practices. All of these efforts are vitally important. But the private sector, by its very definition, cannot enforce a country’s laws or hold criminals accountable.

These approaches on their own, without an effective law enforcement response, are unlikely to reduce forced labor in global supply chains because it isn't just a business model problem or a migration problem or labor rights issue (it is all of those things) – it is also a violent crime in which there is massive profitability and total impunity.

Protecting workers from harm and exploitation and deterring crime requires that corporate stakeholders -- investors, importers, shareholders, and retailers -- know the landscape from which they are sourcing their supply. A crucial element of that landscape is the will and capacity of local and national authorities to predictably enforce their laws against labor trafficking and forced labor. Solutions that try to work around broken government systems that aren't enforcing laws won't be able to create the enabling, transparent and accountable system needed for businesses to operate overseas responsibly, and they won't be able to protect people from exploitation or contribute to crime reduction.

The private sector has the opportunity to be an agent of positive change in combating trafficking and forced labor. Corporations should use their enormous leverage in the countries where they are doing business to encourage the government to carry out its responsibility to enforce their laws against trafficking and forced labor. Corporations should prioritize investment in developing functional law enforcement capabilities, such as specialized anti-trafficking police units, special public prosecutors, and legal assistance for exploited workers.

For example, IJM is partnering with the Walmart Foundation, with support from the U.S. State Department's Office to Monitor and Combat Trafficking in Persons, to address forced labor in the Thai fishing industry. IJM's office in Bangkok is supporting the Royal Thai government to stop the use of forced labor in the fishing industry by building the capacity of their justice system to (a) sustainably and professionally enforce anti-trafficking and slavery laws; (b) hold local criminals accountable in order to end impunity and increase deterrence; and (c) ensure restorative support for survivors.

We started the project with 3 studies of forced labor in the Thai fishing industry to establish an accurate baseline prevalence rate, determine the nature and scope of the crime, and assess the justice system's response. These studies – along with new criminal analytics capabilities - provide actionable information that we use to equip the Thai government to understand the crime, how to investigate and stop criminal activity, and identify and protect victims. We are currently disseminating the study results to the Thai government and we will share them publicly them in the coming weeks. We are seeing receptivity from the Thai government. They are proud of the efforts they've taken over the past 18 months to shore up laws and policies, develop cross-border agreements, and show their commitment to addressing the problem. But, they also agree that they have not yet implemented a comprehensive law enforcement response, so they agreed to collaborate with us to build up the capacity of their justice system. There's still much work to be done by all parties involved, but this this is the type of collaboration between governments, corporations and civil society that is critical to holistically addressing trafficking and forced labor.

The criminal act of enslavement of other people for the purpose of profit is an enormously complex issue. Combatting it is difficult and not yet perfected. IJM still has much to learn from our friends and partners that are addressing the downstream effects of impunity and broken public justice systems. But after almost twenty years of providing services to victims and survivors alongside our government partners, a few lessons learned have become crystal clear: victims can be rescued, police can improve, survivors can be restored and the justice systems

can be transformed to be effective and reliable institutions of protection for poor and vulnerable populations.

To underscore this point: the best way to address human trafficking is through partnerships between civil society, the private sector, and governments. It is by coordinating and complimenting efforts that greater collective impact can be achieved and systems can be transformed to prevent crime and protect vulnerable populations. It is my hope that all of our partners – whether a donor government like the United States or private sector actors or other civil society groups, regardless of differing approaches or distinct role - will recognize the necessity of working alongside the partner governments, despite shortcomings and challenges, to protect people from exploitation and demonstrably reduce the crime.

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