



IJM

International Justice Mission's Submission to U.N. Special Rapporteur on Contemporary Forms of Slavery, Ms. Urmila Bhoola

International Justice Mission (IJM) welcomes this opportunity to share data, learnings and best practices from our collaboration with governments in Asia, Latin America, and Africa to identify and restore victims of slavery, bring to justice those engaged in trafficking and exploitation of children, women and men, and to deter the crime and reduce its prevalence. These observations will inform the Rapporteur's query about contemporary anti-slavery efforts' efficacy in confronting modern day slavery and opportunities and challenges for strengthening governments' response to it.

The following observations are based on IJM's experience investigating and confronting slavery and trafficking with government and NGO partners in the following contexts: bonded labour, online commercial sexual exploitation of children, commercial sexual exploitation of children, trafficked labour, and child labour slavery. In all cases, IJM's model is to collaborate with government partners to enforce anti-slavery/anti-trafficking laws, remove victims from exploitation, and prosecute purveyors of the crime.

Private sex trafficking networks in Mumbai and Kolkata are replacing public establishment exploitation:

Effective enforcement of anti-trafficking laws has reduced the exploitation of minors in commercial sexual exploitation venues significantly. Exploiters have responded by moving minors to harder-to-reach homes and hotels. This movement requires increasingly sophisticated, intelligence-based investigation and identification of victims by Indian law enforcement.

In an initiative to investigate patterns and changes in the exploitation of minors in the commercial sex industry, IJM carried out prevalence studies in Mumbai and Kolkata in both public and private establishments. IJM has collaborated with local criminal justice officials in Mumbai since 2000 and Kolkata since 2006. During that time, over 1,000 minor girls have been removed from exploitation and provided with restoration services in West Bengal and Maharashtra states. To date, 158 perpetrators of sex trafficking have been convicted.

In IJM's experience, local police and prosecutors have become increasingly professional and are much more consistently enforcing Indian anti-trafficking laws. Consequently, in public buildings or businesses where sex is sold openly the available of minors is quite low in both cities, as prevalence studies indicate.

In Kolkata IJM carried out a prevalence study of 16 sex industry hotspots, including 451 establishments, documenting a total of 4,143 sex workers employed at these sites; the percentage of commercial sex workers who were minors was found to be 0.8%. In private

networks (which refers to locations and criminals in the chain of trafficking operating covertly) IJM documented 24 minors being sold for sex out of a total of 131 commercial sex workers – 18.3%, though this was not a representative sample.

IJM conducted similar studies in Mumbai, where data collectors mapped 1,445 publicly accessible establishments, documenting a total of 10,082 commercial sex workers. Of that number, 5.5% of commercial sex workers were minors. A study of privately-networked sites documented that 11.7% of the commercial sex workers were minors.

The low percentage of minors in publicly-accessible establishments in both Mumbai and Kolkata should be of encouragement to stakeholders working against the crime of sex trafficking. Although IJM did not conduct a baseline study of the prevalence of minors among commercial sex workers, previous estimates suggest a much higher percentage of children available for exploitation in the commercial sex industry than are available today. The Ministry of Women and Child Development in their annual report in 2007-2008, for example, estimated the number of commercial sex workers in India to be about 3 million; of which 40% were estimated to be children.

The shift to private locations of exploitation presents new challenges. Private locations cannot widely advertise their services, as public establishments can, so they intrinsically require in-depth knowledge of individuals within the network to be able to access the establishments themselves. Additionally, accessing minors in particular requires a long relationship of trust with the associated pimp. The locations themselves also cannot accommodate the number of sex workers that public establishments are set up to accommodate.

The findings of the two studies into the private networks in Mumbai and Kolkata indicate that more minors might be available for sex than in the public establishments; however, the true scale and experiences of minors is widely unknown. Given IJM's learnings of these networks, the sex trade is increasingly covert, technologically advanced and widespread across the states of Maharashtra and West Bengal. IJM's studies reveal that technological advances have enabled perpetrators to conduct covert operations and magnify their outreach using social media. Moreover, perpetrators achieve anonymity by creating multiple layers between themselves and the customer, which requires more sophisticated investigation and operations by law enforcement officials to breach. The current skills and competencies of the police are not advanced to the level needed to investigate the crime. Government should invest in providing sophisticated training to the police in identifying, investigating and infiltrating highly organized criminal networks, and in conducting operations in private residences and establishments.

Additionally, the high mobility, complexity, and evolving nature of the private networks will require strong coordination between the police and other justice system actors in order to advance the quality of response.

State and Indian National Government data collection on bonded labour is an essential component of identification, rehabilitation and deterrence of bonded labour:

Currently, there is not a centralized survey or report that presents an accurate picture of the number of bonded labour victims in the country. Of the reports that have come out, there is also a stark difference between government and non-government statistics. The first India-wide government survey in 1978, found 343,000 bonded labourers in 16 states. However, around the

same time, the Gandhi Peace Foundation and National Labour Institute carried out a survey finding 2.6 million bonded labourers in 10 states.¹ Since 1976, the Central Government claims that only around 300,000 bonded labourers have been found in India; this statistic is based on the rehabilitation assistance given by the central government to states.² External, independent research has shown that sometimes even though the state governments may be rehabilitating bonded labourers, if the central government does not contribute to the costs for the rehabilitation payments, the number of victims is not reflected in central government figures.³

Additionally, national level reporting on the issue of bonded labour began only recently by the National Crime Records Bureau, which is led by the Ministry of Home Affairs. In 2016, 128 incidents were reported under the Bonded Labour System (Abolition) Act, 1976, involving 633 victims across 11 states. National level reporting still does not capture the magnitude of the problem across states or the vulnerability of certain communities to the crime of bonded labour. The crime of bonded labour shows very few convictions across India and when reported there is no indication of the extent of sentence given in these cases. Though India's bonded labour laws mandate the district administration to conduct surveys to identify bonded labour, few states have taken steps to do so and those that have, report no bonded labour. The lack of proactivity to gather data on the part of state governments has been called out by the Indian Supreme Court⁴ and the central government has also increased the funds for such surveys.

Without a true grasp on the size and scale of the problem, it is hard for officials at the state and national level to accurately assign resources and priority to addressing the problem.

Learnings from cross-border law enforcement:

Despite clear evidence of trafficking of Burmese and Cambodian fishermen on Thai vessels, few criminal cases enter the Thai justice system, in large part because victims are unwilling to report due to punitive treatment and the system tends to be conservative in victim identification. Effective bilateral law enforcement collaboration to identify and stop criminal networks along the worker recruitment corridors into Thailand has also been nearly non-existent. IJM assists in the investigation of labor trafficking networks from the source side in Cambodia and builds casework collaboration between Thailand and Cambodian law enforcement to ensure criminal prosecution on both sides of the border. In the past two years, IJM has worked with police to identify four prolific cross-border trafficking networks, resulting in the arrests of over half of the criminals associated with the networks. Thai fishing-related cases in Cambodia resulted in 12 traffickers convicted (100% conviction rate) and 46 survivors

¹ <https://economictimes.indiatimes.com/news/economy/policy/bonded-labour-system-still-a-reality/articleshow/21768914.cms>

² <http://pib.nic.in/newsite/mbErel.aspx?relid=147332>

³ In 2015-16, the Centre for Education and Communication (CEC) did a research study funded by IJM Delhi FO on 7 states in India. Mismatch in data reported by state labour departments and Central government, Ministry of Labour were found in states like Odisha, Rajasthan, Uttar Pradesh. State governments were seen reporting higher figures of bonded labourers rehabilitated.

⁴ See Judgment in *Public Union for Civil Liberties v. State of Tamil Nadu & others*, Writ Petition (Civil) No. 3922 of 1985, p. 14.

supported with restoration services. Thailand continued investigating the criminal networks on their destination side, resulting so far in six traffickers being charged in ongoing cases in Thai courts.

IJM's cases are the *first* regional Thai fishing cases in which victims were identified in a 3rd country (Malaysia/Indonesia), repatriated to their home country (Cambodia) and are now participating in court processes to hold traffickers accountable in the source country (Cambodia) *and* destination country (Thailand). This is important because it shows that multiple countries' justice systems *can* collaborate on complex cases; victims do not have to be detained in government facilities in order to participate in destination-country trials; and cross-border law enforcement collaboration can result in real impact.

Online Commercial Sexual Exploitation of Children (OSEC) poses unique challenges for investigation, prosecution, and restoration of victims:

The rapid growth of internet accessibility, increased use of mobile devices, and access to easy online payment mechanisms has facilitated the emergence of a new criminal activity: online sexual exploitation of children (OSEC). While sporadic cases of OSEC exist in multiple nations, the epicenter of the crime appears to be in the Philippines.

OSEC is the production, for the purposes of online publication, of photos, videos, or live stream of the sexual abuse or exploitation of a minor for a third party who is not in the physical presence of the victim, in exchange for compensation. Customers and facilitators usually connect online through social network sites, adult webcam sites, and direct referrals from others engaged in sharing illicit materials.

The Philippines Government has made a strong commitment to building capacity within the public justice system to address OSEC, building on its strong performance in combatting conventional sex trafficking. Nonetheless, there are unique aspects to OSEC that present significant challenges to the authorities.

For example, OSEC typically involves a distinct set of victims, buyers, and perpetrators. Compared to commercial sex trafficking, victims of online sexual exploitation tend to be much younger, include a higher percentage of male victims, and often involve sibling groups. The buyers and consumers of child sexual abuse material are often referred to as preferential offenders—offenders that have a specific victim preference, such as pre-pubescent children. The majority of OSEC consumers purposefully seek out material that depicts the sexual abuse of very young minors, which is different from the offenders typically seen in establishment-based sex trafficking cases.

Additionally, acts of exploitation and abuse often occur in the home, facilitated by a parent, relative, or close family friend, which differs from establishment-based trafficking that involves a bar owner, pimp, or madam. These distinct differences and the use of technology to facilitate the abuse, require a more sophisticated and technologically-driven law enforcement response. Many law enforcement agencies in low to middle-income nations lack the technical and forensic expertise to effectively identify victims, gather evidence, and investigate cases of OSEC. Thus, consumers and facilitators, shielded by the anonymity of the internet, often abuse children with real and perceived impunity.

Likewise, social service providers, including aftercare facilities, are not adequately prepared to provide specialized services to address the complex trauma suffered by victims of OSEC that affect the child's development and well-being. Because the abuse often occurs in the home and victims are frequently very young children, long-term and family-based care options are often needed. Very young children being exploited online often must be separated from their families if they are involved in the abuse, which increases attachment traumas and other serious emotional, physical, and psychological developmental concerns for these children. There are few service providers that can provide necessary services for boys or sibling groups.

IJM has supported over 120 cases, helped with the rescue of more than 400 victims and helped to secure convictions against 51 criminals for online sexual exploitation. Major differences are apparent between victims of OSEC and victims of conventional, establishment-based venues. 47% of OSEC victims have been 12 or younger, compared to the average age of a sex trafficking survivor, which was 16-17 years (the youngest OSEC victim rescued in IJM's program has been a 2-month-old baby). IJM collaborates with the Philippines Department of Social Welfare and Development to create appropriate services for young children, boys, and sibling pairs, including therapeutic foster care.

IJM also supports the prosecution of offenders outside of the Philippines by collaborating with law enforcement agencies from the countries where customers are operating and supports Philippine law enforcement in identifying the victims abused by foreign perpetrators online and providing supporting evidence. To date, Philippine law enforcement has secured 178 arrests and 45 convictions of perpetrators of OSEC in the Philippines.

Online sexual exploitation of children (OSEC) is a hidden crime that is particularly challenging for the global community to measure and address. Nonetheless, accurate information about the nature and scale of this crime is critical for informing interventions by law enforcement, NGOs, industry, and others to protect vulnerable children from ongoing exploitation and more effectively prevent this crime.

Successful and scalable models to combat sex trafficking of minors:

For over a decade, IJM collaborated with justice officials to identify minor victims of commercial sexual exploitation in Cambodia and in three major urban venues in the Philippines: Cebu, Manila, and Pampanga. Prevalence studies and independent external evaluations of programs in both countries indicate that IJM's approach is both successful and sustainable.

In Cambodia, IJM established an office to provide legal and social services to child victims of commercial sexual exploitation and to assist Cambodian local justice authorities to investigate and prosecute those engaged in trafficking and sexual exploitation of minors. Although IJM did not conduct a baseline prevalence study of minor children within the commercial sex industry, estimates from the early 2000's including from the Government of Cambodia suggest that as many as one third of those available for exploitation were minors.

IJM conducted a prevalence study in 2014 showed that minors in the commercial sex industry were a rarity, in marked contrast to the common availability of very young children a decade before. The full prevalence study may be found here:

<https://www.ijm.org/documents/studies/CSEC-Prevalence-Cambodia-FINAL-12-Sept-2013-1.pdf>

An independent, external evaluation of IJM’s program in 2015 found that IJM’s approach contributed to fewer children being trafficked for sexual exploitation and contributed to significant and meaningful improvements to the public justice system that can be sustained over time. The evaluation affirmed that IJM’s efforts to train and build the capacity of police led them to investigate and prosecute traffickers and confirmed that IJM built knowledge and best practices related to victim crisis care and referrals into the private aftercare system. The full evaluation may be found at <https://www.ijm.org/studies>.

Further findings from the evaluation follow:

- “This evaluation found IJM’s activities directly contributed to an increase in the number of raids on and closures of open brothels where CSEC [commercial sexual exploitation of children] was occurring, identification and rescue of CSEC victims, and identification, prosecution, and conviction of perpetrators...IJM’s activities to build the capacities of police and aftercare service providers to suppress CSEC and to rescue and support CSEC victims with their recovery and reintegration has contributed, in part, to the reduction of the prevalence of CSEC in the three target areas as documented in prevalence studies conducted by IJM in 2012 and 2015.”
- “IJM’s Justice System Transformation approach through the combination of Collaborative Casework and targeted justice System Reform initiatives have proven relevant and successful to contributing to a reduction in the prevalence of commercial sexual exploitation of children [CSEC] in Cambodia, and capacity building of public justice actors, including police and courts, to suppress CSEC through investigation and prosecution of perpetrators of CSEC cases.”
- “Respondents that work in the space of commercial sexual exploitation of children (CSEC) recognize IJM has been one of the lead NGOs working to suppress CSEC.”
- “Among the respondents that were asked about the improved capabilities of the Anti-Human Trafficking and Juvenile Protection Police (AHTJP) to suppress commercial sexual exploitation of children (CSEC), all respondents reported that the AHTJP has gotten better over the past 10 years at identifying and rescuing victims of CSEC.”

IJM employed the same justice system transformation model in the Philippines, establishing offices in Manila in 2001, in Cebu in 2006, and in Pampanga in 2012. IJM partnered with Philippine authorities to identify and remove from exploitation over 1,450 victims and convict over 175 traffickers, strengthening the overall justice system so that it effectively deters traffickers from exploiting children.

IJM studies showed a massive reduction in the number of children available for sex in the cities where it worked—between 73% and 86%. (The baseline and endline prevalence studies may be found at <https://www.ijm.org/studies>).

In 2016, IJM hired an external research team to conduct an in-depth, final evaluation of IJM’s program combating commercial sexual exploitation of children in the Philippines, from 2003-2016. The report’s purpose was to assess whether IJM’s program achieved its intended results—to see if IJM’s program led to a more effective justice system that led to fewer children being trafficked.

Findings from the evaluation follow: The full report may be found at <https://www.ijm.org/studies>.

- “In terms of impact, this evaluation found support for IJM’s [theory of change] that improving enforcement of anti-sex trafficking laws would increase the prosecution and conviction of traffickers, leading to an increased deterrence towards child sex trafficking and resulting in reduced prevalence of child sex trafficking. Furthermore, reducing the prevalence of child sex trafficking and closing entertainment establishments involved in commercial sexual exploitation of children would lead to an increase in confidence in the public justice system to combat child sex trafficking.
- “This evaluation found that IJM’s Program to Combat Sex Trafficking of Children in the Philippines was very relevant and helped to build political support for a strong public justice system response to child sex trafficking.”
- “Over time, IJM’s Program contributed to increases in prosecutions and convictions of child sex traffickers in the three project areas.”