



**INTERNATIONAL  
JUSTICE MISSION**

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## **Introduction**

International Justice Mission is an international human rights organization that offers legal and rehabilitative services to victims of slavery, trafficking, and sexual assault and collaborates with governments in Asia, Latin America and Africa to bring to justice perpetrators of such crimes, and to deter others.

IJM program teams around the world frequently grapple with corruption in seeking to protect the vulnerable poor from violence and exploitation. There is both a direct nexus between corruption-affected business and human rights violations, and down-stream consequences of corruption when seeking sustainable remedies to human rights abuses through the implementation of the rule of law. IJM has also seen that there are significant opportunities for creating combined solutions that simultaneously address corruption and criminal human rights violations.

## **Direct linkages between corruption and human rights abuses in the business context**

Generally, where the business environment is endemically corrupt, human rights abuses are also endemic. If, for instance, a business must use bribery and improper influence to establish itself, it will often be able to effectively use those corrupt instruments/channels to protect itself from law enforcement action against practices including sex and labor trafficking, debt bondage, child labor, and domestic servitude.

If, for example, a domestic worker recruiting agency operating in the Greater Mekong Subregion has had to pay bribes to senior source-country labor officials for its registration, it is likely going to be able to turn to those same officials to protect it from trafficking allegations. The same is true for the same company operating in the destination country. Similarly, sex entertainment venues pay police to turn a blind eye to the presence of minors or coerced adults. Police, for their part, will remind brothel owners of their need for protection by occasionally conducting phony raids, rounding up and jailing exploited victims. Such visible complicity and corruption can render anti-trafficking laws meaningless and undermine government institutions, particularly the police and justice system, domestically and internationally.

Corruption has a powerful influence on human rights where there are vested economic interests in a particular industry which outweigh the human rights of individual workers. This can occur at various points in a supply chain, though often below "Tier 1" and at the sub-contractor level. Governments are often complicit or turn the other way because of the value of the industry in question, despite clear cases of modern slavery, labor trafficking and debt bondage being presented to law enforcement authorities.

For example, IJM teams operating in rapidly expanding cities in Southern and Southeast Asia find it extremely challenging to secure justice for bonded laborers in the construction sector, because local governments do not want to impede the industry. There is a flow-on effect in subsidiary industries such as brick factories, mines and rock quarries, which feed the construction sector.

In less developed economies in Southeast Asia, worker populations are encouraged to migrate to more prosperous countries for better work and to send remittances back into the source-country economy. Governments in countries such as Myanmar, Cambodia and Laos will create migration-for-labor MOUs with

more prosperous destination countries with high rates of trafficking and worker exploitation without ensuring worker protections.

Local industries that are integral to the economic development of a city or country often seem immune from law enforcement against worker exploitation. IJM has observed this in multiple sectors around the world, including agriculture and farming (South and Southeast Asia), fishing (Gulf of Thailand, Ghana), apparel and garments (South and Southeast Asia), construction, brick works and quarries (South and Southeast Asia), mining (Africa, Southeast Asia) etc.

### **Corruption increases an individual's vulnerability to violent crime**

Where citizens are denied access to basic protections and social benefits by corrupt officials or systems, they easily fall prey to violence and exploitation within their communities.

IJM has seen that when people are improperly charged/overcharged/prevented from accessing basic goods such as health care, education or employment opportunities, or are forced to pay improper and unreasonable sums to run a small business, they are: (1) more likely to take on unmanageable debts and become highly vulnerable to debt bondage and labor trafficking; (2) forced into choices that put them and their family in harm's way: from leaving children unsupervised to selling themselves or family members into exploitative and coercive industries (often resulting in forced prostitution, child abuse, labor exploitation, etc).

Time and again IJM staff hear victims of violence tell them that there was no recourse for them, no place for them to go for help, because the local police would not protect them. Survivors of abuse and exploitation tell us that they know the police would favor the more powerful exploiters. Often the police enforce coercive conditions in local businesses, rather than protecting those who are victims of human rights abuses.

In countries where IJM operates, labor inspections are often designed to play a key role in maintaining accountability and transparency among employers. Where the inspection process is underfunded, inspectors are ill-equipped, or the process is undermined by corruption, 'bad actors' are able to exploit their workforce with impunity and industries operate in murky environments lacking transparency and accountability: environments where human rights abuses thrive.

Lack of regular, impartial and thorough inspections has contributed to high rates of child labor and adult bonded labor in brick factories in Southeast Asia and South Asia becoming part of accepted labor practice in this industry.

Labor inspectors often lack training in how to screen migrant workers for signs they have been trafficked or are corruptly influenced to look the other way. This results both in trafficking cases being overlooked in industries like fishing and agriculture, *and* in the criminalization of irregular migrants by immigration authorities when – as victims of trafficking – they are entitled to immunity from migration-related prosecutions.

### **Down-stream consequences of corruption on rule-of-law remedies to human rights abuses**

Corruption in justice systems prevents protective human rights-based laws from being enforced against perpetrators and in favor of victims. This allows an environment of zero-deterrence impunity to persist and bad actors to continue to profit from exploitation and abuse. Further, it prevents people who have survived traumatic violence from recovering fully to a place of sustainable safety and strength, maintaining a brutal cycle of vulnerability and exploitation.

In countries where corruption within law enforcement has yet to be properly addressed, police are often incentivized to protect the interests of wealthy business owners and operators in their communities. In these

environments, workers who find themselves exploited, on approaching local police, often are returned to the employer by the police; are ignored or ridiculed or confined and threatened; are charged with making false complaints, theft of wages, or similar offenses; are made vulnerable to reprisals from the exploiter when the police pass on the identity of complainants and/or fail to ensure protections are put in place for complainants. Vulnerable communities are deeply aware of such practices and therefore have good reason to distrust law enforcement – leaving them with few if any options to shift the balance of power in their favor when exploitation occurs.

Many countries in which IJM operates score poorly on the Rule of Law index and generally lack a strong, consistent application of rule of law principles. In such places, those who are victims and the vulnerable rightly do not believe that State justice systems are likely to provide them remedy. To the contrary, victims are often further victimized by corrupt systems, particularly where criminal “false complaint” charges can be weaponized against them by powerful perpetrators. IJM has witnessed many instances of bribery and corruption within criminal and civil proceedings involving victims of human rights abuses. Fear and distrust of police and courts, and a lack of faith in other arms of the executive, leave victims without remedy. This has a deleterious effect on just outcomes in individual cases, and it also means that perpetrators of human rights abuses are not held accountable and are able to continue abusive practices with impunity.

### **Corruption is common, reform is possible**

While corruption of justice systems is commonplace in many lower-and-middle-income countries, it is worth noting that it was commonplace in the United States and other Western countries decades ago. Police corruption, injustice, and lawlessness was a feature of American cities in the 1900’s. Police collusion in sexual exploitation, violence against workers, and, especially in the American South, violence against African Americans, were ubiquitous.

Just as reform and professionalism transformed corrupt justice systems in the U.S. and other developed nations -- a process that continues to this day -- it is entirely possible for transformation and professionalism of police, prosecutors and courts in lower-and-middle- income countries. IJM has found that its approach of partnering with governments at a national and local level; mentoring and accompanying police, prosecutors, and social service providers on hundreds of individual cases of violence and exploitation; and building justice system capacity to investigate and prosecute trafficking and violence can have a profound and positive impact.

For example, in southern India in the early 2000’s, few government duty bearers were aware that bonded labor was a crime. Victims of bonded labor had virtually no access to the protection of law, and impunity for perpetrators of bonded labor was absolute. Today both the national government and state governments have acknowledged the scourge of bonded labor and publicly committed to ending it. In several Indian states, police and local officials are proactively conducting sweeps of high-prevalence industries such as brick kilns, rice mills and quarries. They are releasing thousands of bonded workers and their children, providing restoration funds, and arresting offenders at a scale not seen previously.

IJM has also seen justice system transformation in countries burdened with high levels of sex trafficking. In the Philippines and Cambodia, for example, corruption and lack of capacity contributed to high levels of commercial sexual exploitation of children in the past. Both countries were aware that their reputation as go-to destinations for sex tourism was undesirable, and both collaborated with IJM to dramatically change their response to the crime. In the three Filipino cities (Cebu, Angeles City, and Manila) the prevalence of minor children in the sex industry dropped by upwards of 75-80% over a 5-year period. The creation of specialized police anti-trafficking units, trained and mentored by IJM, was a key element of a successful anti-trafficking strategy. Similarly, the presence of young children in brothels were commonplace in Cambodia in the early 2000’s. Twenty years later, a professional and effective anti-trafficking police unit has all but eliminated the

sex trade in children in Cambodia.

**Opportunities to simultaneously address corruption and criminal human rights violations**

The U.N. Guiding Principles on Business and Human Rights places the responsibility squarely on governments to protect individuals from slavery and exploitation. But civil society, corporations, and development institutions have a significant role to play in encouraging governments to shoulder their sovereign responsibility to enforce the law, protect the vulnerable, and hold offenders to account.

Today, there is growing attention and effort by a range of actors to the issue of forced labor in the global supply chain. They each have a vital role to play: local and international media are bringing issues of exploitation to light; NGO's are researching specific industries, gathering prevalence data, and identifying victims; ethically-disposed corporations are scrutinizing their supply chains, releasing information publicly, and attempting to improve procurement practices. But national governments, whose sovereign responsibility it is to protect the vulnerable and deter those who prey on them, are crucial players who all too often are simply missing from the conversation.

Governments of slavery-burdened countries need help. Corporations and international donors should prioritize investment in functioning law enforcement, including anti-trafficking police units, special prosecutors and legal assistance for abused workers. Development agencies should help build government capacity to collect and analyze data on slavery. Workers, including migrants, should have access to a safe, anonymous mechanism for reporting exploitation and abuse. And corporations, investors, and shareholders should engage with their government contacts at all levels about labor trafficking, and the necessity of the authorities dealing with it as the violent crime it is.