

***Beyond the Natasha Effect: Determinants of Human Trafficking Policy Variation
in the Post-Soviet Region***

By

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ABSTRACT

This dissertation examined how human trafficking policies diffused in the post-Soviet region, a significant source region for female victims of sex trafficking dubbed Natashas. The main research question examined why some countries adopted policies while others did not. More specifically it examined whether human trafficking variations in all 15 countries of the former Soviet Union were due to internal determinants and/or from external pressure from the international community. Case studies with fieldwork in Russia, Latvia, and Ukraine determined the situation within the policy subsystem concerning adoption. The qualitative research was supplemented with a pooled time series analysis from 2003-2012 of all 15 countries of the former Soviet Union that determined the scope of human trafficking policies and a preliminary model for policy implementation. My research expanded the diffusion of innovation framework to explain the policy adoption variations throughout this region by adapting it fit the international context and supplemented with theories from morality politics and feminist policy.

The results demonstrated that both international and external factors influenced the adoption of human trafficking policies in the 15 countries of the former Soviet Union. The policies in this region have continued to develop since 1998 and include 102 different policies across the entire region up to 2013. In less than 10 years all 15 countries had adopted at least one policy response to human trafficking; such rapid diffusion is categorized as a policy outbreak. I categorized these policy approaches into five different types of policy: criminal code amendment, national action plan, national law, decree, and miscellaneous policies. Some countries adopted policies more quickly than others with Ukraine, Lithuania, Moldova, and Georgia acting as leaders in the region while Estonia, Russia, and Turkmenistan are laggards. I

utilized these results to construct the Human Trafficking Policy Index, the first index to measure the scope of human trafficking policies internationally.

The quantitative and qualitative results diverged markedly. The case study results demonstrated that internal determinants were more important to policy adoption with state commitment to human trafficking policy as the most important component necessary for policy adoption. The second two most important variables were policy entrepreneurs and interest group strength. The results revealed how NGOs and policy entrepreneurs have learned to work within the system of constraints presented by authoritarian regimes in this region and still lobby to influence policy development on the national and regional levels despite limits on their work. The quantitative results revealed that external pressures were more influential to human trafficking policy adoption with U.S. influence, international intervention with the Palermo Protocol, and European influence all positively influencing the scope of human trafficking policy adoption in the quantitative portion.

This study also demonstrated the prevalence of the “Natasha Effect” in human trafficking policies of the former Soviet Union. The content analysis revealed that trafficking policies in some countries prioritize certain types of trafficking over others. Governments and service providers have struggled to respond to the fact that more and more victims are male victims of forced labor because most of the services available are geared toward the Natashas. Thus, countries in the post-Soviet region need to expand their policy approaches to combat not only the “Natasha Effect” but also labor trafficking of women, men, and children.

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TABLE OF CONTENTS

	Page
Introduction: The Politics of Human Trafficking1 in the Post-Soviet Region	1
Chapter 1: The Intersectionality of Theoretical Frameworks22	22
Chapter 2: Human Trafficking Policy Responses and Evolution in40 the Post-Soviet Region	40
Chapter 3: Ukraine the Early Innovator57	57
Chapter 4: Latvia the Status Quo93	93
Chapter 5: Russia the Holdout128	128
Chapter 6: The Scope and Variation of Human Trafficking Policy163	163
Chapter 7: Quantitative Analysis of Policy Adoption and199 Implementation	199
Chapter 8: Cross-Case and Cross-Method Comparisons236	236
Conclusions: Hypotheses, Theoretical Contributions,258 and Avenues for Future Research	258
Appendix 1: Semi-structured Interview Questions273	273
Appendix 2: Post-Soviet Human Trafficking Policies:274 Works Analyzed	274
Appendix 3: Human Trafficking Policies in the Former Soviet Union ...279	279
Appendix 4: Code Book280	280
Appendix 5: Systemic Results of Policy Variation282 by Post-Soviet Country	282
Appendix 6: Variable Coding and Sources283	283
Appendix 7: Human Trafficking Policy Index284	284
Appendix 8: Index Scores for Dependent Variable Scope286 of Trafficking Policies	286
Appendix 9: Histogram of the Dependent Variable for Policy287 Adoption the Human Trafficking Policy Index scores 0-14	287
Bibliography288	288

LIST OF TABLES

Table 2.1: Human Trafficking Policy Documents	48
Table 3.1: Human Trafficking Policy Development in Ukraine.....	63-64
Table 4.1: Human Trafficking Policy Development in Latvia	101-102
Table 5.1: Human Trafficking Policy Development in Russia.....	135
Table 6.1: Systemic Results of Policy Variation by Document.....	169
Table 6.2: Systemic Results of Policy Variation by Policy Type.....	178
Table 7.1 Summary of Quantitative Hypotheses	203
Table 7.2 Determinants of Human Trafficking Policy Adoption	225
Table 7.3 Determinants of Human Trafficking Policy Implementation ..	229
Table 8.1 Impact of Policy Adoption Variables by Country	237
Appendix 2: Post-Soviet Human Trafficking Policies:	274
Works Analyzed	
Appendix 3: Human Trafficking Policies in the Former Soviet Union ...	279
Appendix 4: Code Book.....	280
Appendix 5: Systemic Results of Policy Variation.....	282
by Post-Soviet Country	
Appendix 6: Variable Coding and Sources.....	283
Appendix 7: Human Trafficking Policy Index	284
Appendix 8: Index Scores for Dependent Variable Scope	286
of Trafficking Policies	

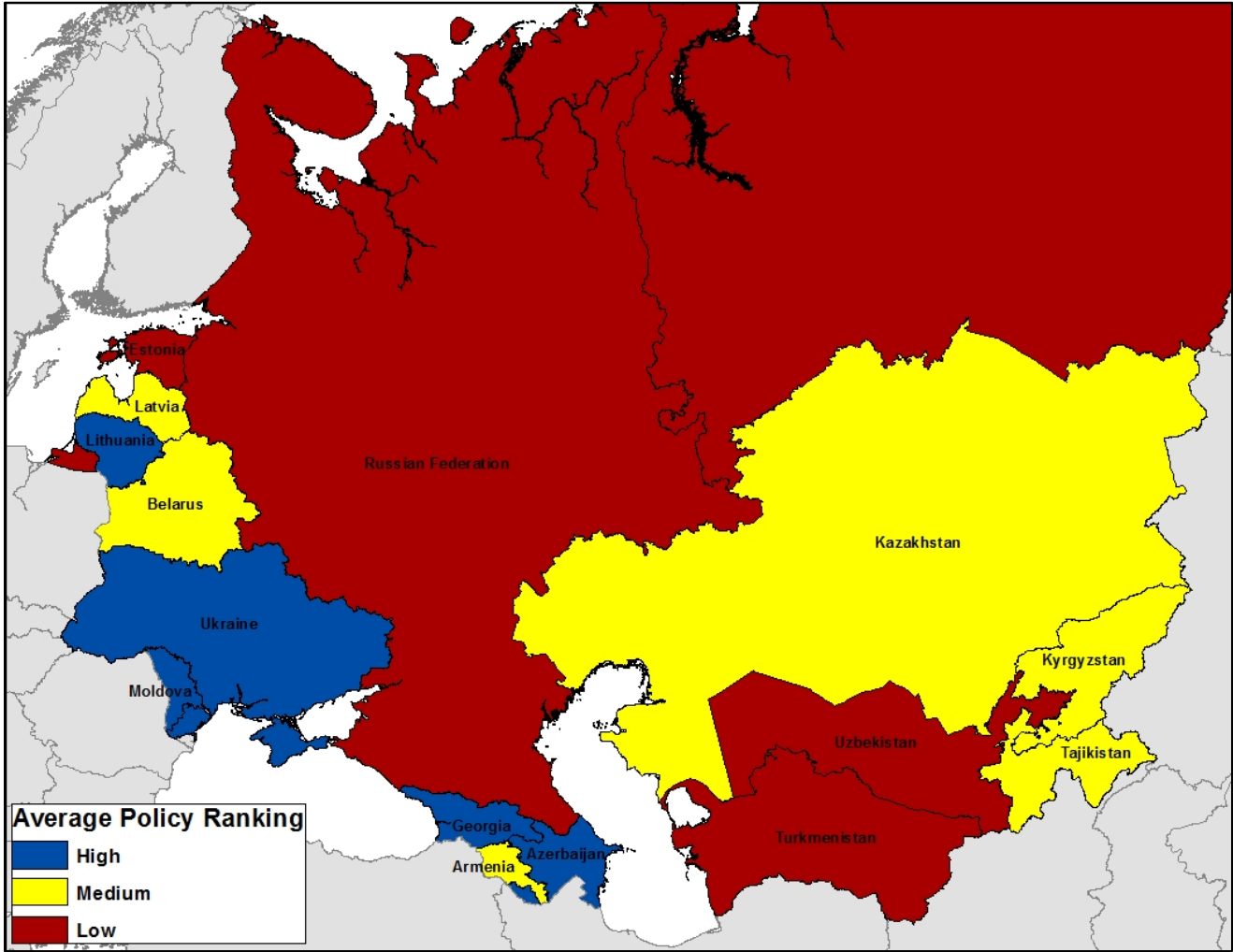
LIST OF FIGURES

Figure 1.1 The Scope of Human Trafficking Policies in the Post-Soviet Region	vii
Figure 2.1 Patterns of Policy Diffusion: Human Trafficking Policies.....	53
Appendix 9: Histogram of the Dependent Variable for Policy.....	287
Adoption the Human Trafficking Policy Index scores 0-14	

Glossary

AHTNET	Transnational Partnership Networking against Human Trafficking
ANNA	National Center for the Prevention of Violence
BISS	Baltic Institute of Social Sciences
CBSS	Council of Baltic Sea States
CIS	Commonwealth of Independent States
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
ILO	International Labour Organization
IOM	International Organization of Migration
LVL	Latvian Lat
MFA	Ministry of Foreign Affairs
NATO	North Atlantic Treaty Organization
NC	National Coordinator
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe
RACCW	Russian Association of Crisis Centers for Women
UN	United Nations
UNGIFT	United Nations Global Initiative to Fight Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
U.S.	United States of America
USAID	United States Agency for International Development
USD	United States Dollar
TIP	Trafficking in Persons
VOT	Victim of Trafficking

Figure 1.1: The Scope of Human Trafficking Policies in the Post-Soviet Region



Note: This map displays the average policy ranking each country received on the Human Trafficking Policy Index described in Chapter 7. Country scores ranged from zero for an un-encompassing policy to fourteen for an encompassing policy. A high ranking denotes countries with an average score above 8.2, medium ranking is a score from 8.1 to five, and a low ranking is an average score less than five.

Introduction: The Politics of Human Trafficking in the Post-Soviet Region

Muratbek along with his cousin and neighbor were promised agricultural jobs by an acquaintance in their home country of Uzbekistan. Instead they were forced to work as indentured servants 14 hours a day on a cattle ranch in the Caucasus region of Russia. They suffered frequent beatings from their captors on the farm because they were Uzbek. When they finally escaped, they could not report what had occurred to the police in Russia because they entered the country illegally and would be deported if they reported the crime (Narizhnaya 2012). Beyond the physical injuries male victims¹ of forced labor endure, the long term effects include post-traumatic stress, depression, disabilities, and victims often have a hard time holding stable jobs in the future (Surtees 2008). When they returned home to Uzbekistan there were limited rehabilitation services available to them as trafficking victims because they were male. Without rehabilitation services and limited opportunities for employment in Uzbekistan they are likely to look for work abroad and possibly become victims of forced labor once again. These men are the new face of human trafficking in the post-Soviet region. They are a far cry from the female victims of sex trafficking, dubbed “Natashas” because of their seemingly similar Slavic features (Hughes 2000) that most people associate with this region and that trafficking legislation is designed to help. This is the “Natasha Effect” and moving beyond it requires governments in this region to take a holistic approach to combating human trafficking by adopting laws and offering rehabilitation services for all victims of human trafficking.

Human trafficking is a form of modern day slavery that subjugates around 1 million people in the post-Soviet region every year (Global Slavery Index 2013). President Obama has argued the fight against human trafficking is one of the great human rights causes of our time

¹ I use the term victim in this dissertation instead of survivor to describe someone who has experienced human trafficking in order to reflect the terminology utilized in the post-Soviet region.

(White House 2013), and it has been linked to drug smuggling and terrorism (Jonsson 2009).

Human trafficking is an issue that is particularly important in the former Soviet Union which has seen a dramatic increase in the number of persons trafficked into and through the region since the collapse of communism. During this transition from a command economy to a market economy, women were among the first to feel the burden. An explosion in human trafficking has resulted from the economic polarization and its disproportionate effect on women, which has been enhanced by this feminization of poverty, corruption, ethnic conflict, and porous borders.

The post-Soviet region is one of the largest source regions in the world for victims of human trafficking (Hughes and Denisova 2004), due to the socio-economic conditions in the region, high profits from trafficking, and the developmental stage of many of the laws and policies aimed at combatting trafficking in the region (Bartilow 2008). All 15 countries in the post-Soviet region are categorized as source and transit countries of victims while Russia, Ukraine, the Baltic States, and Kazakhstan are increasingly seen as destination countries for human trafficking of men, women, and children (TIP 2012). Women from the former Soviet Union fuel the sex industries around the world (Hughes 2000) but increasingly men and children from this region are victims of labor exploitation suggesting that there are factors at play within these countries that encourage human trafficking.

While many of the challenges faced by women in this region have been extensively documented (Buckley 1997; Eglitis 2002; Einhorn 1993; Gal and Kligman 2000; Kuehnast and Nechemias 2004), human trafficking is one of the most pervasive and deadly issues, spanning not only Eastern Europe and Eurasia but the entire globe. Scholars in the humanities and social sciences and practitioners in the field have conducted preliminary research to define the characteristics and scope of the problem (Buckley 2009b; Hughes 2000; Shelley 2002; Stoecker

& Shelley 2005; Schuckman 2006; Tyuryukanova 2002). My research contributes to the growing scholarship on human trafficking by developing a theoretical framework to understand policy adoption and an empirical strategy to assess policy diffusion. Public policy and international politics scholars are interested in how policies and norms are passed down or diffused from the international level to the national level and how these policies change and adapt to particular contexts. This project seeks to understand how the international norms against human trafficking have diffused to the post-Soviet region and how policy makers have adapted policies to fit their national environments. I take the policy diffusion framework, which has only been tested on cases within the United States (U.S.), and expands its limited application to include a policy variation and implementation in a multi-country study of the post-Soviet region.

My main research question examines why some countries adopt policies while others do not. More specifically, I examine whether variations in the former Soviet region concerning human trafficking policy adoption are due to internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, or from external pressure from the U.S. and the international community. This nuance is critical because policies develop as a result of different factors and human trafficking is a unique policy type in that the U.S. and international community have had a significant impact on this policy development around the world. Assessments of the laws in this region may reveal holes in the current policy that, if filled, could reduce human trafficking. Thus, understanding the scope and policy development of the human trafficking laws in this region is vital so that governments can develop more effective ways to combat this problem.

This dissertation focuses on how and why policy innovations spread to different countries. Diffusion explains that policies diffuse from one country to another due to external

pressures from the international community and elements inside the political system such as political and economic factors. While the diffusion of innovation is the main theoretical framework utilized in this dissertation, it is also informed by elements of morality politics and feminist policy. These examples provide elements that influence policy adoption such as the salience of human trafficking, level of interest group strength, and female representation in the parliament. I theorize that the same elements that influence a country to adopt a piece of legislation will also influence how successfully a country will implement it. While the theory of diffusion has been tested mostly in the United States and Western democratic countries, I argue that many of these same influences will affect authoritarian regimes as well, especially when it comes to human trafficking which is seen as a human rights issue. The theoretical focus, expectations, and hypotheses will be discussed more concretely in Chapter One.

The Scope and Definition of Human Trafficking

Human trafficking is defined differently in every country of the former Soviet Union.² Despite these differences all of the countries in this region have signed and adopted the United Nations (UN) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* in 2000, otherwise known as the Palermo Protocol.³ According to the protocol human trafficking is defined as

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced

² The different definitions of human trafficking in each country will be discussed further in Chapter Six.

³ This protocol was adopted with the *Protocol against the Smuggling of Migrants by Land, Sea and Air* and the *Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition* as a supplement the 2000 Convention against Transnational Organized Crime (the Palermo Convention). Since I am referencing one part of the convention *the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, I refer to it singularly as the Palermo Protocol and not the plural Palermo Protocols, which references all three protocols, in this dissertation.

labour or services, slavery or practices similar to slavery, servitude or the removal of organs... The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used (2000).

Therefore, for the purposes of this dissertation, trafficking shall be defined according to this international law, recognized by all the countries in this study. In the case study chapters on Ukraine, Latvia, and Russia, the definitions of each individual country will be utilized to analyze the implementation of the laws, but the dissertation as a whole will be guided by the internationally recognized definition of human trafficking.

Human trafficking in the post-Soviet region takes on many different manifestations, and almost every country contains different facets of this crime. While this region has been recognized for sex trafficking, labor trafficking has become more prevalent in recent years (IOM Ukraine 2012a). Countries are struggling to deal with this transformation, as the gender of the crime has also changed from mostly female victims of sex trafficking to include increasing numbers of male victims of forced labor, with each type of trafficking and victims requiring their own kind of care. In fact, by 2012 Armenia did not have any rehabilitation centers for male victims, and existing shelters were tasked with the rehabilitation when necessary (TIP 2013), demonstrating that the victims of this crime have changed and countries are struggling to keep up with these recent developments. According to the International Organization for Migration (IOM) in Ukraine, the decline in sex trafficking cases “is linked to increased levels of awareness among risk groups as well as relative impunity for labour trafficking crimes” (2012a, 5). They also argue that the level of coercion and length of detention in labor cases is more subtle than in sex trafficking cases, “which carry less grave consequences and create barriers to (self-) identification” (IOM Ukraine 2012b, 1). Governments need a multifaceted approach to combat

not only the “Natasha Effect” of women exploited for sex but also the more recent manifestations of this crime such as labor trafficking of women, men, and children.

Internal trafficking within and among countries in the post-Soviet region occurs due to porous borders, visa free travel, and linguistic similarities as Russian is still the lingua franca in many of these countries. Additionally, the relative size of many countries in the region such as Russia provide a plethora of trafficking routes for traffickers from the poorer to the more affluent countries in the post-Soviet region (Tverdova 2011). The factors for internal trafficking also influence external trafficking as victims are sent from this region or transited through the region to other countries around the world. Buckley (2009) argues that human trafficking is more prolific in countries “where the demand for prostitutes is high and where Slavic women are prized as exotic and beautiful” (2009, 121). Patriarchal norms in post-Soviet society make women vulnerable to trafficking (Abiala 2006). Violence against women, which is especially prevalent in the post-Soviet region, also contributes to victims’ vulnerability with human trafficking; 75% of sex trafficking victims in Moldova were also victims of abuse or domestic violence (TIP 2013). Child sex tourism has also been a problem for boys and girls in Moldova both within the country and abroad (TIP 2013). State run orphanages and foster homes have been implicated in trafficking throughout the region as well (TIP 2013). Forced begging of children is a new type of trafficking seen in Moldova, Azerbaijan, and Ukraine (TIP 2013). Labor trafficking can happen in almost any industry but there have been significant reports in the domestic work, construction, agriculture, mining, factories, and open air markets. There have been reports of foreign workers dying while locked in factories, labor trafficking cases involving the construction of Winter Olympics facilities in Sochi, and North Koreans forced to work in the logging industry in Eastern Russia (TIP 2013). Important causal factors contributing to the

human trafficking include weak legislation, ineffective law enforcement, increased illegal migration due to economic instability, absence of the rule of law, and established trade routes for the slave trade within this region (Mukomel 2013, 2).

The Politics of Human Trafficking

Human trafficking encompasses many different policy areas such as prostitution, labor, and immigration (Tyldum and Brunovskis 2005). These topics are highly politicized, which coupled with key actors who have their own political agenda, further complicates the situation and the policy environment around human trafficking (Tyldum and Brunovskis 2005). Human trafficking is often conflated with prostitution and many policy adoption hearings and international agreements discuss different approaches to prostitution as part of the human trafficking policy debate (Doezema 2002; Doezema 2005).⁴ For example, in Russia legalizing prostitution was suggested as a way to reduce sex trafficking (Schuckman 2006). While the nuances behind this debate are beyond the scope of this study, it is important to consider how often these terms are conflated when discussing the worthiness of trafficking victims, government sponsored rehabilitation services, and convicting traffickers.⁵ Since trafficking is often conflated with prostitution, this also makes policy formulation, coordination, and enforcement difficult for governmental and non-governmental entities (Kligman and Limoncelli 2005). In addition to prostitution policy, responses to human trafficking have focused on a number of themes including categorizing victims as naïve, the role of organized crime, the scale of the problem, the profits involved with human trafficking, and illegal migration (Jahic and

⁴ This debate in the feminist literature is discussed briefly in Chapter Six relating to the content of the policies. It is not examined more deeply because it was not discussed as a significant factor impeding or facilitating policy adoption in the post-Soviet region.

⁵⁵ Prostitution is the selling of sexual services. Prostitution differs from sex trafficking, a form of human trafficking, in that sex workers choose to sell sexual services whereas victims of sex trafficking have no choice and elements of force, fraud, or coercion are forcing them to provide these services. I use the term prostitution in this dissertation and not sex work because of how it is referred to in the post-Soviet region.

Finckenauer 2005, 25). As a result of these different approaches, policy responses to human trafficking have “seemingly become a battleground for different positions on prostitution, immigration, and the position and status of women” (Jahic and Finckenauer 2005, 32). Corrin argues that the increase of human trafficking in Eastern Europe demonstrates “how considerations of migration and prostitution, when politically framed, can be decisive in the formulation of adopted policy strategies” (2005, 543).

Human trafficking is also conflated with immigration, another political issue around the world especially in the post-Soviet region as Russia is the second largest country for immigration in the world after the United States (United Nations Department of Economic and Social Affairs 2013). Policies on human trafficking, when framed as a migration issue “can appease both those for and against migration, as on one hand it can be presented as a fight against irregular migration and smugglers, while on the other hand it can be presented as an attempt to protect the rights of migrants who end up being enslaved and exploited” (Jahic and Finckenauer 2005, 36). Goodey critiques the amalgamation of smuggling and trafficking in many policy responses and laws, including the Palermo Protocol, which she argues was really an addition to a convention whose main goal was to combat organized crime as it concentrated on “crime against state parties rather than on individual victims of trafficking” (2008, 423). She justifies this critique with examples of clauses from the protocol that instead of demanding change, state that actions should be taken to the degree possible or where it is deemed appropriate (Goodey 2008). Illegal immigration and prosecution of trafficking can be contradictory because a successful policy for illegal immigration is measured by the number of people in detention centers and these numbers can include victims of trafficking (Marinova and James 2012). Consequently, Marinova and James advocate a human rights approach to the adoption and implementation of human

trafficking policy “where [the victims] are not merely regarded as illegal aliens and deported (as a migration approach would envision)” (2012, 11). The similarities between human trafficking and smuggling have led to conflicting interpretations that “have hindered international efforts in both assessing the scale of such problems and in directing policy towards addressing these crimes and their underlying causes” (Corrin 2005, 551). Furthermore, the confusion between irregular migrants and trafficking victims has led to the prosecution of victims and demonstrates that these countries lack legislation on protecting the rights of these migrants (Oxman-Martinez et al. 2005, 21).

Tverdova (2011) argues that the major obstacle impeding effective policy in the post-Soviet region is corruption. Corruption is linked to organized crime and officials in the post-Soviet region have argued that combatting organized crime also combats human trafficking (Schuckman 2006; Stoecker and Shelley 2005; Stoecker 2000). This strategy is not that effective because police are often reluctant to take on organized crime networks due to the fear of reprisals (Schuckman 2006). Jahic and Finckenauer argue that trafficking policies are formulated to help governments keep migrants out of the country and police organized crime because they conceal anti-immigration provisions that would be difficult to pass in legislatures (2005). In doing this, countries emphasize the policing aspect of trafficking with organized crime (Jahic and Finckenauer 2005). Legislative and law enforcement efforts aimed against the victim rather than the trafficker means that many victims are deported because they are in violation of migration laws and never testify against their traffickers (Orlova 2005).

Governments have also used human trafficking policy formulation politically as a way to demonstrate “their concern for women's issues, without venturing into the sensitive subjects of abortion, domestic violence, gender equality, etc.” (Jahic and Finckenauer 2005, 36). Oxman-

Martinez et al. (2005) found a reverse gender dynamic in their analysis of national level policy in four different countries and the European Union (EU). They find that policies focus on victims of the sex trade, most specifically women and children, while excluding other forms of trafficking and men (Oxman-Martinez et al. 2005, 21). Thus, human trafficking policy is seen as a “women friendly” policy even if the government does not really care about women’s issues and sometimes this is at the expense of other victims.

Human Trafficking Literature

The literature on human trafficking has increased exponentially across a variety of disciplines such as political science (Danailova-Trainor and Laczko 2010; Tverdova 2011; Lindstrom 2006), sociology (Shapkina 2008), anthropology (Brenan 2005), law (Chuang 2010; Askola 2007), and criminology (Goodey 2008). While there is a plethora of research on human trafficking few scholars have analyzed human trafficking policy and those who have are limited in their scope, focusing mostly on advanced industrial societies (Braspenning 2006; Goodey 2008; Chuang 2010; Berman 2006; Musto 2008; Oxman-Martinez et al. 2005; Steele 2007; Munro 2006). Much of the scholarship that looks at human trafficking laws and policies in the post-Soviet region examines single country case studies of Russia (Mukomel 2013; McCarthy 2010; Johnson 2009; Buckley 2009a; Shelley and Orttung 2005), Ukraine (Vijayarasa 2012; Pyschulina 2005; Shapkina 2008; Hughes and Denisova 2004), or Moldova (Kara 2009; Abiala 2006). Even cross-national studies do not compare the countries in the region but offer individual analyses of each country and do not attempt to look for overarching themes across them (IOM 2003; Rios 2006).

Since the post-Soviet region is a significant source for human trafficking, there is a considerable amount of research on human trafficking emanating from this region, but Tverdova

(2011) categorizes much of the research as anecdotal. Although, international organizations such as the International Organization for Migration, Organization for Security and Cooperation in Europe (OSCE), International Labour Organization (ILO), or the United Nations Office on Drugs and Crime (UNODC), have conducted numerous studies on human trafficking (Farquet et al. 2005; Danailova-Trainor and Laczko 2010), these studies have been limited in that they only analyze the impact of the problem (IOM Ukraine 2011; UNODC 2010a), describe the laws (UNODC 2009a; OSCE 2011; IOM Russia 2009), offer a model for improving national level laws (UNODC 2010b; OSCE 2006) and their effectiveness (UNODC 2008), or are a combination of these themes (OSCE, IOM, and ILO 2006). Most of the literature dedicated to human trafficking does not systematically evaluate the policy content or include cross-national comparisons (Britton and Dean 2014).⁶

Despite the reliance on descriptive policy studies in the literature, there are a couple of studies which examine why countries adopt trafficking policies. A number of these studies cite external factors of influence as the reason why countries adopt trafficking policies. A UNODC report states that 35% of the 155 countries in the study had some sort of policy response to human trafficking in 2003 and by 2008 this figure rose to 80% due to the passage of the Palermo Protocol (UNODC 2009a). The article cites compliance with international treaties or law as the reason the vast majority of the countries adopted a human trafficking policy. Avdeyeva argues that countries in the post-Soviet region adopt human rights based agreements because of pressure to assimilate with other countries around the world (2007). Cho et al. (2011) argue that trafficking policies are adopted due to externality effects because contiguous countries and main trading partners have adopted them. All of these studies emphasize the external influences on

⁶ A more in-depth discussion of this literature focusing on the content and interaction of policies will be discussed in Chapter Two.

trafficking policy and overlook internal factors within a country that work within the policy network to influence why countries adopt human trafficking policies and how they implement them.

Internal factors recognized in the trafficking literature are women's representation, economic burdens, and issue framing. Domestic politics, with gender representation and normative attitudes towards women, influence country compliance with international legal commitments by structuring state preferences (Bartilow 2008). Monetary burdens on member states with Palermo Protocol compliance is also an internal factor determining policy adoption and implementation (Hathaway 2002). Preventative policies are the most popular form of international treaty compliance because they are the cheapest (Cho and Vadlamannati 2011). Issue framing is another internal reason for policy adoption because human trafficking has been framed as a serious transnational crime issue (Simmons and Lloyd 2010).

My study differs from many of the above studies because I focus on why countries adopt national level policies on human trafficking and not international treaty compliance. Therefore, despite a number of studies that explore reasons for human trafficking policy adoption most studies focus exclusively on the external or the internal factors, rather than a combination of the two. They also discount how important political players within the policy subsystem can be in formulating policy. The literature also examines the problems associated with human trafficking policy implementation. One big problem with implementation around the world is that traffickers are not charged with human trafficking according to the articles in the criminal code. Instead most of the convictions in Russia (McCarthy 2010), Ukraine (Pyshchulina 2005), and Moldova are to a lesser crime, such as pimping, which prescribes shorter sentences (Kara 2009). Corruption and organized crime have been blamed for the low prosecution rates for trafficking in

this region but McCarthy argues that the “institutional structure and promotion criteria within Russian law enforcement agencies impede prosecutions” (2010, 7). There is also a lack of cooperation to facilitate the prosecution of traffickers and assistance to victims (IOM 2003). Despite outlining monetary provisions in the national policy (Kara 2009) most of the implementation is done with funding from abroad which puts the government at the mercy of donors (Abiala 2006). Consequently, once this international funding dries up and donors move on to another region or issue of importance, governments will struggle to fund anti-trafficking programs. Increased visa regulation and restrictive border controls have also been used in the region in an attempt to limit illegal migration and human trafficking, but these techniques have back fired and actually exacerbated the trafficking problem because more dangerous measures are needed to transport people across the borders (Schuckman 2006).

The human trafficking literature calls for future studies to include a number of important elements. First, the human trafficking literature lacks reliable data making quantitative studies of human trafficking rare (Tverdova 2011; Godziak and Bump 2008) while qualitative studies lack generalizable findings because they only examine one research site. Kligman and Limoncelli argue that more substantive and systematic policy research is needed because “without empirical data, policy formulation will be more limited in effectiveness and more subject to assumption in its making” (2005, 135). Second, since most of the literature is focused on international and regional level, Munro (2006) calls for studies focusing on national policy imperatives and implementation. Third, Godziak and Collett appeal for external evaluation studies that examine and evaluate effective policy solutions (2005, 122). This dissertation will seek to answer these calls by including both a quantitative and qualitative elements with case studies in three different

countries. I will focus on national level policy and evaluate the positive and negative aspects of policies in the region by building an index to measure the scope of policies.

Methods

This dissertation is divided into two different sections. The first section consists of comparative case study analysis with fieldwork in Russia, Latvia, and Ukraine using process tracing, participant observation, interviews, and items gathered in the field such as policy documents and archival data in order to determine adoption and implementation methods. The second section is comprised of a qualitative and quantitative content analysis of the human trafficking policies in the post-Soviet region and quantitative models for policy adoption and implementation data. The data collection and methods utilized in these chapters will be discussed in Chapters Six and Seven.

Over a period of 15 months, from June 2012 until August 2013, I conducted fieldwork in Ukraine, Latvia, and Russia. In total, I spent three months in Russia (June-August 2012 in Kazan, Russia and July-August 2013 in Moscow), eight months in Ukraine (September 2012 to April 2014 and one week in August 2013) and three months in Latvia (May-July 2013 and one week in August 2013). This fieldwork was based on these theoretical frameworks: theory of diffusion policy, morality politics, and feminist policy. I examined whether variations in the former Soviet region in regards to policy adoption and implementation result from internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, or from external pressure from the United States and the international community. My fieldwork takes into account variables in the quantitative section and ascertains if they are present in the interview questions and participant observation.

Interviews

The elite interviews in Ukraine, Latvia, and Russia were semi-structured and open-ended with stakeholders working with some aspect of human trafficking. The interview questions are located in Appendix One and aimed at gathering data to determine whether internal determinants such as political system, level of democracy, bureaucracy, and economic factors or external pressure from the United States and the international community affect policy adoption and implementation. I used purposive sampling techniques to select a sampling frame of at least 20 interview respondents in each country from important ministries or non-governmental organizations (NGO), based on newspaper articles, NGO rehabilitation networks, and my knowledge of the human trafficking policy subsystem as a guide (Tansey 2007, 770). I also used a reputational snowball sampling technique as described by Weiner and Koontz (2010, 635) in which I identified new interview subjects based on the recommendation of other interview subjects, allowing me to uncover a hidden population of interview subjects (Tansey 2007, 770). I first sent an email informing subjects about me, the nature of my research, and a request for an interview. When this did not work, phone or personal contact was utilized to obtain the interview. The interviews lasted from 30 minutes to an hour and were conducted in person or via telephone by the author. The interviews were taped with the consent of the interview subject to ensure accuracy.

In total, I conducted 102 interviews in four different languages: English, Russian, Latvian, and Ukrainian. The location of interviews broken down by country was 49 in Ukraine, 31 in Latvia and 22 in Russia. The interviews in these three countries were conducted with governmental representatives and stakeholders from key ministries (38), civil society

organizations (31), academics or journalists (16), and international partners (17)⁷ at the national and regional levels working with the issues surrounding human trafficking. While this number of interviews does not constitute a representative sample of anti-trafficking stakeholders, I believe they allowed me to determine how trafficking policies were adopted and implemented in these countries. In order to account for regional variation I conducted interviews in 12 of the 24 oblasts⁸ in Ukraine including the city administrations of Sevastopol and Kyiv and the currently disputed Autonomous Republic of Crimea.⁹ In Russia interviews were conducted in four different oblasts St. Petersburg, Moscow, Kazan, and Vladivostok and in Latvia two of the five regions were covered. In all three countries I targeted representatives on two different levels of government (national and municipal) and international organizations. The interviews were triangulated with various data sources I obtained from archives, newspapers, and government documents in order to determine the accuracy of the interviews and control for bias.¹⁰

Participant Observation and Archival Research

In addition to my interviews I also conducted participant observations at anti-trafficking non-governmental organizations in all three countries. I spent 11 months at the Resource Center for Women, Marta in Riga Latvia in 2007-2008, two months at the Crisis Center for Women Fatima, in Kazan Russia in 2013, and then traveled around Ukraine for eight months in 2012-2013 visiting 18 different anti-trafficking organizations. Through this participant observation I attended anti-trafficking conferences, trainings, and seminars as well as outreach campaigns, press conferences, and educational programs on human trafficking. This extensive participant

⁷ International partners consist of international organizations, foreign embassy representatives, or inter-governmental representatives.

⁸ An oblast is an administrative region in Ukraine and Russia usually translated as a province.

⁹ On March 17, 2014 the Crimean parliament declared independence from Ukraine and as of the writing of this dissertation, is in the process of becoming part of Russia.

¹⁰ Triangulation means that two methods were used to obtain the data or verify the results of the data. This increases the reliability of the findings since two different methods were used to obtain the results.

observation means that some of the observations presented in this dissertation are based on my first-hand knowledge (Heintz 1988, 237).

Brief archival research also supports data obtained from interviews and participant observation. I visited the International Organization for Migration, The International Women's Rights Center La Strada Ukraine, the Kharkiv Center for Gender Studies, State Statistics Service of Ukraine, Central State Archives of Supreme Bodies of Power and Government of Ukraine, the Institute of the Verkhovna Rada of Ukraine, Latvian State Archives, Central Statistical Bureau of Latvia, V. I. Lenin Russian State Library, and numerous other government ministries and NGOs. From these sources, I obtained a number of items utilized in this dissertation such as newspaper articles, statistics, parliamentary transcripts, and anti-trafficking literature. Visits to these archives and NGOs were brief and consisted of a day or two examining and copying articles and literature relevant to policy adoption.

Case Selection

I selected the post-Soviet region for this study because all of the countries in this region have a similar starting point with the collapse of communism and different trajectories over the post-communist era. This region provides an excellent laboratory for developing and testing theories, and my case study concentration on Russia, Latvia, and Ukraine is a reflection of the broader issues faced by post-communist societies. Most countries in the region support anti-trafficking initiatives through some combination of policy tools on the international, regional, and national levels. Russia, Ukraine, and Latvia were chosen as case studies because they are outliers in the region with respect to human trafficking policy.¹¹ In terms of policy variation, Russia has the most limited trafficking policy and is the only country in the region that has only one policy tool, a criminalization statute that criminalizes human trafficking. Conversely, Latvia

¹¹ For more information on the policy variation in the region see Appendix Two.

has three policy tools, criminalization statutes, national action plans that outline a distinct policy identifying how the government will work to fight human trafficking and decrees. Ukraine has four policy tools: criminalization statutes, national action plans, decrees, and a national law. Despite these different policy tools, the countries are ranked similarly as governments that do not fully comply with the minimum standards set forth by the United States Department of State in their Trafficking in Persons (TIP) Report (TIP 2011). Although these countries adopt a variety of policy tools to solve human trafficking, these tools are viewed as ineffective in fighting the problem.

The three case studies in the qualitative portion of this study combined with the twelve other countries of the former Soviet Union are comparable because they have similar government structures based on their Soviet institutional legacies. While the countries have different political systems (presidential, parliamentary, and semi-presidential which will be controlled for) the underlying structures of the ministries and methods for adopting and implementing policies are similar enough for comparison. Many of these countries have also created similar anti-trafficking institutions that facilitate the implementation of the policies. These anti-trafficking institutions and methods for adopting and implementing policies will be elucidated more in the case study chapters. Additionally, these countries are remarkably similar when it comes to the police, an institution that has been one of the slowest to evolve from its Soviet roots and stands today throughout the region as a “centralized, hierarchical policing structure” (McCarthy 2011, 141). Finally, as mentioned previously, each country has different facets of human trafficking; however, the underlying trafficking problem is similar enough in each of the countries that they are comparable. Consequently, despite these institutional and

trafficking problem similarities we see different outcomes when it comes to human trafficking policy as some countries have more encompassing policies than others.

Dissertation Chapter Outline

My dissertation is laid out in eight chapters with an introduction that defines human trafficking and the scope of the problem in the former Soviet Union. The politics surrounding human trafficking are presented, which will lay the foundation for contextualizing the environment that surrounds these policies. Chapter One examines the theoretical frameworks from policy diffusion and innovation, morality politics, feminist policy, and policy implementation in order to develop a framework for understanding human trafficking policy adoption and implementation. It also examines the applicability of these frameworks to the international context. Chapter Two focuses on the development of policy in the region as a whole within the context of the Palermo Protocol. It also provides a categorization of the different policy tools adopted in the post-Soviet region.

Chapters Four, Five, and Six include the cases studies on Ukraine, Latvia, and Russia respectively. I examined whether variations in the former Soviet region in regards to policy adoption and implementation result from internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, or from external pressure from the United States and the international community. Consequently, the fieldwork takes into account variables in the quantitative section and ascertains if they are present in the interview and participant observation data. This qualitative fieldwork is necessary because previous quantitative research only explains about 30% of the variation in human trafficking laws; that demonstrates significant variation which is not explained in the model (Dean 2012). Therefore, fieldwork through interviews and participant observation reveals factors in this variation that

were not uncovered in the statistical model. Fieldwork also took in account policy entrepreneurs, who “introduce, translate, and help implement new ideas into public practice” (Roberts and King 1991, 152), something statistical analysis in diffusion policy has had a hard time operationalizing in previous research (Meier 1994, 244). Additionally, bureaucratic influences are also difficult to operationalize in quantitative research because they are not a one dimensional concept (Meier 1994, 244); however, qualitative research can assess numerous bureaucratic influences on policy.

Chapter Six presents the scope and variation of the human trafficking policies in the former Soviet Union. All policies related to human trafficking were ascertained, translated, and coded for a qualitative comparative analysis of the actual policy content, in order to determine the policy environment surrounding the adoption and implementation of these policies. The seventh chapter will examine the determinants of human trafficking policy adoption and implementation using quantitative data. I utilized the codes from Chapter Six to create an index to measure the scope of these laws in every country that will be used in the following chapter. I constructed my models with political, morality politics, economic, and external factors that were useful in determining the scope of policy making in the American context. I transformed these variables to the comparative context. Models for policy adoption and implementation were then estimated. The models for policy adoption speak to the main research question of the dissertation while the models for policy implementation are preliminary but suggest avenues for future research. I performed a pooled time series analysis from 2003-2012 that determined the scope of human trafficking policies in the region with respect to adoption and implementation in a comparative study of all fifteen countries. The data from each country and year was pooled and presented in two models, one for adoption and one for implementation.

Finally, Chapter Eight will compare and contrast the qualitative and quantitative findings. It will discuss the variation in these results and show the factors that promote or inhibit policy adoption and successful policy implementation. I will also explain the significant country variation across the former Soviet Union in the adoption and implementation of human trafficking laws and assess how this variation can inform us about the implications for human trafficking in public policy research by building on the theoretical framework of policy diffusion. I will also discuss the theoretical contributions of this dissertation and determine if diffusion policy is transportable to the international context.

Chapter One: The Intersectionality of Theoretical Frameworks

The core theoretical framework that drives this dissertation is policy diffusion and innovation. However, this framework is not enough when examining the nuances of human trafficking policy; thus, the theoretical framework of diffusion is adapted to the international context and supported with ideas from morality politics and feminist policy. These frameworks are combined because trafficking is a complex issue that encompasses different policy types including regulatory policy (criminalizing trafficking, regulating businesses, and the labor market), distributive policy (rehabilitation programs for victims), redistributive policy (asset forfeiture from the trafficker to the victims and access to civil damages), and constituent policy (establishing anti-trafficking institutions within government and police). This combined theoretical approach across four different types of policy will determine the unique factors that influence human trafficking policy adoption and develop a framework for understanding human trafficking policy adoption.

Most of these frameworks are utilized to describe policymaking in the United States, but I have adapted them to fit the international environment in order to determine how policies are adopted in the international sphere. A policy innovation is a very broad term encompassing any new type of policy that a government adopts including policies borrowed or based on policies adopted by other countries (Walker 1969). Diffusion of innovation focuses on how and why these policy innovations spread to different states and countries. This framework is combined with elements from morality politics and feminist policy. Morality politics are defined as policies that “generate conflicts based on moral values, do not lend themselves to compromise, and are widely salient, and technically simple” (Mooney and Schuldt, 2008, 199). Policies develop as a result of different factors and human trafficking is interesting in this context because of the speed

of policy adoption in the post-Soviet region and the elements of morality found in trafficking policies.

The word diffusion has been used to describe a number of different processes in political science. Public policy scholars use diffusion to discuss why and how states adopt new policies. This literature is mostly grounded in models of the United States and diffusion across the 50 states, but recently this model has been applied cross-nationally and this dissertation seeks to expand upon this framework. Diffusion studies are also utilized by international relations scholars to study the role of international organizations in facilitating norms transfers across countries specifically related to war/conflict (Graham, Shipan, and Volden. 2013). Comparative politics scholars employ it to examine the spread of democracy and the convergence of policies and standards across countries (Graham, Shipan, and Volden. 2013). Since the concept of diffusion is utilized in all of these of political science subfields, it is important to note that, theoretically, this dissertation is based in a public policy framework. Although this dissertation is based in public policy it utilizes comparative case study methods and speaks to the comparative politics and public policy literatures.

This chapter has three main theoretical perspectives that influence human trafficking policy adoption. It begins by examining the theoretical framework of diffusion of innovation and the main tenants of the framework with the American literature. I will then discuss how diffusion has been applied cross-nationally and analyze some of the differences when applying diffusion to the international sphere with national level policymaking. Next, the intersection of human trafficking policy with morality policy and how morality politics will be employed in this study will then be presented. Feminist policy also contributes to this study as it helps to understand if and how women are present in the policy making process. Finally, I will discuss how this

dissertation adds to the literature on policy diffusion and how it seeks to test and apply this framework in the international context.

Policy Diffusion and Innovation Theory

Policy diffusion and innovation theory is related to the central research question of this study. It focuses on how policies transfer from one state to another and how states adopt policies that are more encompassing than other states. Scholars of policy diffusion and innovation have found that there are internal determinants and diffusion effects that explain why and how policies are diffused from one state to another and across borders (Berry and Berry 2007; Weiner and Koontz 2010; Walker 1969). Policymakers are influenced by what has been successful in other states, competition among other states for resources and economic advantage, and external pressure on states to acclimate to standards set forth by the national or international community (Berry and Berry 2007). By looking at the policies other states have enacted, policymakers learn what elements have worked and how policies can be improved. This emulation means that policymakers do not have to invent new policies from scratch and reduces the uncertainty regarding the outcomes of new policy because they know what has been successful in the past (Volden 2006). Diffusion effects examine this influence and seek to predict the pattern in which public policy innovations spread across states (Berry and Berry 2007).

Policies can spread gradually due to incremental policy learning¹² but there are also bursts of innovation that trigger policy outbreaks as states mimic popular new initiatives (Boushey 2012). Previous research has revealed the different types of variation in adoption that can occur with temporal diffusion focusing on when countries adopt a policy (Mooney and Lee 1999), horizontal diffusion that focuses on the diffusion across states and among regions (Ingle,

¹² Policy learning is when policy makers or policy entrepreneurs obtain knowledge on policy area and use this new knowledge as a source of policy change. Countries can learn what other countries are doing to solve a certain problem or learn from their own experience and adapt a policy to reflect this learning.

Cohen-Vogel, and Hughes 2007), top-down diffusion with national level pressure (Karch 2006), and bottom-up diffusion (Towns 2012) from cities to the state level (Shipan and Volden 2006). The federal system of the United States emphasizes vertical and top-down diffusion while limiting horizontal diffusion across states, whereas horizontal diffusion across cities, within states (Shipan and Volden 2008), and across countries in the international system is prevalent (Brooks and Kurtz 2012). Additionally, the variation of policy tools is not encapsulated in current models of diffusion; instead, they examine whether a state has adopted the policy and if so, when the adoption occurred (Weiner and Kooztz 2010). Policies are not “binary choices,” and policy diffusion research needs to take into account the variety of policy choices available to countries by expanding research to take policy comprehensiveness, different enforcement mechanisms, and different levels of government into consideration in order to “advance our understanding of which governments select which policies and why” (Shipan and Volden 2012, 794). This study will reveal how human trafficking policies diffuse overall and will also focus on the variations between the diffusion of different type of policy.

The literature outlines a number of internal factors such as the economic, political, and social characteristics of a region or country that determine if and when a policy will be adopted and also if that policy will be successful (Berry and Berry 2007). Studies have shown the importance internal factors such as domestic policy choices (Brooks 2007), electoral systems (Orellana 2010); ideological similarity (Grossback, Nicholson-Crotty, & Peterson, 2004), interest groups (Mintrom 1997), issue salience and complexity (Nicholson-Crotty 2009), policy type (Mooney and Lee 1999), and influence policy adoption. There are also diffusion effects that examine how states emulate each other and the impetus for this emulation. Geographic proximity (Rogers 2003; Weyland 2005; Berry and Berry 2007), social hierarchy (Towns 2012),

globalization (Potoski and Prakash 2004), policies at other levels of government (Allen, Pettus and Haider-Markel 2004), and national level pressures (Karch 2006) are just some of the external factors identified as influencing policy making within a given state or country. Despite the acknowledgement that internal determinants and diffusion effects explain why and how policies are diffused across borders, there is considerable variation in the speed and scope of public policy adoption across states (Boushey 2012; Makse and Volden 2011; Nicholson-Crotty 2009; Shipan and Volden 2008.)

Differences in policy type as well as the content and characteristics of the policy can also influence how quickly policies spread from one country to another (Makse and Volden 2011, Rogers 2003). Studies have found that “policy attributes, ranging from the relative advantage of the policy over its predecessors to its complexity to its compatibility with past practices, affect the likelihood of adoption” (Makse and Volden 2011, 108). Policies also develop and improve over time as they diffuse to other countries; as a result, policy innovators formulate policy based on the “potential policy impact,” whereas countries that adopt policies later in the process will utilize what they learn from these early adoptions “responding to the actual policy impact” (Makse and Volden 2011, 122). This policy learning, competition, imitation, and coercion from neighboring cities, states, and countries have been identified as the mechanisms for policy adoption (Shipan and Volden 2008; Simmons, Dobbin, and Garrett 2006). Economic competition with race to the top diffusion (Saikawa 2013) could also influence migration and human trafficking policy, as countries race to adopt policies due to the negative spillover (Shipan and Volden 2008) from other countries because their country will be penalized through US foreign aid or an influx of trafficking if they do not adopt an anti-trafficking policy. Coercion has also been utilized by the US national government policy through monetary incentives, mandates, and

sanctions (Allen, Pettus and Haider-Markel 2004). States are susceptible to this influence when there are fiscal incentives involved and when the national government “sends strong, clear signals to the states concerning its preferences and the potential for future action” (Allen, Pettus and Haider-Markel 2004, 318).

The internal determinants, external pressures, and the content and characteristics of policy, are all accounted for in this study but they are adapted to the international level where pressure to adopt policies can come from different countries or world regions as well as international agreements. For this reason, the traditional approach to policy diffusion is not applicable to this dissertation because it is largely based in U.S. policymaking, and so the measures have to be adapted to the international context. I seek to expand the literature beyond identifying different types of diffusions models and whether a state has adopted the policy to look at how diffusion occurs internationally and how policy has diffused from the international level to the national level. I examine different types of human trafficking policy, and, rather than looking at one specific policy, I look at the scope of different policies in one thematic area. This dissertation goes beyond dichotomous models that only seek to predict whether a state has adopted one policy to examine variations in policy in the international sphere. In doing this, my research transforms the variables in the literature to international politics and seeks to determine if diffusion works internationally. It explores the causal mechanisms through which diffusion and internal factors affect the choice of policy tools used to combat human trafficking.

Internationalizing Diffusion

Diffusion research is based on the policymaking system of the United States; thus, the measures and operationalization of some variables were adapted to fit the international context. This cross-national literature on policy is still developing, but there are a number of indicators

for policy adoption that have been identified and that diffuse differently in the international context. For this reason it is important to examine previous international studies on diffusion in order to determine what influenced policy adoption in those models. Policy adoption in some cross-national studies has been found to follow regional diffusion patterns; as one country in the region adopts a policy, their neighbors soon follow (Weyland 2005; Schmitt 2011). Conversely, other cross-national studies have found that cues from neighboring countries or the prospect of earning international praise as the reason for policy adoption fail to describe the diffusion of policies in the international arena (Brooks 2007). For example, when examining the effect of peer nation policy adoption, countries that share cultural and economic ties did not influence policy adoption; instead, domestic characteristics such as wealth and economic development and indicators of the innovation's performance mattered more in domestic policy choices (Brooks 2007). According to Brooks (2007), cross-national diffusion research needs to consider "*where* internationally transmitted information and competitive concerns are likely to be decisive in the political process, and ... the ways in which country characteristics mediate the importance of those effects in domestic politics" (italics in original text, 713). Although the influence of neighbors and countries with close cultural ties on policy adoption has been disparate in cross-national studies, other external pressures from the international community are important to policy adoption (Weyland 2005). These mechanisms for policy diffusion differ from those recognized in the policy diffusion literature of the United States in that they attempt to operationalize institutional and cultural differences across countries and in that they also acknowledge the influence of international pressures that are absent from the U.S. studies. Taking these lessons from the international diffusion literature, influences from the international community and neighboring countries will be examined as well as international characteristics

such as economic development in order to determine if these factors affect human trafficking policy adoption.

In addition to key internal and external elements that influence policy adoption across countries, policy entrepreneurs have also been identified as a factor in transnational advocacy networks and the diffusion process. The work of policy entrepreneurs, political actors working to change the status quo inside a policy subsystem, significantly influences policy adoption (Mintrom 1997). Policy entrepreneurs promote changes to what they perceive as a policy problem and in order to change the status quo they “identify problems, network in policy circles, shape the terms of policy debates, and build coalitions” (Mintrom 1997, 739). Policy entrepreneurs can be any actor in the policy subsystem and are not only limited to legislators who introduce the legislation (Mintrom 1997). The policy subsystem is complicated in the post-Soviet context by adding extra layers of government policy making such as the regional and international levels that are not addressed in most U.S. based diffusion literature.

Previous research has found that policy entrepreneurs who work within a policy network, (a group of actors in a policy subsystem who have similar interest in an issue and are in contact with one another), increase the likelihood that their policy will be adopted (Mintrom and Vergari 1998). Policy entrepreneurs develop their ideas for policy change and then present it to others in the policy network in order to rally support and mobilize people behind their issue (Mintrom and Vergari 1998). Policy networks differ from interest groups in that interest groups have established their legitimacy and constituency (Mintrom and Vergari 1998). Professional organizations across states have also been found to influence the diffusion of policies by “increase[ing] the speed at which innovations diffuse across states and blurring ... regional diffusion patterns (Balla 2001, 222). These organizations facilitate policy adoption through

formulating their own policy responses, encouraging policy learning opportunities for state officials, and organizing committees that develop policy recommendations (Balla 2001). Research has found that having agents of these professional organizations sit on political committees increases the likelihood of policy adoption (Balla 2001). Professional anti-trafficking organizations operate in the post-Soviet region but they differ from the American professional organizations in that they have no members and focus on providing services to clients. These organizations were for the most part established by educated women to fill a gap in social services left by the state. They operate within umbrella organizations and a loose network of service providers throughout each country. Although these organizations can operate as policy entrepreneurs in anti-trafficking institutions and parliamentary committees, they differ from the professional organizations referenced in the United States because they prioritize serving clients over representing a professional membership base. The presence of policy entrepreneurs and policy networks in the international context will also be examined in this dissertation.

In addition to policy entrepreneurs and networks differing in the international context, there are also a number of differences between the U.S. and international system in regards to political institutions and how they affect policy-making. As stated previously, the post-Soviet region has a number of different institutional structures that could influence how policies are adopted in these countries. While the policymaking literature outside of the United States is limited, there are a few studies that acknowledge how different political institutions could affect the adoption of policy. Baumgartner et al. contend that unitary and parliamentary systems have fewer opportunities for venue shopping because the tradition is based on the U.S. system (2006, 963). However, there are extensive examples of venue shopping in the comparative politics literature of transnational feminism (Keck and Sikkink 1998) and feminist institutionalism,

(Chappell 2002) and research by Baumgartner et al. (2009) demonstrates the multiple possibilities for venue shopping in different political systems. Additionally, the creation of a number of new trafficking institutions in many of the countries, as a result of legislation, provides further avenues for the development of legislation in the future. Another difference between the policy environment of the United States and the authoritarian regimes in the post-Soviet region is that officials do not face highly contested elections; thus, policy decisions in authoritarian regimes are less likely to remove them from political office in the next election. According to Berry and Berry, politicians are more likely to adopt new popular programs closer to elections because new programs are popular with the public and increase electoral support (2007). This may contribute to the reasoning behind a country's desire to adopt human trafficking policy no matter if the country is authoritarian or democratic.

While most research focuses on legislative policy adoption, my study expands the analysis to four different types of policy promulgated from the executive and legislative branches of government. Shipan and Volden (2012) argue that “nearly all policy diffusion studies explore *legislative* adoption by state or national governments, while ignoring the equally important decisions made by executive agencies” (italics in original text, 793). Brooks also acknowledges the differences in these two branches of government when it comes to public policy as elected officials “enact formal policy change” while “identifying and analyzing alternative policy models” is administered in the executive branch as they determine how to fit the policy innovation into national conditions (2007, 704). Innovations that originate from the executive branch of government play a large role in human trafficking policy and are especially important to recognize in parliamentary systems of government where there is a blurring of the executive and legislative branches of government.

International relations scholars explain diffusion in four different aspects: coercion, persuasion, policy learning, and mimicking (Towns 2012). These are almost identical to the mechanisms of diffusion outlined in the public policy literature above (policy learning, competition, imitation, and coercion). The only differences are with persuasion and competition. Persuasion in the international relations literature is less confrontational than coercion but produces policy change with carrot-and-stick approaches offered by external actors (Towns 2012), which would be categorized under coercion in the public policy literature. Whereas competition from the public policy literature recognizes how states compete with each other for economic benefits or to divert economic drawbacks (Berry and Berry 2007). Shipan and Volden argue that countries can actually overcome this competition in order to work together to solve the problem with interstate compacts of multilateral agreements (2012, 790). Regional agreements on human trafficking are prevalent in this region as both the European Union and Commonwealth of Independent States (CIS) both have their policy to facilitate anti-trafficking cooperation. These regional agreements and policy networks differ from those present in the U.S. policy system; thus, examining their influence on policy adoption in the international context will help test this theory in the international context.

Morality Politics

The second theoretical framework that may influence human trafficking policy adoption is morality politics. Human trafficking is a politicized policy type that encompasses many different policy areas, including prostitution, labor, and immigration. Due to these controversies and the perceived element of sin involved in human trafficking, it could be categorized as a morality policy issue. While morality policy is usually associated with such issues as abortion, hate crimes, and drunk driving, morality policy is not limited to one topic and instead focuses on

the political debates that surround the issue in question and the actors involved in the debate (Mooney 2001). Thus, if one side of the debate claims that the issue is a moral issue or if it affects their core values, it is categorized as a morality policy (Haider-Markel and Meier 1996; Mooney 2001). There are a number of key characteristics with morality policy such as high public opinion influencing policy adoption more than interest group strength (Haider-Markel 2001), policies that are technically simple (Mooney and Schuldt 2008), acrimonious debates based on values (Doan 2011), and a significant mobilization of the citizenry on the issue with policymakers who are responsive to their cause (Mooney and Lee 2000; Haider-Markel and Meier 1996; Fairbanks 1977).

While many of the policies associated with morality, such as abortion and prostitution are very controversial, the topic of human trafficking when it becomes part of a government's agenda is not controversial, and it is rare that legislators vote against these policies unless they will cost the government money. This mirrors one-sided morality policy issues, such as drunk driving and drug abuse, issues to which everyone is opposed (Meier 1994, 247). In this type of morality policy, there is still competition as policymakers compete to be the moral advocate of the issue that leads to policy that is adopted quickly with almost no debate on the issue or alternative policy proposals (Meier 1994, 247). Policy implementation is also problematic for morality policy because legislators use less formal policy analysis in developing morality policy compared to non-morality policy (Mooney 2001, 13), which leads to policies that are popular but ineffective (Meier 1994, 4). Morality policy posits that policy can come about as a "result of the demands and preferences of actors in the policy environment" (Haider-Markel and O'Brien 1997, 553) including interest groups, demands of the citizenry, motivations of politicians, and political structure (Haider-Markel 1998; Tatalovich and Daynes 1984; Meier 1992). Therefore,

this theory assumes that some type of actors will be present in the policy making process if a policy is codified in that country. These characteristics are based on most of the research that has been conducted on the U.S. system. Consequently, it will be fruitful to test morality policy cross-nationally because parliamentary systems are arguably more responsive to their citizens compared to presidential systems (Lijphart 1999), even when it comes to values (Powell 2004).

Critics of this theory argue that morality policies are not distinct from other policy areas but appear that way due to the emotional appeal of the issue and its wide salience with the public (Cocca 2004, 3). Studlar has argued that despite cultural differences across countries, morality policy does not produce significant policy variation across countries (Studlar 2001, 51). He contends that issues such as abortion regulation “are nearly universally treated as morality policies,” while others such as pornography are rarely treated as morality but he does not address why other issues are considered morality policy in some countries but not in others (Studlar 2001, 50). Using the criticisms and definitions established in the literature, this dissertation will attempt to determine if the theory of morality policy is applicable to the international context where religion has a minor role in politics and where mainstay morality issues, such as abortion or the death penalty, do not induce the type of conflict seen in the United States. Accordingly, variables for morality policy will be included in order to determine if human trafficking policy follows these policy traits. The morality policy variables incorporated are issue salience and interest group strength. The activities of policy entrepreneurs will also be included to see if they arrive at this issue as a result of morality policy traits such as interest groups or issue salience.

Feminist Policy

The third theoretical framework that may influence human trafficking policy adoption is feminist policy. There are many policies that could be categorized as feminist and, while human

trafficking is a human rights issue, it is also a feminist issue since most of the advocates working in anti-trafficking non-governmental organizations are women, and, until recently, the majority of identified victims of this crime were women. Feminist policies are policies that involve women and the “advancement of women’s rights, status, or conditions as a group in both public and private spheres” (Mazur 2002, 3). Due to the fact that this definition is rather encompassing, there are many issues that can be categorized as feminist policy including human trafficking. The literature presents feminist policies as government responsiveness to women’s issues and discusses the policy cycle from problem definition, agenda setting, adoption, and then implementation (Weldon 2002; Mazur 2002). Feminist policy attempted to measure the influence of women in public policy through social movements, political institutions, and government office.

The literature on feminist policy offers a number of useful insights to the study of human trafficking policy adoption. Conway, Ahern and Steuernagel argue that there are three models of feminist policymaking: elite driven policy change, group interaction policy change (the outcome of group conflict), and incremental policy change (2004, 12-13). All three of these models are made possible by women working to enact policy change, and there are a number of avenues that women have used to bring about feminist policy change. Weldon categorizes government responses to domestic violence into categories, basically measuring the scope of policies over a period of twenty years, demonstrating that responsiveness is a result of “mutually reinforcing interaction between women’s policy agencies and strong autonomous women’s movements” (2002, 209). Mazur asserts that the presence of more women in the political arena does not always lead to feminist policy development sometimes the policies are purely symbolic policy (2002). While women’s political representation, feminist strategic partnerships, and feminist

advocacy coalitions play an active part in policy development, one of the most important elements of policy success is “the presence of sympathetic non-feminist allies in key decision-making positions” (Mazur 2002, 177). Feminist advocacy coalitions¹³ have circumvented national governments that are not open to feminist policy by building networks of advocates in the international system where they share ideas and policy experiences (Keck and Sikkink 1998). Through transnational advocacy coalitions, policy learning occurs as advocates find solutions that have worked in other countries and learn new methods to influence the policy outcomes (Keck and Sikkink 1998). These advocates, sometimes called technocrats in the public policy literature, transverse national borders and “supplant peer nation dynamics as a mechanism of policy transfer” (Brooks 2007, 712).

These are just some of the ways that advocates have worked to develop feminist policy in different countries around the world. These lessons will be applied to human trafficking in the post-Soviet region in order to assess government responsiveness to human trafficking through an examination of policy content and policy adoption. The influence of female politicians in parliament, policy entrepreneurs, and women’s non-governmental organizations in the policy adoption process will also be assessed as it is theorized that the more prevalent women are in the policymaking process the more likely a country is to have better trafficking policy. This will be interesting to investigate in the post-Soviet region because of the low levels of female representation with the mean level of representation in the region at 12 percent, below the world average of 14 percent and significantly below the European average, which is 25 percent

¹³ A feminist advocacy coalition is an informal network of people such as policymakers, bureaucrats, interest group leaders, and researchers who share the same beliefs and work together to transform these beliefs into policy (Sabatier and Weible 2007, 196). Interest groups can be members of the advocacy coalitions but interest groups are a step lower than advocacy coalitions. They are an association of individuals or organizations that attempts to influence the government. Women’s organizations or women’s NGOs are organizations that work between the people and government to perform duties not undertaken by the government. In the anti-trafficking context these organizations work to rehabilitate victims and can serve as a liaison with the government but they do not always lobby for policy change.

(Montgomery 2003). This absence of women's representation in the post-Soviet region is even worse in party leadership, cabinet positions, and key ministries (Montgomery 2003). Thus, assessing the presence of women in policymaking in this region will reveal if this small number of women in parliament influence policy adoption or if the influence comes from women's advocacy coalitions, policy agencies, women's movements, or feminist policy entrepreneurs. Feminist policy is related to human trafficking because we would expect feminist players to be involved in pushing for the adoption of feminist policies. However, if human trafficking is understood as a human rights issue rather than a feminist issue, elements such as the number of women in parliament or feminist policy entrepreneurs will not be present in the policy adoption process.

Theoretical Expectations

In summary, internationalizing the diffusion of innovation framework and adding morality and feminist elements will help determine the elements that lead to human trafficking policy adoption. Diffusion is influenced by the type of policy, identities of the individuals involved in policy development, the type of regime, economic development, and international pressure from a variety of international players. This dissertation seeks to determine whether variations in the former Soviet region, in regards to human trafficking policy adoption are due to internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, or from external pressure from the U.S. and the international community. Through this research question, this dissertation unites the diffusion of innovation, morality, and feminist politics frameworks. Accordingly, taking all of the literature mentioned previously into consideration, three testable hypotheses were developed.

Human trafficking is a distinctive policy type because both democratic and authoritarian regimes have adopted policies related to trafficking. Consequently, it offers a rare glimpse at what policymaking in authoritarian regimes looks like and allows a deeper investigation into these regimes and the options policymakers face when adopting new policies. Human rights based agreements are adopted because of pressure to assimilate with other countries around the world (Avdeyeva 2007), but this pressure is not enough to ensure policy adoption, as criminal code articles and national laws on human trafficking are adopted by parliament and need broader support for adoption. The impetus to adopt these policies could come from outside but there are also factors inside the country that lead to policy adoption. This leads to the first hypothesis.

H₁: *Democratic and authoritarian regimes will respond to external pressure and internal determinants to adopt human trafficking policy.*

Policies can arise through a network of policy entrepreneurs, activists, and non-governmental organizations working toward successful adoption. Diffusion theory assumes that some type of actor will be present in the policy making process if a policy is codified in that country. Women's movements and other feminist organizations have been integral to the passage of women-friendly policies in other countries, but the post-Soviet region lacks a powerful social movement of women. For this reason I hypothesize that they will have less of an influence on policy adoption in this region than they have had in other countries, and instead policy adoption will be due to policy entrepreneurs who view this issue as important. This leads to the second hypothesis.

H₂: *Women's representation in the legislature will have less influence on the policy process than policy entrepreneurs and advocacy coalitions.*

Human trafficking possesses the traits of a morality policy issue: it is salient, technically simple, attached to moral values as people try to save women and children from prostitution, and

involves issues of sin. However, the crime of human trafficking has changed from a female centered crime involving sex trafficking to the trafficking of men and children for forced labor (IOM 2003). As a result, it is not seen as just a women's issue anymore as cases of sex trafficking have been supplanted with cases of forced labor. This coupled with the significant amount of foreign aid attached to combatting human trafficking means that there are economic interests associated with human trafficking. Morality politics can be affected by economic stakeholders who are active in the debate (Sharp 2005). This leads to the third hypothesis.

H₃: *Economic interests and the transformation of human trafficking from a crime of sex trafficking to labor trafficking in this region have changed trafficking from a morality issue to a human rights issue that more states want to combat.*

These hypotheses are guided by the central research question in this study whether variations in the former Soviet region, in regards to human trafficking policy adoption are due to internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, and/or from external pressure from the U.S. and the international community. The following chapters will seek to test these hypotheses in order to develop a framework for understanding human trafficking policy adoption in the Post-Soviet region.

Chapter 2: Human Trafficking Policy Responses and Evolution in the Post-Soviet Region

Since the adoption of the Palermo Protocol, the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* in 2000, countries around the world have expedited their own national policy responses that attempt to combat this modern form of slavery. Since that time, 117 countries around the world have signed this protocol that states in Article Nine that countries “shall establish comprehensive policies, programmes and other measures: to prevent and combat trafficking in persons; and to protect victims of trafficking in persons, especially women and children, from re-victimization” (Palermo Protocol). Despite the wide acceptance and adoption of this protocol in the international community, the phenomenon is increasing around the world, and many countries have not yet developed comprehensive policies to prevent human trafficking. Therefore, in this chapter I examine the evolution of human trafficking policy in the region as a whole and the types of policy tools countries in the post-Soviet region have adopted. I also create a categorization for these different human trafficking policy approaches including criminal code, national action plan, national law, decree/regulation/decision, and miscellaneous.

Most countries in the post-Soviet region support anti-trafficking initiatives through some combination of policy tools on the international, regional, and national levels. This chapter begins by examining the literature on human trafficking and the background information on the topic. It continues by examining the five different types of policy responses countries in this region have adopted to solve the problem of human trafficking. Then the adoption of the Palermo Protocol and how countries in the region have signed, ratified, or acceded to this international convention will be analyzed. This is followed by the evolution of national-level policies in the post-Soviet region as a whole and the patterns this policymaking has produced.

Human Trafficking Policy Categorizations, Comparisons, and Recommendations

Several studies of trafficking policy have examined the content of human trafficking policies or compared the content of a couple of policies across different levels of government. Most of the policy comparisons in the literature look at international treaties and focus on the prevention, protection, prosecution model purported by the United States in the *Trafficking Victims Protection Act* (TVPA), the national legislation adopted in 2000 just before the Palermo Protocol. There are both regional and national level policy analyses (Askola 2007; Braspenning 2006; Goodey 2008; Chuang 2010; Berman 2006; Gozdziaik and Collet 2005; Musto 2008; Oxman-Martinez et al. 2005; Steele 2007; Munro 2006), and some have even examined policy variations on different levels of governance. While these studies suggest some patterns and themes found across policies, for the most part none of them provide a systematic comparative policy analysis. However, they demonstrate that cross-national policy comparisons in human trafficking can be fruitful and add to the literature. These studies inform countries what they need to work on with respect to policy by revealing what other countries are doing to curb the problem of human trafficking.

The prevention, protection, prosecution categorization to human trafficking (known as the 3 Ps), has been located in a number of human trafficking policy responses on the international, regional, and national levels. Policies usually emphasize one or two of these elements, such as protection and assistance for the victims of human trafficking in international and regional policies (Braspenning 2006, 361) or the prevention and protection of victims, because the “increasing attention that has been given...to victims of trafficking is, in part, a response to the real problem that the causes of trafficking, rather than the symptoms, are much harder to treat” (Goodey 2008, 431). Other studies have found that EU anti-trafficking policies,

focus on law enforcement and migration control at the expense of protection and prevention measures (Askola 2007, 204) or they embed the intersections of migration, crime, and security (Lindstrom 2006), which means that they are ineffectual and in some cases even counterproductive (Askola 2007, 217). Munro contends that this emphasis on prosecution is due to the Palermo Protocol, which “may ultimately have produced a duplicitous response that permits its provisions to be manipulated in line with domestic agendas of border integrity and the suppression of vice” (Munro 2006, 331-2). Thus, the content of the policies varies, as some focus on the prevention of human trafficking and the protection of victims, while others emphasize prosecution measures focusing on the state.

Other studies expand the categorization of human trafficking policy responses beyond the prosecution, prevention, and protection model in order to account for the significant variation in policy. Authors have used categorizations such as migration, human rights, economic (Lindstrom 2006), justice, and development approaches (Danailova-Trainor and Laczko 2010) to classify human trafficking policies. Victim-centered approaches address trafficking indirectly by focusing on rehabilitation and victims’ service; state-centered approaches, which focus on migration and law enforcement, are also prevalent in the literature on human trafficking policy (Goodey 2008). Goodey argues that the Palermo Protocol promotes a state-centered approach that can be seen in directives that allow trafficking victims to receive residency permits to stay in the country only if they cooperate with authorities; effectively, these types of policies prioritize crimes against the state over crimes against an individual (2008, 423). One study combined some of the above categorizations (prosecution, prevention, protection, human rights and economic development) because they appear to have overlapping themes and found that, in the policies of Southern Africa, prosecution was the largest theme (Britton and Dean 2014). By focusing on

prosecution at the expense of prevention approaches that prioritize human rights and economic development these countries “may have opted for the path of least resistance and may be defaulting to a type of policy choice that is familiar, replicable, and easily audited. It is easier to keep track of the number of traffickers arrested and jailed than to alleviate the underlying causes of poverty or change societal attitudes about gender and human rights—the very things that prevent trafficking” (Britton and Dean 2014, 20).

Moving beyond these policy categorizations, studies primarily evaluate the policies or offers recommendations for better policy. Munro argues that the ambiguity of the policies on the international level has led to policy variation on the national level because policy makers want to compromise between competing perspectives (2006, 331). Another criticism of human trafficking policies is that the legislation is not aimed at combating the underlying causes of human trafficking such as economic instability, poverty, and domestic violence, push factors which induce migration (Schuckman 2006, 87). Agendas, public opinion, and moral panics are often included in trafficking policies because very little is known about the scope of the problem (Jahic and Finckenauer 2005), which makes it difficult to legislate a solution. Existing literature focuses on position papers and circumstantial evidence that becomes the basis for policies driven on assumptions and political symbolism (Jahic and Finckenauer 2005). Consequently, scholars suggest that policies should be flexible and take changes and new information into consideration (Jahic and Finckenauer 2005). Policies also need to focus on combating all forms of human trafficking and all types of victims. Oxman-Martinez et al. (2005) argue that some trafficking policy responses focus only on female and child victims of sex trafficking (2005, 21). In fact, by 2008 twenty-seven countries around the world did not have encompassing definitions of human trafficking that excluded forced labor and/or male child victims (UNODC 2009a). Framing

policy to certain kinds of victim at the expense of other victims is problematic when considering recent trends that demonstrate that most trafficking victims are labor trafficking victims and include women, children, and men. The crime of human trafficking is always changing, and policy should be encompassing and withstand changing trends. Finally, Schuckman advocates for the inclusion of non-governmental organizations in policy responses to human trafficking, “a top-down legislative approach is not viable by itself as it assumes an effective governmental framework, a strong legal system and the reliable local enforcement of laws” (2006, 87).

In summary, the human trafficking literature examines the different policy approaches to human trafficking policy and includes descriptive accounts of international, regional, or national policy. Most of this literature is limited to one or two case studies and does not examine responses across a number of countries. Therefore, this chapter adds to the literature by comparing the different human trafficking policy approaches on the national level across all 15 countries in the post-Soviet region. The literature also examines the content of trafficking policies and argues that trafficking policies focus on a number of different themes including the 3Ps (protection, prosecution and prevention), migration, human rights, development, state-centered, and victim centered policy approaches. The content of the policies in the post-Soviet region will be examined more closely in Chapter Six. Finally, the remaining literature on human trafficking policy focused on trafficking policy evaluations and offers recommendations for developing better policy.

Human Trafficking Policy Approaches

This section delves deeper into the human trafficking legislation in the post-Soviet region, examining the evolution of policies passed or adopted on the aggregate level across the entire region. Policy responses to human trafficking in the post-Soviet region can be categorized

into five different types of documents, categories I developed after analyzing the content of all 100 policies in the region.

Criminal Code

The first type of policy document is a change or amendment to the criminal code. This usually includes adding a small paragraph establishing that human trafficking is illegal, outlining the types of human trafficking included in this article, and then prescribing sentencing guidelines for perpetrators of this offence. For the most part, trafficking provisions are found in the criminal or penal code, but some are also found in the administrative code and code on social services. For the purposes of categorization, changes to any code in a country are lumped together under the criminal code documents. Here is an example of a basic addition to the Criminal Code in Georgia:

“Article 143¹ Trafficking in Persons

1. Selling or buying of persons, or subjecting them to other illegal deals, also recruiting, transporting, harboring, or taking them on for purposes of exploitation, with the use of force, blackmail or deception is punishable by imprisonment from 5 to 12 years.
2. the same offense, committed repeatedly; against two or more persons; against a pregnant woman, knowing about her pregnancy; with the abuse of official authority; by taking a victim abroad; with the use of life threatening or health threatening coercion, or threatening to use such force; knowingly, against a vulnerable person, or against a person who is financially or otherwise dependent on the offender; Is punishable by imprisonment from 8 to 15 years.
3. Offense, stipulated by first and second paragraphs of this article committed by an organized group which resulted in a death of a victim or caused other serious consequences is punishable by imprisonment from 12 to 20 years. (Georgian Criminal Code 2003)”

Changes to the codes are, for the most part, initiated by the legislative branch of government and voted on by parliament. These changes are the most difficult of the policy types to track because

they are usually passed with a number of other changes to code and consequently the legislation is not labeled as human trafficking.¹⁴

National Action Plans

The second type of policy document adopted in the region is the national action plan or program. The national action plan is usually a document formulated by the executive branch of the government either by the president, prime minister, and/or one or more of the ministries. National action plans can also be approved by presidential decree, presidential order, or voted on by the cabinet of ministers. The national action plans are adopted for a certain number of years and outline specific measures the country will undertake to combat trafficking over the time period of the plan. After the period of action is completed, if the government fails to adopt a new action plan then the plan ceases to exist and the country must rely on its other pieces of legislation to combat trafficking.

National Law

The third type of policy document is a national law, which is a policy document approved by the legislative branch of the government. A national law is similar to the national action plan but is less specific, since it lacks a temporal component. The main difference is that a trafficking law is in force once it is adopted (unless it is repealed), while the national action plan can simply expire. Thus, laws are more enduring policy approaches to human trafficking, but they are a lesser-used response to the problem of trafficking in this region.¹⁵ Usually, the government prescribes an overall action plan and establishes an agency or organization to work with the problem of human trafficking. The trafficking laws are more general in their content whereas the

¹⁴ The initial additions to the criminal code and significant amendments to the code are included in the analysis, to the best of my knowledge. The specific policy names, amendments, and adoption dates from all 15 countries are outlined in Appendix Two.

¹⁵ A comparison of policy adoptions by type across all 15 countries is located in Appendix Three.

national action plans have concrete dates for implementation and tend to assign ministries; budgetary funds to implement the projects they prescribe are often included.

Decree, Regulation, or Decision

The fourth type of policy document is a decree, regulation, or decision usually given by the executive branch of government. While most of the decrees, regulations, or decisions related to human trafficking in the post-Soviet region come from the president, some are issued by the prime minister, council of ministers, or even individual ministries. Decrees, regulations, or decisions can be related to victims' assistance, the establishment of shelters, or creation of human trafficking funds. They can also provide details of working groups on human trafficking are found in a number of the countries in the post-Soviet region. Some post-Soviet presidents are limited in their ability to issue decrees (Frye 1997), but all of the countries in the post-Soviet sphere have the ability to issue decrees; the only difference across the region is that decrees originate from different parts of the executive branch. Decrees, regulations, or decisions can be on different topics related to trafficking, such as recommendations on how to fight trafficking, establishing a working group, or asking the legislature to adopt a certain policy. Most of the decrees clarify and expand upon previous legislation, so they would be defined as administrative and regulatory decrees that are issued "within the confines of authorizing statutes and not those that supersede the legislature" (Shugart and Haggard 2001, 72). Decrees were included in the analysis because the post-Soviet region contains a wide variety of regime types, ranging from democratic to semi-authoritarian and authoritarian regimes. Thus, decrees from different regimes are policy documents. The only difference between these decrees and other policy documents is that they are, for the most part, not approved by a legislature or cabinet and are instead promulgated by a single entity. Decrees have only been promulgated in a small number of

countries related to human trafficking. Thus, decrees are another policy tool utilized by governments in the post-Soviet region to combat human trafficking.

Table 2.1: Human Trafficking Policy Documents

Policy Document	Initiator of Change
Criminal Code	Promulgated by the legislature, usually with other changes to the code and then signed by the executive
National Action Plan	Promulgated by the executive branch Cabinet of Ministers, President, or Prime Minister dependent on the country.
National Law	Promulgated by the legislature usually as a singular piece of legislation and then signed by the executive.
Decree, Regulation, Decision	Promulgated by the executive branch Cabinet of Ministers, President, Prime Minister, or different ministries.
Miscellaneous	Amendments, working group policies, or residency statutes.

Miscellaneous Policy Documents

The fifth type of policy documents are miscellaneous policies that do not fit into any of the other categories. These include national referral mechanisms or policies aimed at increasing cooperation and identification of victims, found in Belarus, Estonia, Latvia and Moldova. For a complete list of decrees, laws, and policies in every country, please see Appendix Two. These different policy documents on human trafficking demonstrate the variety of approaches countries in the region have utilized to combat trafficking. They are included in the analysis because they are directly related to human trafficking and expand upon the other four policy types. They also demonstrate that there is not just one way to combat human trafficking through policy documents in this region.

Human Trafficking Policy Development: Palermo Protocol

The Palermo Protocol laid the foundation for national level policy on human trafficking around the world. This protocol was adopted on November 15, 2000, by the General Assembly as part of the larger United Nations (UN) *Convention against Transnational Organized Crime*. From December 12th to the 15th 2000, the Convention was opened for signatures in the city of Palermo, Italy, which is why it has been dubbed the Palermo Protocol (Hyland 2001). These Protocol were the first time the international community had come together and adopted a definition of trafficking, which Hyland argues was “the first step toward a concerted international effort to combat trafficking” (2001, 31). After outlining a definition of trafficking, which includes sexual exploitation, forced labor, slavery, and organ trafficking, the Protocol charted a number of steps countries could take to fight human trafficking. By signing and adopting the Protocol, the country agreed to adhere to the basic guidelines presented in the protocol. In addition to Article Nine of the Protocol, which states that countries must adopt their own policies and programs to prevent and combat trafficking, there are a number of other important provisions laid out in this document that set the stage for the adoption of country-specific laws. Article Five states that countries must criminalize human trafficking, attempted trafficking, working as an accomplice, and organizing or directing trafficking (Palermo Protocol 2000). Article Six outlines the criteria for providing assistance to victims, creating a legal system that protects the identity of the victims, and providing monetary compensation for damages suffered (Palermo Protocol 2000). Articles Seven and Eight outline provisions that allow the victim to remain in the country to which they were trafficked, either temporarily or permanently, as well as to return safely to their country of origin with proper identification, if the victim decides he or she would like to return (Palermo Protocol 2000). Other articles focus on

prevention campaigns (Article Nine), training for law enforcement and border control (Article Ten), and cooperation and information exchanges among member states during investigations of traffickers (Articles Nine and Ten, Palermo Protocol 2000).

All fifteen countries in the former Soviet Union have signed, ratified, or acceded to this international document. Russia, Moldova, Kyrgyzstan, Georgia, Belarus and Azerbaijan all signed the treaty in December 2000; however, it took most of the countries in the region until 2003 to ratify this convention on the national level. The Palermo Protocol, along with the Convention against Transnational Organized Crime, entered into force on September 29, 2003. Armenia, Estonia, Latvian, Lithuania, Ukraine, and Uzbekistan signed the treaty in 2001 and 2002, with ratification soon following in 2003 and 2004. Georgia signed it in 2000, but waited until 2006 to ratify the convention on the national level. Uzbekistan and Kazakhstan were the last two countries in the region to ratify or accede to the treaty in 2008. Avdeyeva in her research on domestic violence argues that the countries in this region adopt human rights regimes like the Palermo Protocol because of “perceived or real social pressures to formally assimilate with other states in the global arena,” but these countries have no intention or capacity to implement them (2007, 877). However, in the human rights regimes of human trafficking policy, there is a significant difference as, contrary to domestic violence policy, every country in the region has adopted some sort of national policy response to human trafficking, thus fulfilling at least part of their obligations to this international treaty. Additionally, while the Palermo Protocol set the foundation for trafficking policies, some countries in the region adopted their own national policies before they ever adopted this international treaty. Thus, arguing that the only reason countries adopted these policies is due to these international agreements and the coercion that came along with them does not explain the whole story.

When the Palermo Protocol came into force in 2003, 54 countries around the world had already enacted a specific offense related to trafficking in their legislation and, by 2008, this number rose to 124 countries (UNODC 2009a, 24). However, only around eight countries had adopted national action plans in 2003, a number that rose to 76 countries by 2008 (UNODC 2009a, 24-25). According to the *UNODC Global Report on Trafficking Persons*, the adoption of a national action plan can “generally be seen as a sign of the importance that trafficking in persons has in a country’s political agenda” (UNODC 2009a, 25). Even with the Palermo Protocol, adoption of national legislation and implementation of the protocol has been varied around the world. The UNODC report states that “the lack of specific and/or adequate legislation on trafficking in persons at the national level is one of the major obstacles in the fight against trafficking. There is an urgent need to harmonize legal definitions, procedures and cooperation at the national and regional levels in accordance with international standards” (2009a, 36). This demonstrates the speed of adoption around the world following the Palermo Protocol, which is comparable to what occurred with human trafficking policy adoption in the post-Soviet region, but with a few noticeable differences.

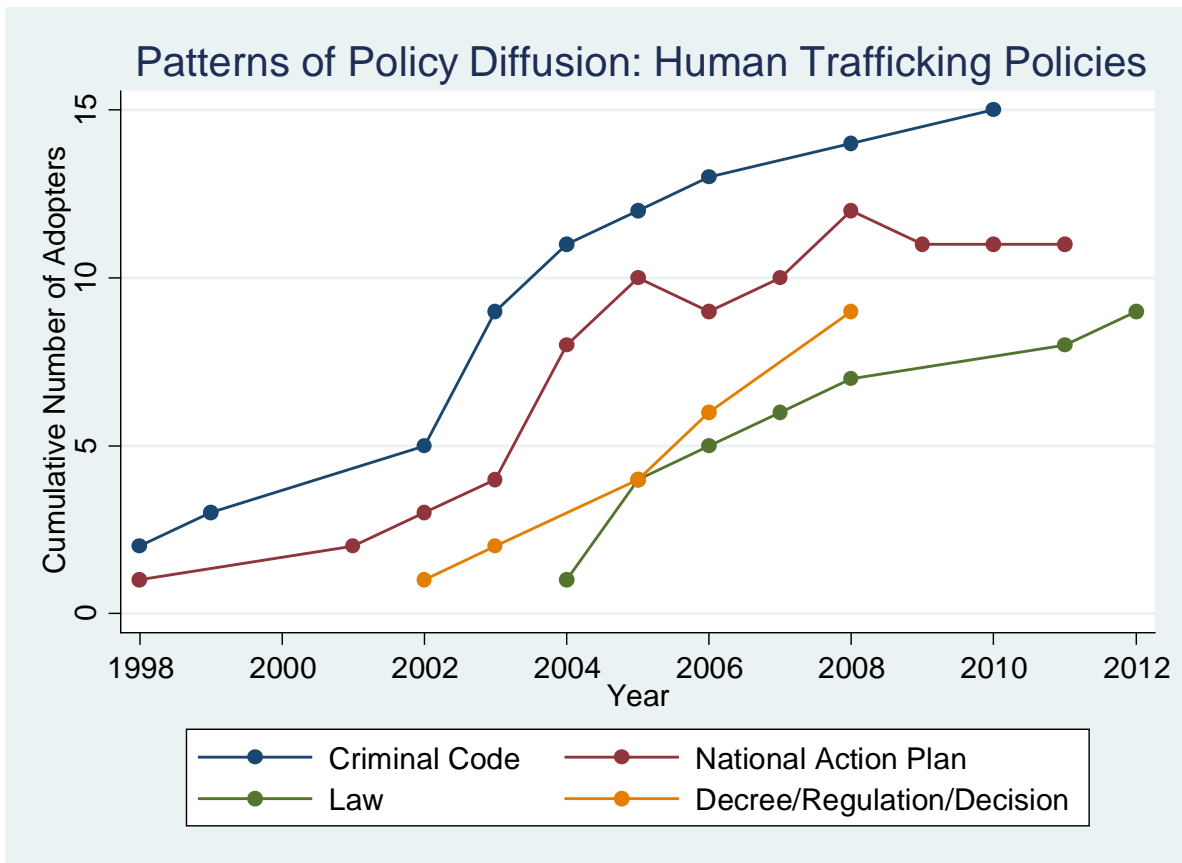
Human Trafficking Policy Development: National Level Policy Adoptions

Ukraine was the first country in the region and one of the first countries in Europe to adopt a policy response to human trafficking. In March 1998, Article 124-1 was added to the Criminal Code, almost two years before the Palermo Protocol was adopted. Lithuania followed Ukraine in July 1998, and added *Article 131.1 Trafficking in Human Beings* to its criminal code as well. In 1999, Belarus adopted changes to its criminal code, while the Cabinet of Ministers in Ukraine enacted a program to combat trafficking focusing on women and children. Then, in 2001, the Council of Ministers in Belarus decreed a human trafficking state program from 2002-

2007 to combat human trafficking and the spread of prostitution (*State Program of Comprehensive Measures for Combating Trafficking in Persons and Spread of Prostitution* 2001), while Ukraine amended their earlier Criminal Code. In 2002, the first criminal law changes were adopted in Latvia and Moldova, while Lithuania and Ukraine adopted national programs to combat trafficking. The following year, Georgia adopted changes to their criminal code and a plan of action for 2003-2005. Russia, Tajikistan, and Kyrgyzstan also changed their criminal code in 2003, while Kazakhstan passed an amendment that established an interagency commission to combat trafficking.

In 2004, the number of new policies on trafficking adopted in the region increased to eight. Tajikistan passed the first national law on human trafficking, while Armenia, Azerbaijan, Latvia, Kazakhstan, and Georgia adopted national actions plans. Kazakhstan and Armenia also adopted criminal code articles on human trafficking. In 2005, the number of new human trafficking policy adoptions rose to twelve, with Estonia and Moldova adding their first policies on human trafficking. In 2006, ten more countries adopted policies and, in 2007, eight countries adopted policies, including the first policy on human trafficking in Turkmenistan. Uzbekistan was the last country in the region to adopt anti-trafficking legislation; they adopted all four pieces of policy in 2008; a national law in March, a national action plan in April, a presidential decree in July, another law about the changes to the criminal code and the acceptance of the national law in August, and then, finally, the formation of a national rehabilitation center in November. That brings the total to 16 new policies adopted in the 15 countries of region in 2008. In 2009, seven new policies were adopted, in 2010 there were five, in 2011 there were only three new policies adopted, in 2012 there were 10, and finally, in 2013 five new policies adopted on human trafficking.

Figure 2.1



Note: This figure displays the cumulative number of policies on human trafficking adopted in the post-Soviet region from 1998-2012 with the four main types of policy. Once a country adopts the policy, it is counted for that country with the exception of the national action plan, which has an expiration date. Once the plan expires, it is subtracted from the total unless the country adopts another plan to replace it.

When adoption is examined by year, a pattern of diffusion begins to emerge. Figure 2.1 displays the patterns of policy diffusion for human trafficking policies in the post-Soviet region. In seven years, all of the countries in the region had some sort of policy related to human trafficking, and this diffusion is categorized as a policy outbreak since there was a 100% adoption rate of the criminal code within 10 years (Boushey 2010). Comparing this adoption speed to other policy diffusion in the literature, human trafficking has diffused across the post-Soviet region very quickly with a large burst of activity. Although the national law and decrees

do not have 100% adoption rates in the region, the speed of adoption for the criminal code and national action plans demonstrate a policy outbreak, not incremental adoption, which is seen in other types of policy (Boushey 2010).

While the number of trafficking policies increases every year from 2001 to 2013, patterns in the type of policy are difficult to discern. Eight countries adopted changes to the criminal code as the first policy related to human trafficking in their country. However, three countries adopted a national action plan as the first policy response to human trafficking and two countries adopted a national law first. Kazakhstan adopted a decree that established a working group before any other type of policy on human trafficking, and Estonia adopted a miscellaneous policy. After the first policy, there are also no discernible patterns to determine the second policy that countries adopt. Four countries adopted changes to the criminal code as their second policy on human trafficking, six adopted a national action plan, and four adopted a law. This demonstrates that most countries in the region adopted criminal codes first and chose from one of the other policy types for their second policy adoption.

There are some patterns of adoption when it comes to sharing borders and influence on policy adoption by neighboring states. When Ukraine and Lithuania adopted the changes to their criminal code in 1998, the next year Belarus adopted changes to its criminal code. Belarus also followed Ukraine when it adopted a national action plan two years after Ukraine adopted its in 1999. Then, in 2002, Latvia bordering Lithuania and Belarus, and Moldova bordering Ukraine, adopted trafficking policies. In 2003, Russia adopted its criminal code, and it shares borders with all of these countries with the exception of Moldova. However, Russia's control over the breakaway state of Transdniestria, which borders Moldova, could symbolize this influence to adopt policy. Georgia adopted its national action plan in 2003 and in 2004, Armenia and

Azerbaijan also had national action plans. In 2003, Tajikistan and Kyrgyzstan also adopted changes to their criminal code. This was followed by Kazakhstan in 2004, Turkmenistan in 2007, and Uzbekistan in 2008. Estonia and Russia seemed uninfluenced by the countries that border them, as they adopted policies four to seven years after their neighboring countries. This could suggest that some countries are more influenced by the countries that border them than others. This hypothesis will be further examined with the neighbor effect variable in Chapter Seven.

During this time period there was development of human trafficking policy on the regional level for some of the countries in this study, as part of the Commonwealth of Independent States. There have been a number of cooperation agreements starting in November of 2005, when the member states agreed to cooperate in the fight against human trafficking and organ smuggling. A year later, in November 2006, the heads of the eight CIS countries (Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Ukraine) adopted the *Programme of Cooperation of the Commonwealth of Independent States in Combating Trafficking in Human Beings for 2007 - 2010*. This agreement supported the implementation of the 2005 agreement and was meant to “facilitate efficient cooperation at sub-regional level for the prevention and suppression of trafficking in persons and the rehabilitation of victims” (OHCHR 2010, 10). In April 2008, the Inter-parliamentary Assembly of the CIS member states presented two model laws, *On combating trafficking in human beings* and *On Assistance to Victims of Trafficking in Human Beings*, in an attempt to synchronize the laws in the CIS countries (Mukomel 2013). However, every country in the region had already adopted a policy on trafficking by the time this meeting was held, with the exception of Russia, so the effectiveness of these documents and this cooperation in general is seen as questionable.

Conclusion

This chapter has examined the policies that exist in the post-Soviet region and traces their development from 1998 to 2013. It has examined the patterns of policy diffusion in the post-Soviet region related to human trafficking policies. From this analysis it is clear that there are a variety of approaches taken to solve the problem of human trafficking in the post-Soviet region. Some countries such as Ukraine, Belarus, Latvia, and Lithuania were quicker to adopt policies than other countries like Uzbekistan and Turkmenistan. Also, these policies were adopted in a fairly short amount of time and, from 1998 to 2013, 102 policies on human trafficking were adopted in this region as a whole.

My analysis demonstrates that all of the governments have fulfilled some of the obligations set forth in the Palermo Protocol and formulated laws and policies to combat human trafficking within the region. The first policy in the region on human trafficking was adopted in 1998 and, within 10 years, every country had a criminal code article making trafficking illegal. Thus, human trafficking policy in the post-Soviet region is a policy outbreak and not incremental adoption as categorized by Boushey (2010), with 100% adoption rate of the criminal code within 10 years. While all of the countries in the region have criminalized human trafficking, Estonia, Russia, and Turkmenistan still lack laws concerning trafficking victims' assistance and rehabilitation programs. This chapter also positions the development of policy in the case study chapters within the context of policy development in the region as a whole. In addition to analyzing the types of policies and their evolution, this chapter provides a regional standard with which to compare each country's policy developments as well as the background information on policy development and how these policies diffused within the region.

Chapter Three: Ukraine the Early Innovator

Yuliana¹⁶ was born in Moldova but spent most of her life in state orphanages in the Southern part of Ukraine. After graduating from the orphanage, she looked for a variety of jobs to support her brother but ended up being trafficked into domestic servitude after accepting a housekeeping job with a wealthy Roma family. After months in captivity, the family made their way to Russia where Yuliana's documents were not in order and she was freed. After receiving rehabilitation services in Kyiv, she began applying to obtain the victim of trafficking status from the government, a new policy adopted by the Ukrainian government in 2011. As a citizen of Moldova who was now on the radar of the Ukrainian government, she needed to obtain the victim of trafficking status to be able to remain in Ukraine. In order to obtain this status, she had to travel back to her birth village and the site of her exploitation, 12 hours away by train in Southern Ukraine, to file the paperwork. She had to make numerous trips to her village in order to fill out paperwork, identify her traffickers, provide testimony for the police investigation, sign paperwork, and testify against her traffickers. The process for application was very unclear and she had to visit numerous government agencies including lawyers, social workers, and police in order to navigate the ambiguous application process. After weeks of travel and document preparation, she was the first person in Ukraine to obtain the victim of trafficking status in January 2012. The granting of this status meant that she was able to receive a one-time monetary payment from the Ukrainian government, which, after numerous tries by the NGO that was assisting her, was never obtained. According to the new law, she was also able to apply for a temporary residence permit in Ukraine, but again repeated attempts to obtain a residency permit were rebuffed by government bureaucrats who did not know what the status was, how to apply for residency with it, or how long it entitled Yuliana to stay in Ukraine. To this day Yuliana has

¹⁶ The name of the victim and any identifying information has been changed in order to protect her identity.

only the certificate stating that she is victim of trafficking to show as her legal claim of residency in Ukraine.¹⁷ This case of the first victim to obtain the government status victim of trafficking is typical and representative of the policies in Ukraine. They are adopted with big fanfare, but the actual implementation and application of these laws in the real world is very ambiguous.

On March 24, 1998, Ukraine became the first country in the post-Soviet region, and one of the first countries in the world, to pass any kind of policy related to the issue of human trafficking. The Ukrainian Parliament, the Verkhovna Rada, adopted *Article 124-1.Human Trafficking* with a number of other changes to the criminal code almost two years before any international legislation was developed on the issue of human trafficking. While this additional article to the criminal code made human trafficking illegal in Ukraine, it was not until 2011 that the Ukrainian government passed a comprehensive law aimed at systematically combatting human trafficking and rehabilitating victims of this crime. Ukraine signed the Palermo Protocol on November 15, 2001 and then ratified it on May 21, 2004. However, it took ten years after signing the convention and seven years after adopting it for the Ukrainian government to adopt legislation satisfying the obligations set forth in this protocol.

Why did it take Ukraine so long to adopt an encompassing human trafficking policy when it was once a leader in the region and the world? To answer this question, I examine the development and evolution of human trafficking policy in Ukraine through the main themes related to policy adoption. This chapter is based on eight months of fieldwork in Ukraine from September 2012 to April 2013. I utilize data from interviews, participant observation, and supplementary archival work at parliamentary and organizational archives. I conducted forty-nine interviews in Ukraine; 16 with government officials, 18 with civil society organizations, six with academics and journalists, and nine with international partners. The interviews were

¹⁷ Lena, civil society representative, email correspondence, April, 2014, Ukraine.

conducted in 12 of the 24 oblasts of Ukraine to account for regional variations throughout the country. Participant observation was also conducted at 18 different anti-trafficking organizations around Ukraine. I also gathered data through archival work at different organizations, archives and libraries throughout Ukraine including the following: International Organization for Migration, The International Women's Rights Center La Strada Ukraine, the Kharkiv Center for Gender Studies, State Statistics Service of Ukraine, Central State Archives of Supreme Bodies of Power and Government of Ukraine, and the Institute of the Verkhovna Rada of Ukraine. Based on this data and the existent literature, the interviews were coded for the main themes pertaining to policy adoption in Ukraine.¹⁸ The main themes include corruption, level of democracy, state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, European influence, US influence, and regional policy networks. These themes demonstrate the reasons for policy adoption in Ukraine and determine if it was due to internal determinants or external pressures. The laws and policies also reveal the formation of anti-trafficking institutions in Ukraine that work to adopt and implement anti-trafficking policies.

There are a number of studies that examine trafficking in Ukraine, but few of them look at policy adoption. Many of them focus on the situation of trafficking in Ukraine and the characteristics and scope of the problem (Denisova 2004; IOM 2003; Surtees 2008; IOM 2011; IOM 2012b), which is discussed below. Other studies evaluate government responses to trafficking victims (Solkner 2008), seek to predict trafficking trends with survey data (Ball and Hampton 2009), analyze trafficking awareness (Volosevych 2011), or examine power

¹⁸ The interview coding began with a list of predetermined codes from the existent literature. Then, codes were added that emerged from the data in the interviews and participant observation. The coding was aimed at determining the main themes pertaining to policy adoption. Elements that facilitated and inhibited policy adoption were included. Themes that emerged in some of the cases studies but not others were also included and are described in the dissertation.

relationships between anti-trafficking professionals and trafficking victims (Shapkina 2010). Some studies focus on the laws and policies, but many of these are descriptive (Davydovych and Subotenko 2013), seek to evaluate the laws and policies (Levchenko 2012), or offer recommendations on how to improve policy (Ivaschenko-Stadnik 2013). While these studies add to the literature and expand knowledge of the trafficking problem, there are few that focus specifically on the determinants of human trafficking policy adoption.

Ukraine is an interesting case study because it was a leader in the world with respect to human trafficking policy in 1998 and then, by 2011, it lagged behind most of its neighboring countries. In this chapter, I will seek to trace the development of human trafficking policy in Ukraine through policy adoption themes, in order to determine why there was such a long period of time in between the adoption of one piece of legislation and the fulfillment of their international commitments. The chapter begins by outlining the characteristics of human trafficking in Ukraine and the scope of the problem. Then, I present an analysis of policy development through the determinants of policy adoption in Ukraine. A number of anti-trafficking institutions have developed to combat trafficking or to implement these policies. An analysis of the effectiveness of these institutions is also presented and the chapter concludes with a summary of the findings.

Characteristics of Human Trafficking in Ukraine

Ukraine is seen as a significant source country for human trafficking (Hughes 2000; Hughes and Denisova 2004; Pyschulina 2003). The Global Slavery Index estimates that up to 110,000-120,000 Ukrainians are enslaved today, .2% of the population of Ukraine (2013). This projection puts Ukraine in 86th place in the world out of 160 countries for its prevalence of modern slavery. In 2013, Ukraine was also downgraded from Tier Two to Tier Two Watch List

in the U.S. State Department's Trafficking in Persons Report because the Ukrainian government did not allocate enough resources to trafficking investigations and victim protection (TIP 2013, 373). Ukraine is categorized as a source, transit, and increasingly a destination country for human trafficking of men, women, and children (TIP 2013). Moreover, according to the International Organization for Migration, Ukraine remains one of the main countries of origin for victims of trafficking (2011). Gender inequality, large scale external labor migration, corruption, inefficient law enforcement, lack of trafficking awareness among in the population, and stigmatization of victims are all recognized as push factors for human trafficking (Gerasymenko 2011). Respondents in one survey identified political instability with Ukrainian independence in 1991, economic transition issues, the low level of public morality with the increase of violence against women, and the introduction of pornography and prostitution into the country after independence as the main reasons for human trafficking in Ukraine (Denisova 2004).

Forced labor, sex trafficking, and child begging are all different types of trafficking that occur within the country of Ukraine. A number of industries have been identified as being involved in forced labor including construction, agriculture, manufacturing, domestic work, lumber, and nursing (TIP 2013). In the 1990s and 2000s, the majority of trafficking victims from Ukraine were young women ages 15-24 (IOM 2011). In 2008, the number of people trafficked for labor exploitation exceeded the number trafficked for sexual exploitation, marking a change in the type of victims and expanding at-risk groups for trafficking to include men of all ages and children (IOM 2011). In fact, in 2011 and 2012, the majority of trafficking victims rehabilitated by the IOM in Ukraine were male victims of forced labor (IOM 2012a). Minor trafficking has also increased significantly in Ukraine in recent years. While most of the minor trafficking cases are sex trafficking and forced begging cases, minors have also been victimized in forced labor

and organ removal (Gerasymenko 2011). Orphanages and crisis centers are also places where children are vulnerable to human trafficking (TIP 2013). Ukrainians are trafficked to other countries, such as Russia (39 %), Turkey (13%), and Poland (14%) (IOM 2012a). These descriptive statistics gathered by the IOM are only representative of identified victims, but still, they seek to demonstrate how trafficking in Ukraine differs from trafficking in Latvia and Russia, the other two case studies. One thing that is surprising is that the majority of victims were identified by non-governmental organizations with only a third identified by law enforcement (Gerasymenko 2011).

Ukrainian Policy Development

Ukraine was one of the first countries in the world to adopt a human trafficking policy in 1998. Since that time they have adopted 11 policy changes including changes to the criminal code, numerous national action plans in the 2000s, decrees by the Cabinet of Ministers, a national law in 2011, and numerous other policies adopted in between. Earlier criminal code articles made human trafficking illegal in Ukraine by helping ensure that traffickers could be brought to justice but these articles were never intended to help the victims.¹⁹ There was also a focus in early legislation on female sex trafficking victims and not all types of trafficking²⁰ but as the legislation progresses this emphasis seems to dissipate. The 2011 national law was seen as the crowning achievement for trafficking policy adoption because it standardized Ukrainian legislation and made it all encompassing by having all the laws related to combatting human trafficking in one place.²¹ In fact, human trafficking is now included as a strategic direction of state migration policy (Davydovych and Subotenko 2013).

¹⁹ Lidiya, civil society representative, personal interview, December, 2012, Ukraine.

²⁰ Alisa, government official, personal interview, April, 2013, Ukraine.

²¹ Vitaly, government official, personal interview, August, 2013, Ukraine.

Table 3.1: Human Trafficking Policy Development in Ukraine

Date	Name of Policy	Description
March 24, 1998	Amendment to the criminal code Article 124-1	Made exploitation across borders illegal with or without the persons consent illegal in Ukraine.
September 25, 1999	<i>The Program for the Prevention of Trafficking in Women and Children</i> Decree of the Ukrainian Cabinet of Ministers No. 1768	Program aimed at improving existing legislation, cooperation with government officials, prevention campaigns, and rehabilitation for victims.
April 5, 2001	Amendments to the criminal code Article 149 <i>Trafficking in Persons and Other Illegal Agreements Regarding the Transfer of an Individual</i>	Changed from number 124-1 to 149 and changed the definition of trafficking to only include transportation of an individual across the state boarder of Ukraine (internal trafficking was not covered).
November 15, 2001	Ukraine signed the Palermo Protocol	
June 5, 2002	<i>Complex Program on Anti-Trafficking in Human Beings 2002-2005</i>	A continuation of the first program using the protection, prevention, prosecution framework set for by the Palermo Protocol.
December 25, 2002	Cabinet of Ministers Resolution on the <i>Establishment of the Interagency Coordinating Council for Combating Trafficking in Human Beings</i>	Established the council, outlined their activities more specifically, and also set forth the membership of the committee.
June 27, 2003	Cabinet of Ministers decree <i>Establishing Standard Rules for a Rehabilitation Center for Trafficked Persons</i>	Established the rules to regulate rehabilitation centers.
May 21, 2004	Ukraine ratified the Palermo Protocol	
November 17, 2005	Signed the Council of Europe <i>Convention of Action against Trafficking in Human Beings</i>	

January 12, 2006	Amendments to the criminal code Article 149	Outlined a new definition for human trafficking with the same verbiage as the protocol.
March 7, 2007	<i>State Programme on Combating Trafficking in Human Beings to 2010</i>	A continuation of the second program focused on outreach, prevention campaigns, and rehabilitation for victims.
September 5, 2007	Resolution of the Cabinet of Ministers of Ukraine “Provision on the Interagency Board on Family, Gender Equality, Demographic Development and Combating Human Trafficking” No. 1087	Re-established a working group of different government agencies.
November 29, 2010	Ukraine ratified the Council of Europe <i>Convention of Action against Trafficking in Human Beings</i>	
September 20, 2011	Law of Ukraine on Combating Trafficking in Human Beings	Established a unified framework for prevention, rehabilitation and combatting human trafficking in Ukraine.
January 18, 2012	Regulation of the Ukrainian Cabinet of Ministers “On national coordinator in the field of combat against human trafficking” No. 29	Re-established the national coordinator after administrative reforms dissolved the previous coordinator.
March 21, 2012	<i>State Targeted Social Programme on Combating Trafficking in Human Beings or the period until 2015</i>	Continuation of previous program. Identified more concrete anti-trafficking stakeholders within the government.
May 23, 2012	On approval of the Procedure for the declaration of the status of a victim of trafficking in human beings	Outlined the new procedures for being recognized as a victim of human trafficking and receive the one-time monetary payment.
August 22, 2012	On approval of the Procedure for interaction of agents for combating trafficking in human beings.	Known as the National Referral Mechanism (NRM), promotes cooperation between government entities aimed at combatting trafficking in human beings

Analysis of Policy Development Themes

The previous section demonstrated how Ukrainian policies related to human trafficking have developed from the adoption of the first policy in 1998 to 2013. Through this policy development, a number of themes have emerged that demonstrate the determinants of policy adoption in Ukraine. This section will highlight the themes that have surfaced, including corruption, level of democracy, state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, European influence, US influence, and regional policy networks. These themes will then be compared to the other two cases of Latvia and Russia in the cross-case comparison in Chapter Eight.

Corruption

Corruption was a factor mentioned by several respondents in passing and by others as the single biggest impediment to the successful implementation of these policies. Alisa, a government official, said, “through human trafficking we are introduced not only to the problems of migration, poverty, trafficking of weapons and drugs but also to the global problem of corruption.”²² Vague wording in Ukrainian laws provided no clarification on basic definitions of labor and sexual exploitation, which allowed for many interpretations and left the article open for abuse and corruption (Pyshchulina 2006). Yaroslav, a regional government official, also discussed the lack of clear measures to ensure the 2011 law’s implementation, especially concerning corruption, and the lack of money, clear regulations, and cooperation between different authorities.²³ Corruption was also mentioned in reference to obtaining the victim of trafficking status. Olya, director of a regional NGO, said it was odd that people would be able to

²² Alisa, government official, personal interview, April, 2013, Ukraine.

²³ Yaroslav, government official, personal interview, March, 2013, Ukraine.

obtain the status of victims, yet the police were not able to find enough evidence to open a criminal investigation against the alleged trafficker. She asked, “this means that certain government officials see human trafficking but the police do not?”²⁴ Despite these references to the connection between corruption and human trafficking, corruption was mentioned as a moderate impediment to policy adoption.

Level of Democracy

The lack of democracy with the Viktor Yanukovich regime was seen as both an impediment and stimulant to policy adoption at different times during the policy development process in Ukraine. Olena, an international organization representative said that the President controlled everything within the ministries on issues related to the visa-free regime, as it was a high priority for Ukraine leading up the parliamentary elections of 2012.²⁵ Thus, the President saw the adoption of this trafficking legislation as a step to visa-free travel, which could help his party win votes in the upcoming election. Another respondent said that it was not just the President but the party leader who influenced policy adoption, since policy circles in Ukraine are more rigid than they were in the U.S. because they are based on a vertical party structure. She said “we could influence different levels of deputies, but this produces no result because we do not know how to get our issues on the agenda of the party leader.”²⁶ Still, Svitlana, an international organization representative, said that the power for policy adoption was with the President, the people, and then parliament: “It’s a lawmaking practice here in Ukraine. It’s either the President or the people who are saying something through the parliamentary hearings. Then parliament, having heard the people and considered that the statistics on human trafficking

²⁴ Olya, civil society representative, personal interview, April, 2013, Ukraine.

²⁵ Olena, international partner, personal interview, November, 2012, Ukraine.

²⁶ Olya, civil society representative, personal interview, April, 2013, Ukraine.

decided that draft laws needed to be developed.”²⁷ This discussion illuminates the numerous ways policies were adopted in Ukraine. They were not just dictated by the President or executive branch, but instead the issue salience or external pressure influenced different types of policymakers to adopt anti-trafficking policy. Therefore, in the Ukrainian case, the level of democracy was a moderate influence on policy adoption.

State Commitment to Anti-trafficking Efforts

The Ukrainian government was integral to facilitating the adoption of the 2011 law, thus, their influence on human trafficking policy development can be seen in the later years of the analysis. The Ministry of Family, Youth, and Sports circulated a draft of the law to the ministries that dealt with human trafficking, such as the Ministry of Justice and Ministry of Interior. Then these ministries added their amendments and revisions to the draft law, and it was circulated again with these new changes.²⁸ The final draft was then forwarded to the Cabinet of Ministers, who took no action on this law for a considerable amount of time. During this time, the Ministry of Family, Youth, and Sports was dissolved due to another administrative reform in December 2010, and, since that was the main ministry tasked with implementing the law, the adoption process came to a standstill. Given the administrative reforms and the stall tactics of the Cabinet of Ministers, government bureaucrats in the executive branch decided to circumvent the Cabinet and went straight to parliament. Normally, legislation of this kind would originate from the Cabinet of Ministers. However, since it was taking such a long time to get this legislation off the ground and the fact that there was no clear successor to the Ministry of Family, Youth, and Sports that would deal with human trafficking within the ministries, going through parliament seemed like the only viable option. Despite this, Pyschulina (2005) questions the Ukrainian

²⁷ Svitlana, international partner, personal interview, August, 2013, Ukraine.

²⁸ Olena, international partner, personal interview, November, 2012, Ukraine.

government's commitment to human trafficking policy as many of the programs would not exist without external funding and implementation assistance from international donors. Ivaschenko-Stadnik (2013) also questions the government's commitment to implementing policy because she believes that former President Yanukovich was interested in adopting human trafficking policies as a symbolic gesture to increase the visibility of Ukraine's commitment to international migration policies like the Palermo Protocol and the Council of Europe Convention. State commitment can be seen a significant influence on the development of human trafficking policy.

State Capacity

State capacity and economic development were two elements mentioned by a number of respondents as factors influencing human trafficking policy in Ukraine. The lack of financial support devoted to the state programs in 2002 and 2010 was mentioned as an impediment to policy development above. Additionally, a number of respondents discussed the reliance on international funding and lack of commitment by the Ukrainian government with the issue of trafficking when it came to implementing the policy. Olya acknowledged that funding was the reason for the legislative gap and delay in the adoption of complete legislation on human trafficking in Ukraine.²⁹ The financial assistance to victims with rehabilitation was the cornerstone of the 2011 law, and the financial situation is still very serious, as the amount is not codified in policy.³⁰ Consequently, it is considered on a yearly basis by the government budget and subject to the political and economic climate in Ukraine. There are also issues with state capacity at the oblast level because some oblasts, such as Kharkiv, devote more money (around \$2,000 USD) to fighting trafficking compared to other oblasts such as Zhytomyr (\$200 USD). Consequently, there is an uneven application of the law throughout Ukraine, as the wealthier

²⁹ Olya, civil society representative, personal interview, April, 2013, Ukraine.

³⁰ Olya, civil society representative, personal interview, April, 2013, Ukraine.

oblasts devote more money to prevention and education campaigns than others. The final issue of capacity that was discussed was the need for more government employees at the Ministry of Social Policy on the national and regional levels. There are only four people in the Department of Gender Policy, Combating Human Trafficking and Protection of the Rights of Deportees (formerly Department of Gender Policy and Children's Health) at the Ministry of Social Policy, and human trafficking is only one of the many issues that they work with along with domestic violence, gender equality, and large families.³¹ On the oblast level, in the Department of Family, Youth and Sports of the Regional Administration, there are even fewer people devoted to this issue and usually they handle just as many issues. According to government sources, this Department was also reorganized in July 2013 under the Social Defense of the Population Department.³²

Interest Group Influence

Non-governmental and international organizations' influence on policy adoption was the third most frequent response when interviewees were asked why human trafficking policies were adopted in Ukraine. They are also mentioned frequently during the policy development process as one of the major stakeholders concerning human trafficking policy. Anti-trafficking non-governmental organizations have operated in many oblasts around Ukraine since the late 1990s, and some oblasts even have more than one active NGO devoted to this issue. The work up to the initial additions to the criminal code in 1998 was spearheaded by international organizations and non-governmental organizations (Ivaschenko-Stadnik 2013). The International Organization for Migration, Organization for Security and Cooperation in Europe, and International Women's Rights Center La Strada also helped form a working group together with representatives from the

³¹ Galina, government official, personal interview, March, 2013, Ukraine.

³² Hanna, government official, email correspondence, April, 2014, Ukraine.

Ministry of Family, Youth, and Sports in late 2008 to begin preparing a new law on human trafficking.³³ Consequently, these organizations have been integral in lobbying for policy change in Ukraine. The IOM has a network of 28 reintegration partners, NGOs around Ukraine that provide rehabilitation and reintegration services to victims.³⁴ These are mostly service providers and, since they work on the regional level, most of their political lobbying is focused on that level of government. La Strada also has a group of NGOs in the regions that they work with: a list that partially overlaps the IOM integration list, but again these NGOs are focused on the regional level. Only the IOM and La Strada operate on the national level and attempt to influence legislation and policymaking. However, because they are national level affiliates of international organizations they lack nation-wide influence as they do not have member offices at the regional and local levels. The NGOs in the regions operate as their affiliates, but they differ from interest groups because they do not have member-based participation.

With this in mind, the IOM supported a project that established the All-Ukrainian Counter-Trafficking NGO Coalition, with 75 organizations around Ukraine who work with the issue of human trafficking.³⁵ This includes the 28 NGOs who provide assistance to victims. The goal of the coalition is to unite NGOs across Ukraine that work on the local and regional levels in order to create a unified coalition with national reach and influence (USAID 2012, 10). They signed a memorandum of understanding with the Ministry of Social Policy in 2013, have a chairwoman and board members from different organizations around Ukraine, and a plan of action for how they can lobby the government.³⁶ The establishment of this coalition marked a significant achievement for the development of human trafficking interest groups in Ukraine.

³³ Anna, civil society representative, personal interview, November, 2012, Ukraine.

³⁴ Olena, international partner, personal interview, November, 2012, Ukraine.

³⁵ Yana, civil society representative, personal interview, March, 2013, Ukraine.

³⁶ Yana, civil society representative, personal interview, March, 2013, Ukraine.

Instead of operating in isolation, lobbying their local officials in isolation, they can now expand their influence to the national level and have nation-wide support of their efforts. The memorandum of understanding also ensures that their voices will be heard with future policy development. The emergence of this coalition, and the perceived influence it will wield, further demonstrate the influence of these interest groups in the development of policy initiatives. Although the influence and cooperation of interest groups in anti-trafficking policy development was explained above, the NGOs feel that this influence is minimal because they still do not receive financial support from the government. Olya said, “We could spend a lot of time and money on lobbying the regional council and administration, but they treat us like we are a charity and not a public organization that consults and trains officials in the government.”³⁷ According to the law of Ukraine, the government is also unable to contract out services to the NGOs, such as training and rehabilitation services, so many of the services they provide in Ukraine are supported by international donors. The NGO coalition is hoping that they will be able to lobby and change this in the future. Lidiya, director of a regional NGO that is a member of the coalition declared that, “if all European countries and members of the OSCE will choose human rights, including combating human trafficking and helping victims, then our coalition will help our government correct our policy to combat trafficking.”³⁸

Policy Entrepreneurs

A number of policy entrepreneurs helped bring the issue of trafficking to the government’s attention. In the Ukrainian case these people and organizations proved integral in facilitating the adoption of trafficking policies even if their work has sometimes been obfuscated in the literature by authors arguing that human trafficking policy adoption is only undertaken to

³⁷ Olya, civil society representative, personal interview, April, 2013, Ukraine.

³⁸ Lidiya, civil society representative, personal interview, December, 2012, Ukraine.

satisfy international commitments set forth by the Palermo Protocol. However, the Ukrainian case demonstrates that issue salience, coupled with a policy entrepreneur, was the reason for the first policy adoption in that country and that Ukraine satisfied most of its international commitments before they existed. The policy adoption for the law in 2011 also demonstrates that it was European commitments, and not the need to satisfy international commitments in the Palermo Protocol, that sparked policy adoption. Even if external commitments are the reason for policy adoption, unless the legislation is decreed it still takes policy entrepreneurs within the policy subsystem to push for the adoption of trafficking policy.

For example, news of these high profile cases came across the desk of Nina Karpachova, the Deputy Chairman of the Committee for Human Rights, National Minorities, and International Relations of the Verkhovna Rada,³⁹ who decided that Ukraine needed to take steps to make this crime illegal within its borders (Karpachova 2002). Leading up to the 1998 criminal code adoption, Karpachova gave reports on human trafficking to the Verkhovna Rada in an effort to rally support behind the criminal code amendment on human trafficking, and the amendment was adopted in 1998.⁴⁰ There was opposition to the inclusion of this article in the new criminal code in 2001 as well and in the first drafts of the new code it was excluded.⁴¹ Then, Karpachova Commissioner of the Verkhovna Rada on Human Rights at the time, spoke with the President of the Parliamentary Assembly for the Organization for Security and Cooperation in Europe and the Director of the Office for Democratic Institutions and Human Rights, who in turn wrote a letter to the Speaker of the Ukrainian Parliament on the importance of the inclusion of this article in the code.⁴² Article 149 was included in the criminal code, and it was voted on as a whole by the

³⁹ Alisa, government official, personal interview, April, 2013, Ukraine.

⁴⁰ Alisa, government official, personal interview, April, 2013, Ukraine.

⁴¹ Alisa, government official, personal interview, April, 2013, Ukraine.

⁴² Alisa, government official, personal interview, April, 2013, Ukraine.

parliament with no further objection.⁴³ The 2001 changes to the criminal code demonstrate evidence of pressure from the international community in the policy adoption process. Thus, at first glance it appears that the impetus for policy adoption was pressure from the international community, but a closer inspection of the process and interviews with key actors involved revealed that this pressure was spurred by Karpachova, a policy entrepreneur within Ukraine.

The International Organization for Migration, La Strada, OSCE, and non-governmental organizations were mentioned by a number of respondents as policy entrepreneurs, pushing for the development of new policy. The Ministry of Social Policy was also credited with urging the policy adoption by a number of respondents. Thoughts on Oleg Zarubinsky, who introduced the 2011 draft *Law on Trafficking in Persons* into parliament, were mixed, and some respondents argued that he was just a place holder to introduce the legislation chosen by the Presidential administration, as he was Chairman for the Parliamentary Committee on Human Rights and National Minorities, and in the previous parliament he was Deputy Chairman of the Committee for European Integration, so he seemed like a European-minded deputy.⁴⁴ Lidiya even named former President Viktor Yanukovich as a person who was instrumental in Donetsk, urging the training of police and helping the non-governmental organization with office space;⁴⁵ another respondent said the executive branch was particularly engaged in this issue.⁴⁶ Many respondents spoke about the personal factor of making policy implementation and adoption work in Ukraine and why policies are adopted in one country but not another. These policy entrepreneurs in Ukraine influenced policy development in their country with respect to human trafficking, and could possibly be the difference between a successful policy and symbolic policy.

⁴³Alisa, government official, personal interview, April, 2013, Ukraine.

⁴⁴Olena, international partner, personal interview, November, 2012, Ukraine.

⁴⁵Lidiya, civil society representative, personal interview, December, 2012, Ukraine.

⁴⁶Kostya, government official, personal interview, April, 2013, Ukraine.

Bureaucratic Influence

The influence of bureaucracy is a factor that many respondents discussed as an impediment to policy adoption. The main implementing agency for human trafficking policy changed four different times since the first legislation was adopted in 1998 to 2013. Administrative reforms dissolved the Ministry of Family, Youth, and Sports and moved anti-trafficking to the Ministry of Social Policy in 2011. On the national level, many of the personnel simply moved over to the new ministry, but on the local and regional levels there was a complete overhaul of personnel working in the area of anti-trafficking.⁴⁷ Policy adoption was delayed with the 2011 law due to this restructuring, and numerous policies had to be amended in order to accommodate these bureaucratic changes. According to La Strada, the restructuring of administrative reforms left anti-trafficking, prevention, and victim assistance programs with no central operating institution, demonstrating the lack of clear policy implementation on human trafficking (2011).

The Ministry of Interior, the agency assigned with investigating the law saw, also saw a significant overhaul with its 2011 bureaucratic reorganization. The anti-trafficking police unit, once an independent unit, was moved to be a subordinated unit in the General Crimes Department (TIP 2013). As a result, “following this change, many detectives trained in specialized anti-trafficking investigation techniques left the unit; the majority of detectives in the regions were new and had little experience with trafficking crimes, and a reduced percentage of time was spent on investigating trafficking offenses” (TIP 2013). Additionally, the number of detectives in the Interior Ministry’s headquarters went from 70 in 2010, to 16 in 2012, while the number in the regions was cut by 50% (TIP 2013). Viktoriya, a regional NGO director, said police turnover was a product of the “very high corruption in the police and those police officers

⁴⁷ Olena, international partner, personal interview, November, 2012, Ukraine.

who do not fit into this system of corruption, they are forced to leave. Because the official salary is very low, it is impossible to live rent an apartment, eat, so they need to take bribes from addicts, with drunks, etc. And if they do not take bribes, then they are forced to leave.”⁴⁸ This restructuring of not only the ministries but the influx of new and untrained personnel in the two main ministries tasked with combating trafficking and rehabilitating the victims, means that implementation of these laws has been anything but easy. Kalyna an international partner said, with regards to administrative reform, “the government comes and goes and that is why there was no key role devoted to countering trafficking for almost two years and half years. Then, after the elections, the new government that won was open to the development of a new national program to counter trafficking.”⁴⁹ Despite this bureaucratic reform, most government officials are optimistic about the government’s ability to implement the laws; however, most NGOs are skeptical about implementation in the regions.

Scope of the Human Trafficking Problem

The issue of human trafficking was brought to light with a series of high profile illegal adoption cases involving foreigners from 1994-1998 (Karpachova 2002). Cases concerning the trafficking of women and children for sexual exploitation were published in the media starting in 1996 (Karpachova 2002). The salience of the issue of human trafficking in the Ukrainian media not only brought the issue to the forefront in society but also put it on the agendas of policymakers who could initiate policy changes to combat trafficking. Svitlana noted that the issue of human trafficking was discussed in parliamentary hearings, which also helped raise awareness to the issue because “after learning about the scope of the problem and statistics on

⁴⁸ Viktoriya, civil society representative, personal interview, February, 2013, Ukraine.

⁴⁹ Kalyna, international partner, personal interview, December, 2012, Ukraine.

victims in Ukraine, it was difficult to ignore that this was a problem in Ukraine, and people began to realize some kind of draft law or policy needed to be developed.”⁵⁰

The severity of trafficking and its impact on Ukraine and its citizens was the second most cited reason for the development of policy. Victims returning from abroad spurred NGOs to learn more about this issue to be able to treat survivors. Vadim, a regional government official said, “Trafficking reached such a level where people started talking about the problem. Before, there were fewer cases and the problem was not out in the open but recently victims began to come forward and speak out about the problem of trafficking. Because of this we needed laws.”⁵¹ Almost every respondent discussed the characteristics of the trafficking problem in Ukraine or cases that they had worked with or seen in the media. Thus, the scope of the trafficking problem is also inherently linked to the salience of the issue of trafficking; as the problem worsens, it is likely discussed more in the media. Since the scope of the trafficking problem is difficult to measure due to the undercover nature of the crime, stories in the media can reveal the scope of the problem as they cover trafficking cases in Ukraine. The influence of the scope of the problem and issue salience on policy development are demonstrated in human trafficking policy in Ukraine, as high profile trafficking cases in the media brought trafficking to the forefront and policymakers began to think about ways to combat the problem. For example, Nadiya who directs a regional NGO, observed:

Human trafficking is a serious problem on the international level. Unfortunately, all the solutions to combating human trafficking and rehabilitation of persons could not be solved in the framework of the criminal articles. The Law on Combating Trafficking in Human Beings includes all aspects of this problem prevention and rehabilitation. Indeed, this issue needed to be resolved at the legislative level. This is a big step for Ukraine - the adoption of the law.⁵²

⁵⁰ Svitlana, international partner, personal interview, August, 2013, Ukraine.

⁵¹ Vadim, government official, personal interview, March 2013, Ukraine.

⁵² Nadiya, civil society representative, personal interview, April, 2013, Ukraine.

Problem severity has also been linked to policy adoption in the literature (Volden 2006), as “policy innovation responds to the real world challenges” facing the country (Boushey 2010). Thus, the influence of human trafficking as a problem in Ukraine has influenced policy development significantly over the years in Ukraine and helped convince policymakers to adopt policy to combat it and rehabilitate the victims.

International Intervention

While the influence of international treaties was mentioned often in the literature as the reason countries adopt human trafficking policy, this was only mentioned by one respondent as the reason for policy adoption in Ukraine. Respondents often cited international commitments, but these commitments were to Europe and not set forth by the international community in the Palermo Protocol, since Ukraine met the requirements of this Protocol two years before it was even adopted and six years before the treaty was adopted by the Verkhovna Rada. Even though the early laws were adopted before international standards were determined, later policy adoptions were influenced by international agreements. This is evidenced in the wording of some of the policies that was taken directly from the Palermo Protocol. Pyshchulina (2005) argues that the criminal code amendments in 2001 were adopted in accordance with international standards stipulated in the Palermo Protocol more so than the previous amendments. Amendments to the criminal code in 2006 were also almost entirely based on the Palermo Protocol, as it included a new definition with the same verbiage as the Protocol (Wijers and Haveman 2006, 70). Despite the fact that Ukrainian legislation surpassed the Palermo Protocol, respondents continued to cite the need to acclimate the policies to international standards. Alina, a regional NGO director, said “We had a legal framework that was suffering, and this is why we chose to adapt our law to

international standards. It was not just to align with international standards, but because there were these systemic problems within the legal framework.”⁵³

European Influence

European influence, in connection with the visa liberalization and Council of Europe convention requirements, was cited as the reason for policy adoption by the majority of respondents. “Ukraine aspires to be part of Europe and it was understood that the state had an obligation to fulfill its commitments, so it was time to do it,”⁵⁴ said Sofiya, a regional government official. The European Commission submitted an Action Plan on Visa Liberalization to Ukraine in November 2010. Although the visa liberalization negotiations began in 2008, it was not until 2010 that Ukraine was given a clear plan of the tasks it needed to complete in order to attain a visa free regime for Ukrainian nationals for short-term travel to the EU (MFA 2012). The Action Plan requested that Ukraine develop a migration management strategy (ILO 2012) including acclimating asylum legislation to international standards and expanding judicial cooperation in organized crime, drug and human trafficking (MFA 2012). It also noted that, in addition to passing its own legislation on human trafficking, Ukraine needed to adopt the *Council of Europe Convention on Action against Trafficking in Human Beings*.⁵⁵ This liberalization plan was the impetus Ukrainian officials needed to pass additional legislation on human trafficking. Respondents used this convention to explain later policy adoptions leading up to and after the 2011 law. Ukraine signed the convention on November 17, 2005, but it did not ratify it until November 29, 2010, as a result of this external pressure.

Why did we adopt the law? Basically, when we implemented international law in Ukraine, it required that we also have a separate law and the international statistics said that we needed this law. This law also has been one aspect of Ukraine’s political

⁵³ Alina, civil society representative, personal interview, October, 2012, Ukraine.

⁵⁴ Sofiya, government official, personal interview, March, 2013, Ukraine.

⁵⁵ Olena, international partner, personal interview, November, 2012, Ukraine.

direction, a visa-free regime with the European Union. It was one of the conditions for the liberalization of the visa regime, and the result was that we adopted this law that was very necessary for Ukraine.”⁵⁶

Kostya, a national government official, saw the necessity of visa-free travel in Europe as a way to move closer to a successful dialogue with Europe and support the European model of development.⁵⁷ Therefore, many saw the adoption of human trafficking policy as another step towards European integration, which could someday lead to European Union membership. In fact, the human trafficking law was adopted in succession with a number of other migration laws in advance of the December 2011 EU Ukraine-Summit.⁵⁸

In addition to acclimating its legislation to Europe, Ukraine also took policy cues from Europe. The August 22, 2012 decree, referred to as the National Referral Mechanism (NRM), was taken from the OSCE model used in a number of countries (United Kingdom, Albania, Poland, Moldova) to facilitate cooperation among the government and civil society. Many respondents credited the OSCE office in Kyiv as the impetus for the adoption of the NRM but the OSCE office operates on a mandate from Ukrainian government and was invited to assist with the development and deployment of the NRM at the request of the Ukrainian government.⁵⁹ As such, again, from the outside it appears as though the OSCE is pushing for the adoption of this policy whereas in reality it came at the request of the Ukrainian government which was trying to achieve compliance with their European and International commitments.

In addition to the influence conveyed with the Council of Europe convention, many of the anti-trafficking projects implemented by the local Ukrainian NGOs are paid for with money from European countries. For example, the NRM was paid for by the Danish Ministry of Foreign

⁵⁶ Natalka, government official, personal interview, December, 2012, Ukraine.

⁵⁷ Kostya, government official, personal interview, April, 2013, Ukraine.

⁵⁸ Olena, international partner, personal interview, November, 2012, Ukraine.

⁵⁹ Serhiy, international partner, personal interview, November, 2013, Ukraine.

Affairs in a project titled *Strengthening national mechanisms and potential in the field of trafficking in children in Ukraine*. The European Union, British Council, Norway, Switzerland, and Ireland were also listed by respondents as sponsoring a number of different projects in the past five to six years. Ionna, a regional NGO director said, “with the help of the British Embassy and the OSCE, we began to educate people about human trafficking. The British Embassy and OSCE changed the way police investigate and are taught about human trafficking in Ukraine. Now all schools of police must offer a course on human trafficking so all of the police know about human trafficking.”⁶⁰ Although this type of influence is less overt than the requirements set forth by the Council of Europe convention, European donors can set forth stipulations of their grants and dictate the policy adoption process through monetary influence.

Respondents also identified Europe as a destination for Ukrainian victims of human trafficking. As a result, this influence with projects and pressure to adopt better policies can also be viewed as a way to stem the influx of migrants and potential trafficking victims from Ukraine to Europe.

After all, if there is demand, there will be supply. If there was no demand for Ukrainian women to work as prostitutes in Germany, then they would not go there. But there is, and so they go to places like Hamburg that have multistory brothels. Therefore, it seems to me that this is a significant problem, and countries like German cannot cope with the influx of migrants into their country. As a result there is a demand and a lot of crooks who cheat our women.⁶¹

Influence through treaties and financial assistance for anti-trafficking projects from Europe, appears to be self-interested; however, as European countries are donating money to source countries for victims of human trafficking with the hope of stemming the influx of migrants through their borders.

⁶⁰ Ionna, civil society representative, personal interview, February, 2013, Ukraine.

⁶¹ Kostya, government official, personal interview, April, 2013, Ukraine.

United States Influence

When external influence is mentioned in the trafficking literature as the impetus for policy adoption, most of the authors focus on influence from the United States and not Europe (Bartilow 2008; Cho et al. 2011). However, none of the respondents in Ukraine mentioned pressure from the United States or rankings on the TIP report influencing them to adopt human trafficking policy. For example, when I asked if the US TIP report rankings influenced policy adoption most people said that they did not really think about Ukraine's TIP report ranking.

The TIP report is quite anecdotal but diplomacy works that way. It is a diplomatic tool that is used to work with the local government. [The U.S. Embassy] talks to the widest range of possible people and verifies the numbers from the government as best they can. I don't think that all the developments that have been made are a result of the TIP report. The TIP report is only a tool which helps evaluate and assess government efforts. It is not perfect or ideal. The value of the TIP report is in the regular reporting and evaluation.⁶²

Therefore, instead of the TIP report rankings wielding significant power influencing countries, I believe the influence from the United States is much more subtle. Almost every respondent I spoke with mentioned visiting the United States on some type of US Embassy organized study tour or observational learning exchange. These visits focused on human trafficking models in the U.S. where human trafficking NGOs and government policymakers from Ukraine visited organizations around the U.S. to learn about awareness campaigns, service provider techniques, shelters, and trafficking investigations. A number of organizations discussed American Peace Corps volunteers working for them to help implement projects or provide advice, which is another example of "soft" US influence with human trafficking policy.

Overt influence can also be seen with significant US foreign aid going to anti-trafficking projects following Hillary Clinton's first visit to the country in 1998, when she was first lady.⁶³

Again almost all respondents mentioned the United States Agency for International Development

⁶² Anton, international partner, personal interview, November, 2012, Ukraine.

⁶³ Kalyna, international partner, personal interview, December, 2012, Ukraine.

(USAID) sponsored programs supporting the work of the OSCE, IOM and local NGOs. The United States and Ukraine also have a bilateral agreement to strengthen efforts against human trafficking, signed in 2011 by U.S. Secretary of State Hillary Clinton (Radio Free Europe 2011). While this bilateral agreement does not have requirements for policy adoption, like the Council of Europe convention, there is still some pressure from the United States that is covert, and influenced Ukraine to adopt better policies based on study visits and financial support for counter trafficking programs.

Regional Policy Networks

The final variable that demonstrates the determinants of policy adoption in Ukraine is regional policy networks. Ukraine's position on the border of East and West means that it is part of two regional policy networks: the European policy network with the influence of the European Union and Council of Europe, and an Eastern policy network with Russia and other countries in the Commonwealth of Independent States. Regional policy networks were not mentioned by many respondents, as something determining policy adoption in Ukraine. However, when they were mentioned, the network that was discussed was overwhelmingly European and not from the CIS. This was explained by Nataalka, a national government representative:

Maybe it's because of the political situation existing here in Ukraine. You see from the time when Ukraine initially became independent, it was focused on democratic and European values. Ukraine was not as closed as Russia and declared its openness to the West, but really, actually, for that reason, Ukraine was easier to work with on the prevention of human trafficking. Historically we have in the government political will to do something about the trafficking situation, and thank God this has played a role in policy...our politicians do not say that we have no human trafficking as Putin and his entourage contend.⁶⁴

These types of comparisons were made frequently when respondents talked about Russia and the anti-trafficking situation in that country. Larisa, a regional NGO director discussed how

⁶⁴ Nataalka, government official, personal interview, December, 2012, Ukraine.

trafficking policy and the recognition of the trafficking status were unique compared to the countries of the former Soviet Union (with the exception of Moldova), and she was proud that Ukraine had been a leader on this issue in the region.⁶⁵ Some NGOs also discussed utilizing these regional policy networks to conduct trainings in other countries such as Russia or Turkmenistan, where officials did not acknowledge human trafficking was a problem.⁶⁶ Despite these remarks on NGO cooperation, no respondents mentioned that the adoption of Ukraine's law was as a result of the CIS agreements *Programme of Cooperation of the Commonwealth of Independent States in Combating Trafficking in Human Beings for 2007 – 2010*, or the model laws *On combating trafficking in human beings* and *On Assistance to Victims of Trafficking in Human Beings*. Instead, most respondents when they did mention the CIS countries, discussed the trafficking situation in that country or the return of Ukrainian victims from that country.

Ukrainian Anti-trafficking Institutions

Emerging from the human trafficking policies adopted in Ukraine, a number of anti-trafficking institutions were created to implement these policies. These institutions include a National Coordinator, Interagency Council, specialized police units, rehabilitation center, and the victims of trafficking status. Each institution plays a part in the adoption of human trafficking policy, and this section will evaluate what role, if any these institutions play in the adoption of human trafficking policy. This section demonstrates how these anti-trafficking institutions were developed in the Ukrainian context and the findings will be used to compare the anti-trafficking institutions across all three cases in Chapter Eight.

⁶⁵ Larisa, civil society representative, personal interview, October, 2012, Ukraine.

⁶⁶ Viktoriya, civil society representative, personal interview, February, 2013, Ukraine.

National Coordinator

Currently, the Ministry of Social Policy is the national coordinator tasked with combating human trafficking and implementing human trafficking policies. However, this responsibility was first given to the Ministry of Family and Youth Affairs in 1999, when it was charged with implementing the first national program on human trafficking (UNICEF et al. 2005). The Ministry of Family and Youth Affairs was disbanded shortly after the program was adopted and reorganized as the State Committee for Family and Youth Affairs (UNICEF et al. 2005). Then the State Committee for Youth and Family Affairs, the state agency that was tasked with implementing the first national program, was also disbanded and the program was not reassigned to another committee or ministry (Pyshchulina 2003). The implementing body was again changed to the Ministry for Family, Youth and Sports, after the adoption of the third national program in 2007. This marked the third time the head organization tasked with implementing trafficking legislation in Ukraine had changed hands. The Ministry of Family, Youth, and Sports was dissolved due to another administrative reform in December 2010, and finally in 2012 the Department of Gender Policy, Combating Human Trafficking and Protection of the Rights of Deportees within the Ministry of Social Policy was named the National Coordinator.⁶⁷ This department was not created from scratch for anti-trafficking implementation but merged with other departments in the bureaucratic reforms. In the most recent *State Targeted Social Programme on Combating Trafficking in Human Beings for the period until 2015* they were named as the state contractor-coordinator and the vice-prime-minister of Ukraine was named the program manager.

⁶⁷ Natalka, government official, personal interview, November, 2012, Ukraine.

Interagency Council

Another anti-trafficking institution that was established in Ukraine through human trafficking policy development was the Interagency Coordinating Council on Combating Trafficking in Human Beings. Similar to the national coordinator, this institution and even the name of it and chairperson have changed numerous times throughout the policy development process. The first working group or council was established with the support of international organizations, non-governmental organizations, and stakeholders within the ministries in 1999 under the Commissioner for Human Rights and called the National Coordinating Council for the Prevention of trafficking under the Commissioner for Human Rights (Karpachova 2002, 220). The second national program shifted the implementation to a new agency called the Interagency Coordinating Council for the Prevention of Trafficking in Persons, which coordinated and exchanged information on anti-trafficking in human beings, included conducting seminars in the regions on the coordination of the program, as well as research on human trafficking (*Comprehensive Anti-Trafficking Programme for 2002-2005* 2002). It was unclear if this council was meant to replace the National Coordination Council established by the Ombudsmen in 1999. Sources have suggested that the two operated in tandem (Pyshchulina 2006), despite the fact that they appeared to have similar aims and probably could have been combined to increase their cooperation and effectiveness. On December 25, 2002, the Council of Ministers decreed the establishment of the Interagency Coordinating Council for the Prevention of Trafficking in Persons mentioned in the 2002-2005 program. The decree outlines specific government ministries that will participate in the council but the clause with civil society organizations states “may comprise of leading scientists, highly qualified practical specialists, representatives of public organizations and funds, including international ones” (Decree 2002). The decree also

states that the Interagency Council will meet on an as-needed basis but not less than once a quarter; however, the names of members from the ministries were not announced until June 2003 and the council did not actually meet for the first time until September 2004 (UNICEF et al. 2005).

According to the fourth program, the council is now called the *Interagency Council for Family, Gender Equality, Demographic Development, Preventing Domestic Violence and Countering Trafficking in Human Beings*. According to the policies, this council has regularly scheduled meetings but respondents told me in 2013 that there had not been a meeting since 2011, consequently, they did not meet on a regular basis.⁶⁸ Membership on this council was also unclear and respondents could confirm the membership of non-governmental organizations or international organizations in future meetings.⁶⁹ According to the policies, regional level coordinating councils should also be established. These councils were created to coordinate the implementation of human trafficking policy and facilitate cooperation between the ministries working on this issue. However, only a few oblasts I visited (Poltava, Kharkiv, Donetsk, Kherson, Chernivtsi, Sevastopol, and Ivano-Frankivsk) said that a council was established and held regular meetings. Ministry of Social Policy representatives on the local level were tasked with overseeing the councils and on the local level, non-governmental organizations were active participants.

Police Units

Police units were also created as a result of human trafficking legislation in order to combat and investigate human trafficking crimes in Ukraine. This first criminal code additions placed the task of prosecuting, investigating, and opening criminal proceedings on human

⁶⁸ Natalka, government official, personal interview, December, 2012, Ukraine.

⁶⁹ Natalka, government official, personal interview, December, 2012, Ukraine.

trafficking with the Prosecutor General's Office (UNICEF et al. 2005). Investigations were difficult with this definition because it was necessary to demonstrate the intent of the trafficker to exploit the person (UNICEF et al. 2005), and there were no commentaries or procedures published with this addition to the criminal code so it was unclear how the crime should be investigated (Pyshchulina 2003). This lack of clarity in the early definition also means that traffickers were often prosecuted under other provisions such as prostitution or pimping (Vijayarasa 2012). The criminal code additions also lacked guidelines for the application of law into practice that courts rely on for interpreting the law (Pyshchulina 2006).

The Ministry of Internal Affairs created the first special anti-trafficking unit within the police in Kyiv that focused on human trafficking crimes and prevention (Karpachova 2002). Then, a decree by the Ministry of Interior in May 2000 also designated that special units to combat trafficking should be created within the Criminal Investigation Department and also in the regional departments (Pyshchulina 2006). Amendments to the Criminal Procedure Code in 2001 reassigned the investigation duties for human trafficking crimes from the prosecutors to police investigators in these special units (Pyshchulina 2006). In 2012 the units were demoted from their own independent unit to a subdivision of General Crimes Department and then merged them with cybercrime in an administrative reform, as explained above in bureaucratic influence. Olya, with reference to the police said, “now there are two divisions [in the police] criminal investigation and cybercrime. The people are not always professional and do not have the full scope of knowledge on trafficking because they are always leaving or retiring which makes it difficult to prove and organize investigations.”⁷⁰

One result of these administrative reforms and police turnover is that, cases were prosecuted under other criminal code articles due to the lack of precedents available and the lack

⁷⁰ Olya, civil society representative, personal interview, April, 2013, Ukraine.

of experience among the police and judiciary working with these crimes (IOM 2003). Police were reluctant to investigate human trafficking crimes under the human trafficking articles, especially because the earlier policies failed to recognize trafficking within Ukraine and instead police utilized related crime definitions (Pyshchulina 2003). Iryna, a regional NGO director, noted the difficulties putting this new article into practice because the police do not recognize crimes as human trafficking and instead charge perpetrators with illegal detention or prostitution.⁷¹ This is due to the stereotypes surrounding victims, that they are not victims and knew what they were getting themselves into.⁷²

Rehabilitation Center

Another institution that was created in Ukraine as a result of human trafficking policy development was the Medical Rehabilitation Centre for trafficking victims in 2002. As victims began returning home there was a need for a center where they could go to receive support and services, therefore, the rehabilitation center was established by the IOM in Kyiv in order to meet that need. The central location in the country's capital demonstrates that it is the first stop for victim's returning home from abroad. The location in an urban area also ensures the victim's anonymity during their rehabilitation, which may be difficult to obtain in rural areas. The center provides free short term medical care and psychological assistance to victims of trafficking for up to a month. More than 2,000 of the 9,100 victim's rehabilitated by the IOM have received assistance in this center (IOM 2013b). After victims leave short term assistance, 28 reintegration partners located throughout the country facilitate reintegration assistance with services including medical, psychological, legal, and financial assistance, shelter, and vocational training (IOM 2013b).

⁷¹ Iryna, civil society representative, personal interview, February 2013, Ukraine.

⁷² Iryna, civil society representative, personal interview, February 2013, Ukraine.

Currently, local NGOs and the International Organization for Migration are the main providers of rehabilitation services to victims of trafficking. In the future, the NRM envisions that the government social service centers will take over the rehabilitation of victims. Many NGO respondents, who have the most to lose if this happens, said that these social service facilities are not good and treat all sorts of people with drug and alcohol problems, so there are no specific people devoted to working with trafficking victims. I also learned that the government shelter only helps people ages 18-35. Thus, if a victim falls above or below this age group, they cannot be treated in the government rehabilitation centers. Conversely, government officials said that they were ready to work with trafficking victims and were able to because psychologists and social workers at these centers were trained to work with clients who have been through many different situations. No matter which side of this debate is correct, it is evident that more training on how to work with victims of trafficking is necessary in these social services centers before they take over the rehabilitation programs entirely.

Victim of Trafficking Status

The last institution formed by the development of human trafficking laws in Ukraine was the development of the criteria for victim of trafficking (VOT) status. As the story at the beginning of this chapter demonstrates the process to obtain the status is unclear especially in rural areas where government employees do not see these types of cases and are unfamiliar with the process. The Cabinet of Ministers decree, *On approval of the Procedure for the declaration of the status of a victim of trafficking in human beings*, sought to detail the process that victims had to go through in order to obtain the status of a victim of human trafficking. This status entitled them to the one-time financial benefit, which was described in the 2011 law and rehabilitation services. In order to receive this status, the victim had to go to the structural

department of the state administration and present themselves as a victim of human trafficking (Decree 2012). The structural department was supposed to appoint a person to direct this process in every oblast of the country, but, by 2013, I observed that many of the regions did not have any assigned person for this role. Then, the structural department had three working days to conduct an interview with the victim and had to sign a non-disclosure statement relating to the information they receive from the victim (Decree 2012). With widespread corruption in Ukraine and the fact that victims have to apply in the municipality where they are registered, many of my interview respondents thought that this whole process was not anonymous and that the data was not secure. Then their statement is sent to Kyiv where the Department of Gender Policy, Combating Human Trafficking and Protection of the Rights of Deportees decides if the person is a victim or not. The status of victim is only given for two years but may be extended for no more than one year by the Ministry of Social Policy (Decree 2012).

A number of respondents said that mostly foreign victims are interested in obtaining the status because it will allow them to remain legally in Ukraine. Liliya, a regional NGO director said that a victim was denied the status because the person was trafficked to Russia and since the crime occurred in another country he was not eligible to obtain the status.⁷³ Lena, a national NGO representative said that “because the process is so difficult, the survivors receive no benefits, and the stigma of being labeled a victim of trafficking [her NGO] has stopped pursuing VOT status for clients unless absolutely necessary.”⁷⁴ There have been a number of people who were able to receive the status of victim; as of August 2013, 16 people were granted this status.⁷⁵ Data on the number of people denied the status of trafficking victim were unavailable from the Ministry of Social Policy. There was one high profile case where a victim was denied the status

⁷³ Liliya, civil society representative, personal interview, March, 2013, Ukraine.

⁷⁴ Lena, civil society representative, personal interview, April, 2013, Ukraine.

⁷⁵ Nina, civil society representative, personal interview, August, 2013, Ukraine.

and, with the help of La Strada, the victim took the ministry to court and won. According to the decree, this appeal should have taken a month to consider, but the Ministry of Social Policy failed to appear at the court hearings, so the proceedings took much longer (La Strada 2013). This brief analysis demonstrates that Ukrainian policies have created a number of anti-trafficking institutions and new departments within the existing bureaucracy. While some institutions are more established and effective than others, the analysis reveals how these anti-trafficking institutions were developed in the Ukrainian context that will be used to compare the anti-trafficking institutions across all three cases in Chapter Eight.

Conclusions

Since 1998, Ukraine has adopted three changes to the criminal code, four programs to combat trafficking, one law on combatting trafficking and four decrees by the Cabinet of Ministers that explain or expand upon the previous policies. This chapter has examined the eleven policy changes the country of Ukraine has taken since 1998 in an attempt to combat human trafficking. In this 15 year time period, Ukraine has adopted changes to the criminal code, national action plans, decrees by the Cabinet of Ministers and a national law of 2011. I demonstrated how each new policy differed from earlier legislation, why it was passed, and the positive and negative aspects of the policy. While the earlier changes were adopted to clarify the original criminal code additions in 1998, the changes in the late 2000s were made to satisfy the commitments set forth by the Council of Europe convention. This finding was contrary to the literature, which argues that countries adopt human trafficking policies due to international commitments from the Palermo Protocol. As a result, this case study has demonstrated that it is not really US influence, as the literature hypothesizes, that urged Ukraine to adopt this legislation, but a European one. A number of themes also emerged through the case study that

revealed the determinants of policy adoption in Ukraine. These themes included corruption, level of democracy, state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, European influence, U.S. influence, and regional policy networks. They will be ranked by order of importance and compared to the themes that emerge in the other two case studies in Chapter Eight.

Chapter Four: Latvia the Status Quo

Kristīne met an acquaintance in Latvia who said that he could help her find a job in Dublin, Ireland. When she arrived in Dublin, she was met at the airport by two Pakistani men who took her to live in a house with eight other men. Finding a job was difficult for her because she did not speak English well. After a few months, one of the Pakistani men asked if she would marry him in exchange for money. After the wedding, Kristīne was not paid, and his attitude toward her changed drastically. She was no longer able to leave the house, forbidden to have a phone or go on the internet, and beaten often. Eventually, she gave birth to a child from her husband, and she was allowed to go to the Latvian Embassy in Ireland and register the child. At the embassy, the consular officer recognized the signs of abuse and reported the crime. Kristīne was freed from her captor and returned to Latvia with the help of non-governmental organizations. Since she willingly entered into the marriage, there was little that the Irish officials could do to prosecute Kristīne's husband (TVNET 2012). When Kristīne appealed to the embassy for help, this type of crime was not new to them and was named fictitious or sham marriages, where third country nationals recruit women on Latvian social networking sites and force them into marriage in order to get EU residency rights in countries such as Ireland (Jolkina 2011). At least 300 cases of fictitious or sham marriages have come to light in Latvia since news of this crime first broke in 2009 (TVNET 2012), and the crime has been linked to sex and labor trafficking (TIP 2013, 230). The EU directive on free movement and Ireland's absence of a law against a marriages of convenience mean that Ireland is targeted for these marriages (Smyth 2009, 145). In response to this growing crime, Latvia was the first country in the EU to adopt a law making these types of marriages illegal in 2012.⁷⁶

⁷⁶ Imants, government official, personal interview, July, 2013, Latvia.

While Latvia has fewer human trafficking policy tools with three, compared to Ukraine's four, this brief story shows that Latvia was able to identify a new type of human trafficking and amend its criminal code approximately three years after the first cases were reported. In terms of problem definition and policy solution framework, this was a very fast policy response time. Why was this policy adoption in Latvia swift? Is Latvia receptive to changes in trafficking trends? Also, if Latvia is responsive to these trends, why does it have fewer policy tools than Ukraine? Latvia adopted statutes to the criminal code in 2002 and has had consistent national actions plans since 2004. They also have a number of decrees from the Cabinet of Ministers that outline victim rehabilitation services and members of the counter-trafficking working group. These adoptions were earlier than most countries in the region, but Latvia lacks a national law on human trafficking.

To answer these questions, I conducted three months of fieldwork in Latvia (May-July and one week in August 2013) with interviews, participant observation, and supplementary archival work at parliamentary and organizational archives. This chapter is also supplemented by earlier research conducted in Latvia in 2009 and 2007-2008. This fieldwork was aimed at uncovering the determinants for human trafficking policy in Latvia. A total of thirty-one interviews were conducted in Latvia: 20 with government officials, three with civil society organizations, four with academics and journalists, and four with international partners. I conducted interviews on the national and local level in two of the five regions of Latvia, in Riga, the capital of Latvia, and in Liepaja, a port city on the Baltic coast near Lithuania, in order to account for regional variation. Participant observation and archival work were also conducted at the Resource Center for Women 'Marta', one of the NGOs working on anti-trafficking issues in Latvia. I analyzed the interviews and data obtained from the participant observation and archival

work, looking for the main themes that emerged related to reasons for policy adoption. The themes include state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, U.S. influence, European influence, and regional policy networks. Using the main themes emerging out of the development and evolution of human trafficking policies in Latvia, this chapter uncovers why Latvia has adopted these policies and determines if it was due to internal determinants or external pressure. I also examine how the laws and policies laid the groundwork for the development of anti-trafficking institutions that can further policy development and future policy implementation.

There are a number of studies that examine trafficking in Latvia (Riiskjær and Nielsson 2005; Jonsson 2009; Eglitis 2002; UNODC 2010a; BISS 2005; IOM 2001; IOM 2002), but few of them look at policies. Most of them focus on the scope of the problem (Riiskjær and Nielsson 2005; IOM 2001), trafficking in Latvia in the context of the Baltic region (Jonsson 2009; UNODC 2010a; BISS 2005), or public opinion on awareness of human trafficking (IOM 2002). Those that discuss legal frameworks focus on international and regional laws or European Union frameworks within the context of the Baltic States (Caddell 2008; Osterdahl 2009; Vilks 2002). There are a few studies and government sponsored training materials that explain the laws in Latvia (Iekšlietu ministija 2007; Kalikov 2004), but most of these are descriptive of the policies and do not examine the evolution of Latvian anti-trafficking policies. A few studies evaluate different aspects of human trafficking laws such as the effectiveness of the regional trafficking response teams in Latvia (Sumarowski 2011), or the Latvian response to forced labor in human trafficking national policy (Lulle 2012), or weaknesses with the criminal code (Transnational Partnership Networking against Human Trafficking AHTNET 2007). Recent reports from the

Group of Experts on Action against Trafficking in Human Beings (GRETA) also evaluate the implementation of Latvian laws on human trafficking (GRETA 2012a; GRETA 2013).

Latvia is an interesting case study because it has three human trafficking policy tools: criminal code amendments, national action plans, and decrees; however, it does not have a national law. Despite the lack of a comprehensive national law and fewer human trafficking policy tools than Ukraine, the vast majority of respondents did not think that Latvia needed more laws on human trafficking. Therefore, Latvia at least on the surface, does more with fewer laws than Ukraine; therefore, examining this case more closely can provide some insight into the policy differences across these two cases. Latvia, as a member of the European Union, also provides an interesting context because as a member of this organization the regional policy networks could have more influence on policy adoption compared to the other case studies. The chapter begins by outlining the characteristics of human trafficking in Latvia and the scope of the problem. Then, I present an analysis of policy development that reveals the determinants of policy adoption in Latvia. The formation of anti-trafficking institutions created by these policies is also examined. The chapter concludes with a summary of the findings.

Characteristics of Human Trafficking in Latvia

Since 2002, the trafficking situation in Latvia has transformed from being a source and transit country for women and girls (TIP 2002), to a source and destination country for women and children for sex trafficking and a source country for men, women, and children for forced labor (TIP 2013, 230). The trafficking situation has changed dramatically from 2002, when only women and girls from Latvia were sent to other countries, to 2013 when men, women and now children are trafficked to and from Latvia for a variety of exploitative purposes. According to the Global Slavery Index, around 2,000 Latvian are enslaved today, putting Latvia in 131st place in

the world for human trafficking (2013). In other words, about .1% of the Latvian population is enslaved. In Latvia, the crime of human trafficking is much more female-centered, as Latvian women were victims of sex and labor trafficking to a number of West European countries including Italy, Ireland, Cyprus, Belgium, Greece, the Netherlands, Finland, the United Kingdom, and Germany (TIP 2013, 230). Trafficking within the small country of Latvia has also been reported in recent years, as well as the trafficking of children for the purposes of sex tourism (TIP 2013, 230). In addition to women and children, men in Latvia have also been victims of forced labor in Germany, Netherlands, Cyprus, Spain, and Sweden (TIP 2013, 230). The year 2007 marked a significant change in trafficking tendencies. There was a decline in the number of victims of trafficking and violent trafficking cases, especially with children, were almost eradicated (Zalcmane 2008, 203). Due to the economic downturn in 2008, there was an increase in the amount of human trafficking, prompted by women traveling abroad to engage in international prostitution (Kopsavilkums 2009). Prevention work and education initiatives aimed at target groups have positively changed the level of awareness to human trafficking in Latvian society since 2000 (Zalcmane 2008, 210). Latvia has had a number of country-wide awareness raising campaigns sponsored by international donors. One study reported that 39 percent of Latvians surveyed had noticed outdoor advertising related to human trafficking, and 29 percent noticed commercials on television (IOM 2002).

As a member of the European Union, Latvia has become more of a destination and transit country in recent years for trafficking due to sex tourism for victims from Ukraine, Belarus, and Russia (Zalcmane 2008, 208). However, the economic disparities within the EU means that Latvia is still mostly a source country for trafficking victims (TIP 2013, 230) because Latvians are immigrating to more economically prosperous countries in Western Europe. Since 2000,

estimates reveal that almost 10 percent of Latvia's population and 14 percent of its working-age population have immigrated (Hazans 2013). This had led to an increase in labor trafficking, but still awareness of this crime is limited. Despite a high profile labor trafficking case in Germany with over 300 Latvians victims, no charges were filed in the case, which "indicates that there is an underdeveloped understanding of forced labour in relation to the free movement of labour in the EU" (Lulle 2012). Latvians can legally work anywhere in the EU without a visa or work permit, so they do not have to go through the visa process in order to visit other countries or work there. However, non-citizens in Latvia, who make up 13.8 percent of the population (Baltic News Service 2013), must obtain work and residence permits to work in other EU countries (Latvian Ministry of Foreign Affairs 2014).⁷⁷ Thus, the vulnerabilities other countries face when looking to emigrate are not as prevalent in Latvia, because the opportunity for deception with the visa process is only applicable to non-citizens in Latvia. This does not mean that trafficking is less prevalent in Latvia versus other countries; it means that the nature of the crime and fraud involved differ from the other case studies in this dissertation.

These barriers to citizenship have been attributed as one of the reasons for the prevalence of Russian-speaking women in the Latvian sex industry. Eglitis argues that "the dominance of the commercial sex business by ethnic 'others' (non-Latvians) may allow Latvian-dominated political structures to cast the issue of prostitution as a juridical one and to marginalize it as not fundamental to the state and national interest" (Eglitis 2002, 223). She further contends that the "commodification has not emerged in public discourse as a social problem because prostitutes are mostly non-Latvian and clearly not mothers of the nation" (Eglitis 2002, 189). The

⁷⁷ Non-citizens of Latvia are people who moved to Latvia after 1945 when Latvia was part of the Soviet Union and chose to remain in Latvia after independence in 1991 but not obtain Latvian citizenship. Everyone whose relatives were citizens of Latvia before 1945 and resided in Latvia were automatically granted citizenship upon independence in 1991, but those who arrived after 1945 had to take a Latvian language and citizenship test to become Latvian citizens. Non-citizens are usually Russian speaking individuals from other republics in the Soviet Union.

prevalence of the Russian speaking minority in the sex business of the Baltic States has also been discussed in other publications (IOM 2001). One study contends that 90% of the prostitutes working in Riga are Russian-speaking and a Criminological Research Center survey of these women cited “the inability to find a job now that Latvian, as the official state language, is required at most places of work” as one of the reasons for economic difficulties (Stukuls 1999). Another survey estimated that three quarters of the women in the sex industry are Russian speakers, and two-thirds of these claimed to be citizens, but these citizenship assertions “give enough advantage to the non-citizens in this situation, so that some of our informants habitually lie about the fact” (IOM 2002, 264). One more recent study revealed that respondents thought that Russian women were more vulnerable to trafficking due to higher levels of poverty and lower levels of education (Smelt 2008, 239). While this study was not representative of the population as a whole, it does pose an interesting ethnic dynamic to the problem of human trafficking in Latvia.

Latvian Policy Development

Latvia’s policy development has been a gradual mix of amendments to the criminal code and then successive national anti-trafficking programs from 2002 to 2013. There have been five changes to the criminal code articles dealing with elements of human trafficking, focusing on articles *154.1 Human Trafficking* and *165.1 Sending a Person for Sexual Exploitation*, since 2003. In addition to the criminal codes, Latvia had two national programs and is currently developing its third program, which they are instead calling a strategy, a new kind of policy document.⁷⁸ Latvia had two decrees from the Cabinet of Ministers that outlined victim rehabilitation services and one law on the residency of third country victims. The progression of Latvian policy development can be found in Table 4.1. Jānis, a national government official,

⁷⁸ Maksims, government official, personal interview, June, 2013, Latvia.

categorized the policy development as “very fast, overtaking many other countries, even the old EU member states. This is both in terms of legislation and the creation of specialized prosecutors and police units to combat trafficking in human beings. In Latvia, we recognize the fight against human trafficking as a priority.”⁷⁹ This statement was reiterated by many government officials in Latvia, that human trafficking was a priority.

Even though human trafficking policy is seen as a priority by many respondents, Latvia still has fewer policy instruments on human trafficking than Ukraine. However, all but one respondent said that Latvia did not need more policies to combat human trafficking. Zanda, a national NGO representative, said “it is important that the law is not only adopted, but that it is also realized, because there is no sense in adopting 100 laws that are only on paper.”⁸⁰ Andris, a regional government official, agreed:

Latvian legislation on trafficking in human beings is quite flexible. Legislative amendments in other areas are slow and cumbersome, but in human trafficking we manage to easily adopt the amendments. Policy planning issues work quite well and are quickly arranged. For example, the sham marriage amendment was very quickly included in the criminal law. For other topics, sometimes you have to wait years until the last meeting of the Saeima [Latvian parliament] and only then it will be amended. Through the legislators, we are able to solve this problem very quickly.⁸¹

However, Inese, a national government official offered a different perspective and said that Latvia needed more laws and policies, recommended adopting new amendments to the criminal code for labor issues not related to human trafficking, like minimum wage and safer working conditions.⁸² The next section will explore the themes related to adopted of the policies listed in Table 4.1.

⁷⁹ Jānis, government official, personal interview, June, 2013, Latvia.

⁸⁰ Zanda, civil society representative, personal interview, June, 2013, Latvia.

⁸¹ Andris, government official, personal interview, June, 2013, Latvia.

⁸² Inese, government official, personal interview, July, 2013, Latvia.

Table 4.1: Human Trafficking Policy Development in Latvia

Date	Name of Policy	Description
May 18, 2000	Amendment to the criminal code <i>Article 165.1 Sending a Person for Sexual Exploitation</i>	Makes sending human beings to a foreign country for the purpose of sexual exploitation illegal.
April 25, 2002	Amendment to the criminal code <i>Article 154.1 Human Trafficking</i>	Makes human trafficking illegal.
December 10, 2002	Latvia signed the Palermo Protocol	
March 4, 2004	<i>National Programme for Prevention of Human Trafficking 2004 – 2008</i>	Removed the words “to a foreign country” in Article 154.1 and increased the sentencing guidelines in Article 165.1 from four to six years.
May 15, 2004	Latvia ratified the Palermo Protocol	
December, 16 2004	Amendments to the criminal code Articles 154.1 and 165.1	Stipulated that trafficking victims who were recognized as a victim in the criminal offense of trafficking could now receive assistance.
June 17, 2004	Amendment to the <i>Law of Social Services and Social Assistance</i>	Outlined the procedure for a person who suffered moral injury or physical suffering as a result of human trafficking.
November, 22 2005	Cabinet Regulation No. 882 on <i>Regulations Regarding Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and Requirements for Providers of Social Rehabilitation Services</i>	Outlined the procedures for being recognized as a victim of human trafficking and the guidelines for rehabilitation with social services.
October 31, 2006	<i>Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings</i>	Outlined the new procedures for being recognized as a victim of human trafficking and the guidelines for rehabilitation with social services.

May 19, 2006.	Latvia signs the Council of Europe Convention on Action against Trafficking in Human Beings	
January 25, 2007	<i>On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia</i>	Outlined the procedures for giving a temporary residence permit to third country victims of human trafficking (non-Latvian or EU citizens) and granted the reflection period.
December 13, 2007	Amendments to the criminal code 154.1 and 165.1	Increased sentencing guidelines for Articles 154.1 and 165.1 and removed the issue of consent with victims.
March 8, 2008	Latvia signs the Council of Europe Convention on Action against Trafficking in Human Beings	
August 27, 2009	<i>Programme for Prevention of Trafficking in Human Beings for 2009 – 2013</i>	Continuation of previous program. Promote the prevention of human trafficking, provide support to victims and promote cooperation.
March 3, 2010	<i>Executive Decree About the Working Group to coordinate the implementation of the Program to Combat Human Trafficking 2009 to 2013</i>	Appoints specific members to the working group and officially establishes the working group in policy.
April 5, 2011	Council of the European Union Directive 2011/36/EU On Prevention of Human Trafficking and Combating Trafficking	Sets forth minimum standards for human trafficking definitions and sentencing guidelines, as well as outline prevention and protection measures within the EU.
December 13, 2012	Amendments to the criminal code articles 58, 154.1, 154.2, 165.1, and 285.2 <i>Abusive use of providing the opportunity to obtain the legal right to stay in the Republic of Latvia or another European Union Member State, the European Economic Area or the Swiss Confederation was added</i>	Trafficking victims were not liable for crimes committed as a result of being trafficked, lowered the minimum sentencing guidelines for almost all of the trafficking offenses, probationary periods were added to sentences, and forced labor definitions were added and made sham marriages illegal.

Analysis of Policy Development Themes

Latvia took a more gradual approach than Ukraine in its human trafficking policy development. This section will examine the themes that have surfaced from the interview data, participant observation, and archival research. These themes for Latvia include state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, U.S. influence, European influence, and regional policy networks. In contrast to Ukraine, corruption and level of democracy were not themes that emerged in the fieldwork in Latvia and will not be included.

State Commitment to Anti-trafficking Efforts

A government's commitment to anti-trafficking efforts is one the biggest indicators of policy adoption. Time and time again, respondents identified political will as one the motives for human trafficking policy adoption. Aigars, a national government official, said "at the political level it was recognized that [anti-trafficking policy] was a priority. In the absence of political will, there would be no legislative changes or specialized police units."⁸³ Political will was also mentioned as a reason for policy adoption with the anti-trafficking program in 2009:

[This program] is a continuation of the first program, which means that we are moving systematically from one policy to the next policy, and everything else is secondary. Everything else is already provided in the document, but that's why we formulated a new plan, which is an inheritance or succession of the first one. There are no gaps between the policy planning documents, and, so long as we confirm with the government the fact that trafficking in human beings is a priority, it is not neglected.⁸⁴

However, there were gaps between the first program that ended in 2008 and the second program that was not adopted until August 27, 2009. Jānis, another national government official also confirmed that future programs will be adopted, as long as the issue of human trafficking is a priority for the government. There are examples in Latvian policy development where trafficking

⁸³ Aigars, government official, personal interview, June, 2013, Latvia.

⁸⁴ Jānis, government official, personal interview, June, 2013, Latvia.

policy was not on the agenda after the changes of government, such as the criminal code amendments in 2004. Therefore, even though human trafficking policy is a priority for some Latvian governments, it is unclear if this topic will continue to be a priority, which could hurt future program adoptions and cease the continuation of this policy document in the future.

State Capacity

Contrary to Ukraine, the capacity of the state and the Latvian government to implement human trafficking policies was never questioned by interviewees. Fourteen out of 17 respondents said that Latvia has the capacity to effectively implement the policies. Some added that this was possible with the help of NGOs, consular assistance, and cooperation amongst the ministries. Two respondents said that, if the government wanted to implement the policies, then they were capable of it, and one respondent deferred the question to other people who knew more about state policy. While no respondents said that Latvia did not have the capacity to implement these policies, financial support for anti-trafficking programs was discussed often. Since Latvia joined the EU in 2004, it is categorized as developed, and grants are no longer available from international donors. Grants are available from the European Union, either through the Latvian government or directly from the EU funding apparatus for NGOs. Thus, Latvian NGOs suffer from funding issues as described by Zanda:

In order to remain viable, NGOs have to be highly adaptable because everywhere the bottom line is about funding. In reality, the NGO funding can come out of projects but projects are temporary. We present the project, get some funding to finance it, but then the project comes to an end! What happens to our employees when there is nowhere to get funding? So, we have a pretty big problem! In reality, working with victim rehabilitation is not a prosperous business.⁸⁵

There are financing problems for the government, as well as the NGOs, as the issue of financing was a prevalent topic throughout the interviews and participant observation. As described above,

⁸⁵ Zanda, civil society representative, personal interview, June, 2013, Latvia.

financing from the Latvian government is varied, and both national programs had implementation problems due to lack of financial resources and commitment from the government. The first national program devoted 2.1 million LVL, but the amount given was 136,000 LVL, according to government sources (Valsts programma 2009). NGO sources contend that this number was much smaller at 54,000 LVL, and this money went to the Ministry of Welfare for the victim rehabilitation and specialist education (Zalcmane 2008, 208). The monetary allocation for the second national program was repealed when the Cabinet of Ministers adopted an addendum that eliminated the tasks requiring additional funding due to the financial situation of the country (Par Programmu cilvēku tirdzniecības novēršanai 2009).

This lack of monetary commitment to both programs on human trafficking demonstrated a pattern of policymaking in Latvia where any policies concerning human trafficking that cost money were ignored (Dean 2012). Funding from the state and international donors was limited, which, coupled with the economic crisis that hit Latvia particularly hard in 2008,⁸⁶ meant that the funding of these programs was always in flux. One report identified the biggest impediment to implementation of the program as financial because for the continuation and implementation of the remaining tasks more monetary support is needed for the program (Mūrniece 2011). Consequently, state capacity was not an issue in Latvia, but an economic commitment from the government seemed to be a more pressing issue with anti-trafficking policy development.

Interest Group Influence

Latvia basically has two NGOs that work on the issue of human trafficking: the Resource Centre for Women ‘Marta’ and the Shelter ‘Safe House’. These NGOs provided services to

⁸⁶ The Latvian financial crisis of 2008 was a result of the global financial crisis of 2008-2009. However, the crisis that hit Latvia was one of the worst in Europe and around the world. The government imposed strict austerity measures limiting public spending to 44 percent of its GDP and was eventually bailed out by the EU and International Monetary Fund at the cost of 7.5 billion euros (Asland 2013).

victims when the government could not afford to implement policies, and, as a result, the responsibility of providing these services fell to the non-governmental organizations (BISS 2005, 37), and they are both members of the anti-trafficking working group. In addition to these two NGOs, there are other stakeholders that cursorily work on the issue of human trafficking including: a couple of NGOs that work on issues of violence and sexual assault and a Women's NGOs Cooperation Network of Latvia, which is comprised of around 50 organizations working on women's issues around Latvia. This network does not participate in the anti-trafficking working group. Although they can lobby to improve policy, lobbying is mostly delegated to the main organizations that work on this issue. The International Organization for Migration Office in Riga also works on migration issues; however, in recent years, they have been focusing more on migration issues.⁸⁷

Ultimately, two main non-governmental organizations and one international organization work on anti-trafficking issues on the national level in Latvia. All of them are based in Riga but provide services throughout the country and are members of the working group. As members of the government-supported working group, they have the ability to influence and change policy as they have direct access to the government. However, there are still feelings of animosity between the government and NGOs that criticize them. "In the beginning, the program was quite clear, and our ideas were taken into consideration, but, once [the program] was passed around to the other ministries, things were taken out. One ministry said that they did not want to include our idea because it was not according to their standards, but that is why we have a national action plan, because we need to change something," Ilze, a national NGO representative, said.⁸⁸

Conversely, Ēriks a national government official said:

⁸⁷ Ivars, international partner, personal interview, June, 2013, Latvia.

⁸⁸ Ilze, civil society representative, personal interview, May, 2013, Latvia.

All the public policies are determined and coordinated by the Ministry of Interior directly. The Ministry of Interior develops the national program, and, in principle, the government is also responsible. Consequently, these people are the leaders. NGOs have a role to play and it should be taken into account that they tend to make the situation seem worse than it is. That is why in the previous evaluations of Latvia in the U.S. Tip Report were unreasonably low, because NGOs make the situation seem worse to get extra funding for themselves. To get them their money, they say that everything here is bad, that Latvia is full of victims, because they need the money and government grants.⁸⁹

This mistrust on both sides lessens the influence of the NGOs in Latvia on policymaking. There is also a lack of cooperation between the two anti-trafficking NGOs in Latvia, which stems from the fact that only one of the NGOs has the government contract to rehabilitate victims. Currently, Latvian law allows only one NGO to obtain the contract and financial support from the government to rehabilitate victims. Thus, there is competition amongst the two NGOs to obtain the contract, which results in bureaucratic problems and delays in care for the victims (TIP 2013, 231). These factors all lessen the impact that NGOs in Latvia have on policymaking and demonstrates that, even though they are members of the anti-trafficking working group with policymakers, they still struggle to make themselves heard and influence the adoption of human trafficking policy.

Policy Entrepreneurs

Latvian policy adoption is varied and appears much more linked to its membership in the European Union than it does to policy entrepreneurs as in Ukraine. In Latvia, there are no outspoken advocates of human trafficking policy, as Latvian policy development occurred more within the ministries than it did in parliament based on the types of policies that were adopted. However, the influence of the working group on policy development was significant, and a number of people discussed the importance of the working group on policy development:

The whole working group has been important in policy development in Latvia. I would not want to name any individuals specifically, because each of us in our domain do a lot.

⁸⁹ Ēriks, government official, personal interview, August, 2013, Latvia.

In my opinion, it would be incorrect to choose just one person, because if someone brings forth a problem we all work together on the issue. At the end of the meeting, we appeal to representatives of other state institutions, and they call on us to be involved in their projects. It is not that anyone is more important than another.⁹⁰

Still, when respondents were asked if there was anyone that was integral to the policymaking process in that country, most people mentioned the Ministry of Interior. Maksims, a national government official, categorized the development of Latvian anti-trafficking policy as initiated by the Ministry of Interior:

Our policy has historically developed so that all of the initiatives that need to be signed or ratified, such as the UN Convention and [Palermo] Protocol that criminalize human trafficking through amendments to the criminal law, were initiated by the Ministry of Interior. That was at the beginning. Then, the alternative [way to initiate human trafficking policy] is formulated through the decisions of the national authorities responsible for the development of the program, but the Ministry of Interior always continues to work as a key institution.⁹¹

Thus, the policy was a response to international commitments but instigated by the Ministry of Interior. Several people and organizations were identified in the interviews as important players in the policy adoption process. Lāsma Stabiņa, Senior Desk Officer in the Policy Implementation Unit at the Ministry of Interior, was mentioned by numerous respondents as the person integral in working to place anti-trafficking issues on the government agenda. Evita, a national government official said, “With Lāsma Stabiņa as the coordinator of the working group, we have a greater amount of information about current events on human trafficking and it is clear the Ministry of Interior is the main policy-maker on this issue.”⁹² Linda Mūrniece, the former Ministry of Interior who started the first anti-trafficking working group in 2002, was also mentioned for her role in the adoption of the 2004 amendments to the criminal code. One of the main goals of the first national program was to insert changes into the criminal code, but no

⁹⁰ Zanda, civil society representative, personal interview, June, 2013, Latvia.

⁹¹ Maksims, government official, personal interview, June, 2013, Latvia.

⁹² Evita, government official, email correspondence, September, 2013, Latvia.

changes were presented. These amendments were supposed to be coordinated at the Ministry of Interior, but, instead, a member of the Saeima, Linda Mūrniece, introduced the changes.

Dimitrijs Trofimovs, the Director of the Sectoral Policy Department at the Ministry of Interior, was also mentioned. Other members from the working group were mentioned as well, such as the former chief of the Third Unit for the Fight against Human Trafficking and Pimping, Arturs Vaišļa; Prosecutor of Specialized Prosecution Office to Combat Organized Crime, Aivars Bergmanis; Chief Prosecutor in the city of Liepāja, Atis Dzērvēns; and representatives from the two NGOs that work with human trafficking the Shelter ‘Safe House’ and the Resource Centre for Women ‘Marta’. Even the U.S. Embassy was mentioned as an organization that pushed for better policy with its evaluations in the TIP reports. These policy entrepreneurs inside the bureaucracy are more difficult to see than those in Ukraine, as they are not members of parliament or ombudsmen. Instead they work within the ministries and within the working group to develop Latvian anti-trafficking policy.

One factor that was continually discussed in the interviews was the mention of the personal or human factor with Latvia. Andrejs, a regional government official, said that the difference between Latvia and other countries “is the human factor, where we invest in all of society, so we are responsible for every human being.”⁹³ The small size of Latvia, with around 2 million people and an area the size of West Virginia, has helped with policy development. Turnover of people in the anti-trafficking movement and in the working group has been minimal; they have all established relationships with each other. These contacts and personal factors have led to the development of Latvian anti-trafficking policy. For example, when the problem of sham marriages was recognized, the issue was discussed at the working group. The group worked to try and solve the problem collaboratively:

⁹³ Andrejs, government official, personal interview, June, 2013, Latvia.

We have a small, compact, efficient system for combating human trafficking. People who work in this system are professionally trained, know each other, and collaborate quickly. Communication is easy. There are no written stacks of paper. All the issues are resolved quickly because this crime changes quickly. Human trafficking is changing rapidly and evolving quickly. Police, prosecutors, and legal professionals will not develop as fast as the crime, but we have to work at the maximum accelerated speed.⁹⁴

This example demonstrates the resiliency of the working group and the Latvian anti-trafficking system to changes in human trafficking. It also demonstrates the government commitment to working on the issue of human trafficking. The working group identified the problem and systematically worked to solve it, which indicates that in order to be able to develop effective policy, there needs to be people within the country willing to adopt realistic policies and fit them to the national context.

Bureaucratic Influence

Unlike Ukraine, Latvia has not had the bureaucratic restructuring of the ministries and police units related to human trafficking. Many of the people working in the ministries on the issue of human trafficking have been the same for years with a few exceptions. For instance, the police did have some turnover related to retirements, and two police officers were allegedly involved with trafficking-related complicity (TIP 2013, 231). Some respondents discussed the cumbersome nature of policy adoption and legal proceedings for trafficking cases. David, an international partner, said, “most cases in Latvia require some sort of international cooperation, so many times the legal process is so long that it can take 10 years for a case to be settled. Due to this, they seem to cut and run and take convictions for traffickers at the lower statute because they know they can get a quick conviction.”⁹⁵ A couple of sources suggested that changes in government affected policy concerning the first national program, where implementation was delayed due to a new government that did not see human trafficking as a priority (BISS 2005,

⁹⁴ Aigars, government official, personal interview, June, 2013, Latvia.

⁹⁵ David, international partner, personal interview, May, 2013, Latvia.

35). Also, stall tactics by the Ministry of Interior with the 2004 criminal code amendments prompted a member parliament to introduce the changes as described above. Another bureaucratic process mentioned by a few respondents was the application process for the Ministry of Welfare contract to rehabilitate victims. Since there are two NGOs vying for the contract, the process is always long, and this can cause a break in services to victims, since the government can withhold funding while the winner is decided. Despite these small cases where bureaucracy has impeded prosecution and victims' assistance, Latvia has not had significant problems with red tape and government bureaucracy.

Scope of the Human Trafficking Problem

The problem of human trafficking heavily influenced the adoption of policy in Ukraine, but in Latvia it played a smaller role. Awareness campaigns were conducted by NGOs, but there was still a "need for continuous government-funded anti-trafficking awareness campaigns throughout the country" (TIP 2013, 232). As a result of awareness campaigns and news stories on human trafficking, issue salience was recognized as something that led to the adoption of the first national program. Issue salience also influenced the 2012 amendments to the criminal code, making sham and fictitious marriages illegal. The crime started occurring in Latvia around 2009 and came to the forefront in 2010 after reports of this crime began to surface in the media. The Latvian government first called on Irish authorities to prevent this crime because the biggest impediment towards tackling this crime was the legislation of the individual EU member states that did not make marriages of convenience a criminal offense (Puaro 2012). Since the Latvian government had a limited capacity to deal with this cross-border problem, the human trafficking working group convened a roundtable discussion in June 2012, where they discussed the difficulties of preventing this crime (Puaro 2012). By adopting amendments to the criminal code,

Latvia became the first country in Europe to address the problem of sham marriages. The amendment made the crime illegal in Latvia and also made it possible to extradite perpetrators to Latvia in order to be charged with this crime.⁹⁶ Consequently, issue salience did help bring about two policy changes in Latvia, but it was not the main impetus for most policy developments.

International Intervention

The influence of the Palermo Protocol in Latvian policy development is significant, especially with the early changes to the criminal code. The first criminal code, Article № 165.1 that made sending human beings to a foreign country for the purpose of sexual exploitation illegal, was not influenced by this convention because it was adopted almost six months before the Palermo Protocol was signed. However, the second criminal code amendment in 2002, specifically related to human trafficking was defined almost verbatim from the definition prescribed in the Palermo Protocol.⁹⁷ This amendments to the criminal code defined human trafficking for the first time in Latvia, but it only included trafficking people outside of Latvia. The first national program was adopted in order to implement the Palermo Protocol's Article 29 Paragraph 2, and it was designed according to the United Nation's *Recommended Principles and Guidelines on Human Rights and Prevention of Trafficking in Human Beings* (GRETA 2012b, 10). The national program states that it was developed to facilitate the prevention and combating of human trafficking and identifies legal enactments of the Republic of Latvia, which require amendments to be harmonized with requirements set forth by international agreements so that

⁹⁶ Jānis, government official, personal interview, June, 2013, Latvia.

⁹⁷ This is the definition from the Palermo Protocol "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (2000).

those agreements, from the United Nations, European Union, Council of Europe, Europol and other international organizations, can be ratified (Valsts programma 2004).

Latvia adopted amendments to the criminal code related to human trafficking in April 2002, which was more than six months before it signed the Palermo Protocol in December 2002. However, since the initial adoption of the Palermo Protocol by the General Assembly of the UN was in December of 2000, an argument could be made that Latvia adopted these amendments to the criminal code as a result of this international intervention. The Palermo Protocol influenced Latvia's adoption of the criminal code amendments in 2002, and the program in 2004, but it took these international commitments and made them fit to the Latvian system, which indicates that they are not just symbolic policy in that country. Aigars said, "With the development of international law it is necessary to add amendments to national legislation. Our national legislation does not stand still. It develops and progresses along with international law like the Palermo Protocol and such things. All of this affects us most directly."⁹⁸ Thus, the influence is evident, but this is not the only impetus discussed through the policy development.

United States Influence

Influence from the United States seems to be more pronounced in Latvia compared to Ukraine. Latvians discussed study visits to the U.S. where they learned about trafficking, as well as U.S. organized conferences and experts conducting trainings on human trafficking. There was also a discussion about the grants that the U.S. government provided for anti-trafficking activities until Latvia joined the EU; Andris even said that the Corruption Prevention and Combating Bureau was created with U.S. government support.⁹⁹ Evita mentioned the support

⁹⁸ Aigars, government official, personal interview, June, 2013, Latvia.

⁹⁹ Andris, government official, personal interview, June, 2013, Latvia.

invested from the U.S. Embassy to train police officers, prosecutors, and judges.¹⁰⁰ Interview respondents said that the national program in 2004 was formulated with support from the United States Embassy in Latvia.¹⁰¹ But the overwhelming topic demonstrating the influence of the United States on policy development in Latvia was the fact that a vast majority of respondents discussed the influence of the TIP report on policy development and Latvia's ranking. Andris said:

Although in these annual U.S. State Department reports, Latvia can sometimes be seen as unflattering and we would like to be ranked higher ... It seems strange that we are on the same level as countries such as Azerbaijan and Kazakhstan. I would like to say that, if you go and look at the trafficking situations in those countries, then you will not still say that we are exactly the same! We know for ourselves what work has been invested and what the situation on the ground really looks like.¹⁰²

Zanda said that the TIP report does not seem to identify how the situation in Latvia has changed for the better; instead, it seems to rely on out-of-date and anecdotal information.¹⁰³ Conversely, David said the following:

The [Latvian] government officials really want Tier 1 status but the budget realities of this country mean that they do not have enough resources to devote to anti-trafficking efforts. It is astounding that they have devoted all the resources they have to human trafficking, but really the government does not have the capacity yet to reach Tier 1. Plus, if you look at all the countries on Tier 2, Latvia is right where it is supposed to be. It's all about government capacity.¹⁰⁴

The TIP rankings in Latvia are clearly a topic of discussion in that country, and many of the policy developments, especially the 2006 victim service procedures, can be seen as a direct result of this report. Another area of U.S. influence is demonstrated in Latvia's Trafficking in Persons Heroes Award, which is an award given out by U.S. Embassies around the world to honor individuals who have devoted their lives to the fight against human trafficking. Many of the

¹⁰⁰ Evita, government official, email correspondence, September, 2013, Latvia.

¹⁰¹ Mārtiņš, government official, personal interview, July, 2009, Latvia.

¹⁰² Andris, government official, personal interview, June, 2013, Latvia.

¹⁰³ Zanda, civil society representative, personal interview, June, 2013, Latvia.

¹⁰⁴ David, international partner, personal interview, May, 2013, Latvia.

respondents discussed people who had received these awards and many of them are the policy entrepreneurs mentioned above.

European Pressure

The final two variables related to policy development are two somewhat overlapping concepts in Latvia: European pressure and regional policy networks. Latvia, as a member of the EU and NATO, has pressure from a number of different organizations related to the development of anti-trafficking policy that the two other case studies do not have. Therefore, the last two variables will be split up as such. European pressure will focus on the Council of Europe, Baltic Assembly, Council of Baltic Sea States, and North Atlantic Treaty Organization pressures, while the regional policy networks will discuss EU pressure. While Latvia is a member of all of these organizations, in order to isolate the two different variables, it is important to divide them accordingly. Since Russia and Ukraine are members of Council of Europe, European pressure is operationalized as ratification of its human trafficking treaty (discussed further in Chapter Six). However, there are different regional policy networks for the three countries, with Latvia's membership in the EU, and Russia and Ukraine's participation in the CIS.

Latvia signed the Council of Europe *Convention on Action against Trafficking in Human Beings* on May 19, 2006. As a result of this, Latvia had to take the necessary steps to ensure that national legislation complied with Article 13 of the convention, which states that national laws must provide for a recovery and reflection period of at least 30 days so that foreign victims can remain in the country and decide if they would like to testify (Likumprojekta 2006). Latvia adopted the law granting trafficking victim's residency permits in January 2007, in order to comply with the convention. The Council of Europe also established the Group of Experts on Action against Trafficking Human Beings that performs evaluations of member states and has

been very effective at motivating Latvia to change certain aspects of its policy. Although the Council of Europe convention is non-binding, these reports are independent evaluations of the implementation of the convention and can reveal problems with policy that the national government does not know exist. The evaluation of Latvia completed in 2012 was an often cited document by policymakers on how Latvia can further develop and improve its human trafficking policy. As a result, it is one of the most comprehensive evaluations of policy implementation to date in the region.

Latvia is also a member of three other organizations that have resolutions to fight human trafficking. The first is the Baltic Assembly, which is an international organization of the three Baltic States (Latvia, Lithuania, and Estonia). They adopted a resolution to fight human trafficking in December 2008 (Valsts programma 2009), but the influence of this document appears to be minimal since there are so many other European organizations that have more stringent anti-trafficking requirements. The Baltic Assembly has also worked actively with the Nordic Council of Ministers and Benelux Parliament to coordinate regional cooperation and conferences on human trafficking. The second is the Council of Baltic Sea States (CBSS), which is a political forum for inter-governmental cooperation in the Baltic Sea region with five areas of cooperation, one of which is trafficking in persons. There is a Task Force against Trafficking in Human Beings made up of anti-trafficking experts from all 12 member states that meet for conferences and exchange best practices. While there is no resolution or agreement with this organization, they have compiled reports on the trafficking situation in the Baltic Sea region that compare trafficking responses across the region (CBSS 2014). The third organization is the North Atlantic Treaty Organization (NATO), that conducted an evaluation of NATO's trafficking policy implementation in December 2008 (Valsts programma 2009), but again this

impact was minimal, since NATO is a military organization and European agreements had more stringent requirements. Out of all three of these organizations, only the Council of Europe, with its convention and evaluation reports, can be seen as having a significant influence on policy development.

Regional Policy Networks

Latvia became a member of the European Union on May 1, 2004, and as a result was subject to the human trafficking agreements adopted by that organization. Human trafficking policy development in Latvia was significantly shaped by the requirements of EU membership and conditional membership in the period leading up to Latvia's accession. EU Directives on human trafficking have been seen as more effective than the Palermo Protocol and the Council of Europe convention on policy development because they offer the most precise requirements for member states to determine and are binding agreements, leaving it up to member states how they will comply (Osterdahl 2009, 81-82). The Latvian government utilized European Commission recommendations concerning victim identification, assistance and rights, and combating trafficking in human beings when formulating the second program in 2009 (Valsts programma 2009). The Criminal Law was also amended in 2007 to increase trafficking penalties and align Latvia with European standards for the crime of human trafficking.

Latvia has ratified more EU directives than many of the other countries in the EU.¹⁰⁵ Accordingly, Latvia amended the criminal code on December 13, 2012, in order to harmonize the articles with the EU Directive 2011/36/EU *On Prevention of Human Trafficking and Combating Trafficking* (TIP 2013, 231). However, instead of increasing sentencing guidelines for human trafficking, Latvia decided to lower its penalties in order to correspond with the EU minimum standards. For the basic human trafficking offense, instead of three to eight years, the

¹⁰⁵ David, international partner, personal interview, May, 2013, Latvia.

sentencing guidelines state up to eight years in prison and the next level of human trafficking also decreases the sentences from five to 12 years to three to twelve years, with possible probation. The sentencing guidelines for the most egregious form of trafficking were also lowered to a minimum of five years instead of 10 to 15, with the possibility of probation. These amendments were particularly perplexing because the EU Directive's sentencing guidelines recommend member states to have a maximum of at least between 5 and 10 years of imprisonment and, for the most serious crimes, a maximum of at least 10 years of imprisonment (EU Directive 2011). The EU Directive also compelled Latvia to change Article 58 of the criminal code to specify that trafficking victims were not liable for crimes committed as a result of being trafficked; however, NGOs acknowledged that one victim had been charged with pimping (TIP 2013, 232), as a result the implementation of this amendment was not yet realized. NGOs started to get the issue of vacating convictions on the government agenda and the EU directive solidified the government's willingness to amend the code. One criticism of Latvia's policy development following these EU Directives is that, at times, "it seems that anti-trafficking efforts are determined by the EU directives and programmes rather than by the trafficking consequences suffered by nationals or migrants in Latvia" (Bite 2012, 171). In addition to policy guidance the EU also provided monetary support for anti-trafficking programs such as the 2004 national program.

This regional policy network has more of an influence than other variables on policy development in Latvia and can often be seen in the interviews, newspaper articles, and the policy documents. With the exception of the fictitious marriage criminal code amendments and a few Council of Europe requirements, European Union directives and membership were the most significant influence on policy development in Latvia. Since Latvia became independent in 1991

it has worked to move away from its Post-Soviet roots and become more European. This could be why Latvia is diligent about signing these agreements and adopting these European protocols even when most countries in Western Europe do not. Aigars, with regards to Latvian policy development, said:

We achieved independence 20 years ago, and we have progressive legislation that is developing very fast and is not stagnant. It develops to fit the situation. For example, 10 years ago the Swedes said that they set up a specialized police unit to combat human trafficking. Ten years have passed, and it was not set up. They say that they do this and that but in ten years they have not done so. The old European Union countries are unwieldy with legislation, but for us it is very fast. We have rapid policy development. We were under the Soviet yoke for 60 years, and now we have had over 20 years of independence, so we have to make up for all of the 60 years when other countries have had more natural developments. We have done it all within 20 years, here we have another pace and speed.¹⁰⁶

When I asked respondents how they thought Latvia's policy compared to other countries in the Post-Soviet region, most people explained that Latvia does not compare itself to other countries in the former Soviet Union, instead they only look to the West. Dzidra, a national government official, said the following:

Latvia is more European [than other Post-Soviet countries], and in Europe countries generally work on programs, plans and other anti-trafficking policies. Rather, we are different from other European countries ... In general, I think that in Europe, the plan is a little too much, so we look to these plans so as to avoid overlaps. These measures are included in one plan, such as the one developed by the Ministry of Interior. Plans from other ministries are not developed because we work together to make this plan. We also include in the plan some kind of real results because, in order for the plan to be realistic, there needs to be something planned for funding and resources.¹⁰⁷

Latvia has been significantly influenced by its membership in the European Union, and most of its policy decisions since independence have been aimed at gaining this membership, as well as NATO membership. Consequently, the EU membership guidelines and directives were an important influence on Latvian human trafficking policy development.

¹⁰⁶ Aigars, government official, personal interview, June, 2013, Latvia.

¹⁰⁷ Dzidra, government official, personal interview, August, 2013, Latvia.

Latvian Anti-trafficking Institutions

The human trafficking policies have created a number of anti-trafficking institutions within the Latvian government, which were created to combat human trafficking and implement the aforementioned policies. These institutions include a National Coordinator, Anti-trafficking Working Group, specialized police and prosecutor units, trafficking shelter for victims, and the process of certification for human trafficking victims. All of these institutions have the potential to influence policy adoption and this section will evaluate the role these institutions play in the adoption of human trafficking policy. The findings will be used to compare the anti-trafficking institutions across all three case studies in Chapter Eight.

National Coordinator

The National Coordinator (NC) is the first anti-trafficking institution formed by the development of human trafficking laws in Latvia. The NC, sometimes referred to as the National Rapporteur in Latvia, is the Ministry of Interior, specifically the Director of Sectoral Policy Department (UNODC 2010a, 18). The NC chairs the working group, facilitating cooperation between the government and civil society and reports to the Cabinet of Ministers on program implementation (UNODC 2010a, 108). Similar to Ukraine, the person in this position devotes their time to many different issues so trafficking and running the working group are not the only duties of this position (UNODC 2010a, 109). Two staff members assist the chair on anti-trafficking issues and implementation (GRETA 2013, 12). The NC also “represents the interests of anti-trafficking stakeholders in the Cabinet of Ministries and in the Parliament” and is a liaison with embassies on anti-trafficking issues (UNODC 2010a, 109). Finally, data collection from the ministries and NGOs is also facilitated by the NC (GRETA 2013, 12).

Anti-trafficking Working Group

In addition to the NC, there is also an anti-trafficking working group in Latvia. An informal inter-institutional working group in Latvia was started in 2003 by Linda Mūrniece that carried out activities with ad hoc meetings (Bite 2012) and worked to develop programs to combat human trafficking.¹⁰⁸ At the time, the U.S. TIP report stated that the Latvian government was not doing enough to fight trafficking and that the only entities doing anything to fight human trafficking were the NGOs.¹⁰⁹ The Resource Center for Women ‘Marta’ approached Mūrniece with an invitation to set up a working group after a meeting with U.S. Embassy representatives where the Embassy stressed the urgency of the issue and the working group was established.¹¹⁰ The prime minister officially appointed members of governmental ministries, municipal authorities, and non-governmental organizations to the group in 2010 and outlined the goal of the group as coordination and information exchange concerning the implementation of the national program (Murniece 2011). Membership of the working group or National Task Force has expanded from 18 to 23 members with more and more government institutions added due to the expanding nature of the crime. The group convenes four times a year, once every quarter, but can meet more regularly if necessary and is chaired by the Director of the Sectoral Policy Department at the Ministry of Interior. NGOs were full members of the working group, so they could vote and provide input on decisions (GRETA 2013, 11). The GRETA evaluation of this group stated that “National Task Force is a well organized system which is able to deal with any challenge involving the changes related to the development of criminal offences related to human trafficking” (GRETA 2013, 11). One criticism of the group was due to the fact that their main goal is program implementation; the working group “runs the risk to only represent the

¹⁰⁸ Evita, government official, email correspondence, September, 2013, Latvia.

¹⁰⁹ Evita, government official, email correspondence, September, 2013, Latvia.

¹¹⁰ Evita, government official, email correspondence, September, 2013, Latvia.

government's viewpoint, thus expressing a biased opinion on the trafficking situation in Latvia" (Bite 2012, 170).

There were even regional trafficking response teams from 2001-2005 at the municipal level of government in Riga, Liepaja, Ventspils, and Rezekne as part of a project sponsored by the International Organization for Adolescents (IOFA), Council of Youth Health Centers of Latvia (LJVCP), and the U.S. Embassy. Only one of these response teams still exists today in Liepaja and the group works together when a problem arises, to identify trafficking cases, and work on prevention strategies (Sumarowski 2011). Līga, a regional government official said the reason for the success of the group was the leader Prosecutor Atis Dzērvēns, who was committed to the response team's work and collaboration as well as the longevity of the members in the group who have more or less stayed the same since 2001.¹¹¹ Thus, the fact that Latvia is a small country and people know each other can make the working groups more effective since the response is quicker and people know how to work together to solve problems that arise.

Police Units

Police units were also established in Latvia in order to investigate trafficking crimes. The Vice Squad was established in 1993 by the municipality of Riga, and they were the first unit within the police to work specifically with prostitution (Zarina 2001, 255). Although they were closed in 1997 because of budget cuts, they reopened around 2000, about the same time as the first trafficking criminal case was opened in Latvia (Zarina 2001, 255-6). In 2003, the Third Unit for the Fight against Human Trafficking and Pimping within the Organized Crime Board of the Main Criminal Police was established (GRETA 2013, 12). Latvian police attended trainings on human trafficking in Norway and Sweden, and the unit was established as a result of these trainings as well as the need for a special unit to investigate trafficking cases (TIP 2002).

¹¹¹ Līga, government official, personal interview, June, 2013, Latvia.

The unit was expanded in 2005 to be able to cover the three biggest cities in Latvia (Zalcmane 2008, 208). The unit has grown to 20 police offices with four officers in the regions of the State Police (UNODC 2010a, 109) and five investigators and other operational staff.¹¹² The unit works collaboratively in the regions of Latvia and with police units in other countries to investigate cases when Latvians are trafficking abroad.¹¹³

Resources and victim identification are two big problems with the police in Latvia. Recent TIP reports have criticized police investigation techniques as weak because few trafficking victims decide to assist the police in their investigations, suggesting distrust in this institution and worries about confidentiality (TIP 2012, 219). David said “Prosecution is the big problem in Latvia. The chain of command in the police is very unclear and they have a zero sum game with the resources of law enforcement. They simple don’t have the resources to have pristine investigations.”¹¹⁴ NGOs identified victims of trafficking, but the police did not identify similar cases (TIP 2012, 217). According to Ilze, this is because the police do not view women who have worked as prostitutes as victims even if they were forced.¹¹⁵ She said:

We have signed all of these conventions and have all of these laws but the problem is the understanding of the issue. There is a different understanding of who the victims are because many police don't feel the prostitute could be a victim. They don't feel like this crime is organized. We see this problem from two different angles. We see victims where the police don't see that they are victims.¹¹⁶

Once the case has been investigated by police and enough evidence has been collected, it goes to the Prosecutor’s Office where there is a specialized unit on organized crime prevention that works with human trafficking cases (GRETA 2013, 12). This unit started in 2001 and contains about ten prosecutors who investigate human trafficking cases (GRETA 2013, 12). The units

¹¹² Didzis, government official, personal interview, June, 2013, Latvia.

¹¹³ Didzis, government official, personal interview, June, 2013, Latvia.

¹¹⁴ David, international partner, personal interview, May, 2013, Latvia.

¹¹⁵ Ilze, civil society representative, personal interview, May, 2013, Latvia.

¹¹⁶ Ilze, civil society representative, personal interview, May, 2013, Latvia.

were trained in multi-disciplinary seminars involving judges, prosecutors, police officers and service providers (UNODC 2010a, 109). Despite these issues with investigation and prosecution of trafficking, the fact that Latvia has specific units devoted to this issue is important and demonstrates a level of commitment from the government on human trafficking issues.

Trafficking Shelter for Victims

In Latvia, there is no shelter for human trafficking victims. Although the national program in 2004 stipulated support services and a home for rehabilitation of trafficking victims (Valsts programma 2004), this was not executed. The NGO with the government contract works with five regional crisis shelters¹¹⁷ around Latvia to provide services (TIP 2013, 232), but there is no rehabilitation center or shelter supported by the government or international funding specifically devoted to human trafficking. Victims can receive the necessary psychological, medical, and legal services from the NGO with the government contract. Nevertheless, persons that are not recognized by the committee as victims of human trafficking (process described below) cannot receive social services. The government has doubled funding and expanded victims' services over the past three years (TIP 2013, 232). Rehabilitation services are granted to victims for six months, but if victims testified in criminal proceedings then the services can be extended through the end of the proceedings (TIP 2013, 232). After the six month rehabilitation program commences, if victims are not testifying with police, they can receive another five counseling sessions (TIP 2013, 232). However Zanda contended that if victims needed more than six months the rehabilitation could be extended.¹¹⁸ Municipal social service workers also said they were willing and able to assist the victims after the conclusion of the rehabilitation

¹¹⁷ Zanda, civil society representative, personal interview, June, 2013, Latvia.

¹¹⁸ Zanda, civil society representative, personal interview, June, 2013, Latvia.

program.¹¹⁹ Although the NGO is based in Riga, they bring victims to the capital city via safe transport or travel to the victim if they live in other regions of the country.¹²⁰ There is also cooperation and trainings with local service providers to provide continued rehabilitation services.

Victim Certification Process

The final anti-trafficking institution in Latvia involves the process to be recognized as a victim of trafficking and obtain services from the government sponsored NGO program. Starting in 2005, victims could first receive rehabilitation services from the state budget. Rehabilitation services were only provided to victims who cooperated with police either during the investigation process, criminal case, or with other law enforcement bodies certifying that the person was trafficked abroad. Victims who did want to cooperate with police were not able to obtain the state supported services; consequently, they turned to NGOs who could provide limited services. One study noted that numerous victims refused to get the status and cooperate with police, which demonstrates the lack of trust that many victims feel towards these institutions (Bite 2012).

The law limits rehabilitation services to no more than six months. It establishes the main parties that facilitate and provide these services. The Social Services Board decides the provision of services, enters into a contract with the provider of the services, and controls the quality of services provided. The regulation also outlines the criteria of a trafficking victim and the criteria for refusal of services including certain categories such as: migration, employment, safety, social ties, objective characteristics, and the person's self-appraisal (Sociālās rehabilitācijas pakalpojums 2006). The regulations came into force on January 1, 2007. As a result of this

¹¹⁹ Līga, government official, personal interview, June, 2013, Latvia.

¹²⁰ Zanda, civil society representative, personal interview, June, 2013, Latvia.

law, the rehabilitation of trafficking victims was incorporated among the social services that are financed by the state, and the funding for these services was allocated from the state budget (Zalcmane 2008, 202). However, this also meant that victims could only go to certain state sponsored NGOs for assistance as not all of them were able to get government support for rehabilitation.

When a victim of trafficking is identified by authorities such as police, border guards, or consular officers, they are referred to the government contracted NGO. Latvia also has a commission that recognizes whether or not the person is a victim of human trafficking. The commission includes a social worker, a psychologist, a lawyer, a medical practitioner, an official of the State Police, and any other specialists deemed necessary. The commission follows specific criteria for evaluating if a person is a victim, and people who are denied are able to appeal the decision through the court (*Sociālās rehabilitācijas pakalpojums* 2006). The commission sends its report to the Social Services Board, who in three days decides on whether or not the person can receive services. A limitation of this procedure is that, during this three day waiting period, the victim has no status and cannot legally received rehabilitation and protection services; informal services can be given in emergency cases, but this is an informal procedure at the discretion of the Ministry of Welfare (Bite 2012). This certification process can be done without the victim, and certification procedures were adapted to be able to certify victims who are abroad (TIP 2013, 231). Although the process has developed to adapt to the changing needs of victims, some critics have claimed that the process of recognizing a person as a victim of trafficking was overly complicated and discouraged victims from seeking out the state supported rehabilitation services (AHTNET 2007). Another author asserts that due to the small number of victims in

Latvia these laws are infrequently used and, as a result, the practical application of the law and the skills involved in protection and assistance are absent (Bite 2012).

Conclusions

Latvia has been proactive and reactive to human trafficking policy development since the country gained independence in 1991. They have developed their policy as a result of international agreements, issue salience, U.S. pressure, Council of Europe requirements, and EU Directives. Overall, there have been 14 different policy changes related to human trafficking starting from 2000 and developing up to 2013. Latvia has moved systematically from one policy to the next: first adopting changes to the criminal code that made trafficking illegal and then adopting successive national action plans to combat the problem. Latvia policy entrepreneurs from within the government and bureaucracy are not as influential in the policy making process as in Ukraine, since most of the policy making has occurred in the Ministry of Interior or working group. One NGO continually pushes for better legislation and criticizes the government, but they are out-numbered in the working group and their ideas are not always taken into consideration. Latvia, as a member of the European Union, has a very strong regional policy network, and this network is a significant player in the development of policy in this country. In fact when asked why Latvia has fewer policies on trafficking than other countries in the post-Soviet region, most people said that Latvia was European and looked to the West for influence. One of the biggest differences between Latvia and Ukraine was that people said the government in Latvia had the capacity and will to implement the human trafficking policies and that they were a priority in Latvia. The case study of Russia will be discussed next, which is a sharp contrast from the first two cases.

Chapter Five: Russia the Holdout

Leila Ashirova and Bakiya Kasymova from Kazakhstan were freed, along with 14 other people, after ten years of being held captive in the basement of an apartment building and forced to work at a supermarket in Moscow. Police received a tip that children who had been reported missing were being held at the supermarket and, while the police were investigating the market, someone alerted them that people were being kept there as slaves. Activists from the Civic Assistance Committee went in to free the people with journalists as their witnesses. Their passports and all documentation were taken by their traffickers in order to register them as living in the city. They were forced to work long hours with no pay, were not allowed to leave the premises unattended, and if they refused or tried to escape they were beaten. After the women were freed from captivity, they spoke out about their plight to the media and how local police turned a blind eye to their enslavement. Their captors were taken in for questioning and then released. About two weeks later all charges were dropped because the prosecutors could not find evidence that a crime had been committed (Lillis 2012). To make matters worse, a week after the charges were dropped the women were facing deportation from Russia on immigration violations because they were illegally residing on Russian territory without proper documentation (Balmforth 2012).

This case symbolizes the Russian government's response to human trafficking crimes. The police did not view these women as victims and were more focused on charging the victims with immigration registration violations rather than protecting them from their traffickers or rehabilitating them from their slavery. Russia is the last case study examined in this dissertation and has the lowest level of legal framework in place to fight trafficking in the entire post-Soviet region. Despite being the second largest country in the world for immigration (Ratha et al. 2011),

Russia has not developed many policy tools to deal with human trafficking; it has one human trafficking policy tool and two criminal code articles devoted to human trafficking. This chapter examines why Russia has adopted policies on human trafficking and why it has not developed those policies further. It reveals the determinants of human trafficking policy in Russia and the anti-trafficking institutions that have developed in the country as a result of these policies.

Research presented in this chapter is based on data from three months of fieldwork in Russia (June-July 2012 in Kazan, Russia and July-August 2012 in Moscow, Russia). Data gathered from interviews, participant observation, and supplementary archival work at parliamentary and organizational archives is used to examine the main themes of policy development in Russia. Twenty two interviews were conducted in Russia: with two government officials, with 10 civil society organizations, with six academics and journalists, and with international partners. In order to account for regional variation, I conducted interviews on the national and local levels in four different regions of Russia: Kazan, Moscow, St. Petersburg, and Vladivostok. I also performed two months of participant observation at the Women's Crisis Center Fatima in Kazan, Russia and archival work at the Lenin State Archive in Moscow, Russia. The interviews and data obtained from the participant observation and archival work were analyzed in order to ascertain the main themes that emerged concerning policy adoption. The themes included corruption, level of democracy, state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, European influence, US influence, and regional policy networks.

Human trafficking in Russia is a topic that has been discussed widely in the literature, as Russia is the most studied country in the post-Soviet region when discussing human trafficking. The literature on trafficking in Russia is vast and covers a variety of topics including studies that

focused on describing the trafficking situation, the scope of the problem, and the root causes of trafficking (Hughes 2005; Tyuryukanova 2002; Orlova 2005; Vitkovskaya and Tyuryukanova 2009; Tverdova 2011; Buckley 2009b). Several articles link trafficking in Russia to organized crime (Hughes 2000; Stoecker 2000; Stoecker and Shelley 2005; Tyuryukanova 2006), and corruption (Shelley 2002). Other noteworthy studies examined public opinion on human trafficking in Russia (Buckley 2009a), power dynamics in anti-trafficking campaigns (Shapkina 2010), government efforts to combat trafficking (Shelley and Orttung 2005), and NGO efforts to combat trafficking and rehabilitate victims (Shapkina 2008). Also a number of studies also examined Russia's laws and policies concerning human trafficking; however, some of these studies are descriptive concerning policy elements or evaluate the Russian policy response (Stoecker 2000; Tyuryukanova 2002; Schuckman 2006; UNODC 2010a; Mukomel 2013). A number of authors have identified the impetus for human trafficking policy in Russia related to the 2003 criminal code additions (Shelley 2005; Johnson 2009; McCarthy 2010; McCarthy 2011). Other scholars argued that international influence was the most significant pressure on Russia to adopt anti-trafficking legislation (Shelley 2005). Yet others have asserted that U.S. intervention also played a significant role (Johnson 2009). McCarthy argues that both international and domestic pressure from law enforcement practitioners played a role in the adoption of the trafficking criminal code articles (2011, 52). This combined with a growing recognition that human trafficking was a threat to national security, compelled the Russian government to respond (Shelley 2005). Shelley and Orttung question why Russia has no anti-trafficking legislation (with the exception of the criminal code changes) "without such enabling legislation, [Russia] cannot begin to coordinate the multifaceted kind of response that will be necessary to address the issue" (2005). They also contend that, even with the types of changes

that could be offered with anti-trafficking legislation, fundamental problems in Russia exist when it comes to acknowledging the violence and coercion that come along with human trafficking (Shelley and Orttung 2005).

Russia is a unique case study because it is the only country in the region with just one policy tool to combat human trafficking and it has the least encompassing policy in the region according to the Human Trafficking Policy Index (described in Chapter Six). Even though the Russian case has been examined in the literature, there are competing theories as to the impetus for human trafficking policy, and an examination of the reasons for the lack of further policy development has yet to be covered in the literature. Therefore, I employed existing sources and my own data gathered during fieldwork to ascertain the determinants of policy adoption in Russia and to determine why policymaking on this issue has stalled. Similarly to the Ukraine and Latvia chapters, I begin by exploring the characteristics of human trafficking and the scope of the trafficking problem in Russia. I provide a summary of Russian policy development concerning human trafficking. Next, an analysis of policy development themes reveals the determinants of policy adoption in Russia. The anti-trafficking institutions that have formed in Russia are presented to facilitate the cross case comparison in Chapter Eight of this dissertation, and the chapter concludes with a summary of the findings about the Russian case.

Characteristics of Human Trafficking in Russia

Russia is a significant source, transit, and destination country for all forms of human trafficking (TIP 2013, 310). Women and children from Russia are subjected to sex trafficking within Russia and abroad in almost every region of the world including Northeast Asia, Europe, Central Asia, and the Middle East (TIP 2013, 310). While the Natasha Effect, female victims of sex trafficking with Slavic features, is uniquely associated as a Russian commodity, increasingly

forced labor has become the predominant trafficking crime in the country. The Global Slavery Index estimates that between 490,000- 540,000 people are currently enslaved in Russia (2013). This index situates Russia at 49th place in the world for the prevalence of modern slavery, which is the third highest score in the region after Uzbekistan at 47th place and Moldova at 6th place (Global Slavery Index 2013). Approximately .4% percent of the Russian population is enslaved (Global Slavery Index 2013), which is higher than estimates from both Ukraine (.2%) and Latvia (.1%). The Migration Research Center estimates the number of people in exploitative labor conditions in Russia to be around one million (TIP 2013, 310). Forced labor was reported with victims from Central Asia, Asia, and Europe (TIP 2013, 310); Russia is truly an international destination country for human trafficking victims. Reports of forced labor have been prevalent in the garment industry, manufacturing, agriculture, domestic service industries, and the construction industry especially leading up to the 2014 Sochi Winter Olympics (TIP 2013, 310). Forced labor cases have also been reported in everyday businesses such as repair shops and grocery stores, as well as forced begging and narcotics cultivation (TIP 2013, 310). A 2012 case involving 170 Vietnamese labor trafficking victims held against their will in a garment factory was another case where no charges were brought against the alleged perpetrators (TIP 2013, 311). As these cases and the opening story demonstrate, there is an ethnic element to human trafficking, as most of the forced labor cases occur with migrants who are not ethnically Russian. Irina, a regional NGO representative, said, “Labor trafficking is massive but there is no public interest in this issue because for most part it does not happen to citizens of Russia.”¹²¹ This places Russia in an “us and them” dichotomy where policymakers and citizens alike do not think that they should have to support rehabilitation services for foreign victims of trafficking because they are not Russian and believe that they have freely chosen to come to Russia to work.

¹²¹ Irina, civil society representative, personal interview, August, 2013, Russia.

The Russia-Ukraine corridor is the second largest migration corridor in the world and an estimated 20 million migrants cross Russian borders every year (Ratha et al. 2011). Around 80% of the four to nine million migrant workers are from nine post-Soviet countries (Ratha et al. 2011) that use centuries-old trade routes to provide a consistent flow of migrant workers to Russia (Global Slavery Index 2013b). Abuse and trafficking cases have also been reported with mail order bride arrangements in which Russian women marry men from the United States (Global Slavery Index 2013b). Corruption and organized crime have been identified as key facilitators of human trafficking in Russia and police, border guards, and customs officials have been implicated as playing a role in the trafficking chain (TIP 2013, 311). Sex tourism and the selling of children as prostitutes to tourists have also been reported in St. Petersburg (Buckley 2013). Although Russia confronts similar trafficking trends compared to Ukraine, Russia differs from Ukraine in its pure size and the fact that it is a key destination country for human trafficking, thus, the scale of trafficking is much larger.

Russian Policy Development

Russia has adopted only one policy tool to combat trafficking. Amendments to the civil code on human trafficking were proposed in 1999 in the Legislative Committee of the Duma but rejected in 2001 (McCarthy 2011, 49). A second attempt to adopt legislation on human trafficking came from a working group composed of members of parliament, women's organizations, and international partners. They drafted an encompassing anti-trafficking bill that was discussed in the Legislative Committee of the Duma in February 2002 but failed to be adopted (Buckley 2009b, 129) due to a lack of financing (McCarthy 2011, 81). Finally, the third attempt was successful, as members of the working group negotiated, with the support of the presidential administration, to include two criminal code articles related to human trafficking

into a bill already introduced to the Duma (McCarthy 2011, 81). In October 2003 Russian President Vladimir Putin gave a speech on the necessity of these articles in the criminal code, and they were adopted by the Duma in December 2003 (McCarthy 2011, 82).

Russia divides trafficking across two different articles with the *Article 127.1 Human Trafficking* devoted to sex trafficking and *Article 127.2 Use of Slave Labor* mostly used for labor trafficking (McCarthy 2010, 8). This differs from both Ukraine and Latvia, which have combined sex trafficking and forced labor into one article. However, it is similar to the United States' definition of trafficking. Russia defines trafficking as the purchase, sale, recruitment, transportation, transfer, harboring, or receiving of a person for the purpose of exploitation, a definition that is similar to the international definition found in the Palermo Protocol that Russia ratified less than six months after the amendments to the criminal code. The articles were amended again in November 2008 in order to clarify the earlier definition, specifically that “any transaction involving a human being (even if the goal was not exploitation) is a crime” (McCarthy 2010, 16). According to the TIP report, the penalties for trafficking crimes are similar to punishment prescribed for other serious crimes (2013, 311).

Overall, interview respondents identified that human trafficking in Russia was a political issue. Some respondents said that trafficking was political because it was associated with prostitution while others argued that it was a political subject because of the links to migration. Oleg, an international partner, said “trafficking is a political issue because it involves illegal migration, and there are cultural, political, and religious implications. Russia is facing a demographic crisis, and there are racial implications of that.”¹²² Migration is a very contested issue in Russia because most of the migrants are from Central Asia and the Caucuses, and many

¹²² Oleg, international partner, personal interview, July, 2013, Russia.

think they are taking jobs away from ethnic Russians by working in Russia. Lena, a regional NGO representative, said:

I think it's just kind of a political game because trafficking is often discussed as a very thin line between a child protection issue and political censorship or as one of the things that is regarded as a sign of a more democratic regime. I think it's now a very sensitive issue because of that, and even very progressive people question if it is really about child protection or more about censorship and control. So sometimes I think this topic is used as some kind of political game.¹²³

Trafficking can also be seen as a political issue due to the TIP report rankings and international pressure to adopt encompassing trafficking laws. Regardless of the reasoning for trafficking being labeled as a political issue, this frame has influenced policy adoption in Russia significantly and scared many politicians away from this issue and further policy development.

Table 5.1: Human Trafficking Policy Development in Russia

Date	Name of Policy	Description
December 12, 2000	Signed onto the Palermo Protocol	
December 8, 2003	Criminal Code amendments <i>Articles 127.1 Human Trafficking and 127.2 Use of Slave labor</i>	Made human trafficking (sex trafficking and labor trafficking) illegal in the Russian Federation.
May 26, 2004	Ratified Palermo Protocol	
November 25, 2008	Criminal Code amendments to Article 127.1	Increased minimum sentence to six year and added offenses for aggravated trafficking.
December 10, 2010	Russia signed the <i>Commonwealth of Independent States Program to Combat Human Trafficking for 2011-2013</i>	Outlined the formation of a national anti-trafficking structure for member states.

Analysis of Policy Development Themes

While Russia has fewer policy tools than all of the other countries in the region, there are still a number of themes that emerged from the fieldwork related to policy adoption. These

¹²³ Lena, civil society representative, personal interview, August, 2013, Russia.

themes mirror the existent literature on human trafficking policy adoption in Russia and include corruption, level of democracy, state commitment, state capacity, interest group strength, policy entrepreneurs, bureaucratic influence, scope of the trafficking problem, international intervention, European influence, U.S, influence, and regional policy networks.

Corruption

Corruption is a prevalent theme in the literature on human trafficking, especially when it comes to Russia (Hughes 2000; Stoecker 2000; Stoecker and Shelley 2005; Tyuryukanova 2006; Shelley 2002). However, this was not a prevalent theme in the interviews and fieldwork with respect to policy adoption. A few respondents discussed elements of corruption within the police and trafficking investigations, commenting that sometimes traffickers are able to get criminal cases closed if the police or prosecutors can be bribed.¹²⁴ Yuri, an academic who researches trafficking, said the following:

In Russia, there is too much corruption, especially in the field of labor migration. Because unfortunately as an expert, I have to say that many problems with human trafficking could be quickly solved, but unfortunately we have created a system where it is very beneficial to employers and maybe even some officials that these migrants are without documents and without rights. Then they can be manipulated and abused, which is why corruption is also a very important issue. If the state decides systematically that migration should be legal but not lawless, then the problem of trafficking is partially solved.¹²⁵

Most of the references to corruption concerned policy implementation and the investigation of trafficking crimes; no one mentioned corruption in reference to policy adoption. Olga, a regional NGO representative said:

In Russia the legislation on migrants is not that bad, but we have a very bad application of these laws. And it happens for a simple reason: all-encompassing corruption. And this is just one part of migration. Having an illegal worker is more profitable than legal because they can be paid very little. The employer does not need to provide anything, and there is no need to pay compensation if the worker is injured. Because of this, the

¹²⁴ Mikhail, academic, personal interview, July, 2013, Russia.

¹²⁵ Yuri, academic, skype interview, July, 2013, Russia.

employer can earn huge profits... it turns out to be much cheaper to pay off corrupt police officers than to pay taxes to the government.¹²⁶

Finally, Dmytri, a government official, said that Russia had bigger problems and included corruption as one of those problems instead of linking corruption as a facilitator of trafficking.¹²⁷ Thus, while corruption was a topic that was mentioned by respondents and is often cited in the literature, it did not have a large influence on policy adoption in Russia.

Level of Democracy

Russia is the most authoritarian regime of the case studies in this dissertation and is categorized as Not Free according to the Freedom House Freedom in the World (2014). This means that the level of democracy is lower in this country than the other two case studies in this dissertation. With that in mind the level of democracy could have an effect on policy adoption since Russia has the least comprehensive policy in the region and also has the lowest level of democracy in the case studies. Despite this, the level of democracy and authoritarian tendencies of the government were not discussed much in the interviews as something that was impeding policy development. Yuri said that Russia did not have further policy development with human trafficking because the president has not yet concerned himself with this problem seriously.¹²⁸ Oleg said, “a new law will happen when the senior officials in government decide it is a priority, no one has told anyone else to do it, so that is why Russia doesn’t have a better law.”¹²⁹ Thus, these comments allude to the fact that the presidential administration is a necessary component to policy adoption in Russia. One respondent, Olga explained the situation in political situation in Russia more critically:

¹²⁶ Olga, civil society representative, personal interview, August, 2013, Russia.

¹²⁷ Dmytri, government official, personal interview, August, 2013, Russia.

¹²⁸ Yuri, academic, skype interview, July, 2013, Russia.

¹²⁹ Oleg, international partner, personal interview, July, 2013, Russia.

You see, you [referencing America] have independents in parliament, and we have one United Russia and nothing more. Our deputies are signaled like Pavlov's dogs. What can I say about it? The system of management is collapsing on itself. The government cannot control everything. The lawmakers don't have control over the tools necessary for ruling and therefore know only repression.¹³⁰

Consequently, even though the level of democracy could influence policy adoption in Russia, most respondents did not discuss this as an impediment. Those that did discuss it mentioned it as an agenda setting issue rather than an issue with the level of democracy.

State Commitment to Anti-trafficking Efforts

Even authoritarian countries adopt new policies, and so there has to be some level of state commitment to the issue in order to have any legislation on it in authoritarian regimes such as Russia. In fact, the only policy Russia has adopted on human trafficking came at the request of the presidential administration. Even though there was significant pressure on Russia to adopt a policy from the United States and the international community, this pressure was rebuffed and instead a solution from the presidential administration was adopted. Johnson (2009) argues that instead of accepting the policy recommendations of feminists and a working group created to formulate the legislation, Putin introduced his own weaker version of the human trafficking legislation that offered no monetary weight, social services for the victims, or safe houses (Johnson 2009, 134). Thus, there was evidence of political will in the presidential administration to make human trafficking illegal in Russia, and this significantly influenced trafficking policy adoption in Russia.

Similar to the other case studies, many respondents in Russia discussed political will as playing a significant role in policy adoption. In Ukraine and Latvia, it was political will that facilitated policy adoption, but in the case of Russia it is the lack of political will by the

¹³⁰ Olga, civil society representative, personal interview, August, 2013, Russia.

government that impedes policy adoption. Yelena, a regional NGO representative said the following:

Trafficking is only included in the Criminal Code and was written that trafficking is a crime, but how to prove it, no one really understands. Victims of trafficking need shelter, social protection, document assistance, health care, etc. This is not included in the criminal code article! No one does anything about this. There is no political will to assist victims!¹³¹

Societal stereotypes also impede human trafficking policy adoption in Russia. Human trafficking services are emergency services that are only necessary when people are faced with this type of emergency. Since it is a commonly held belief in Russia that this kind of situation will not happen to them, there is a lack of political will to adopt laws that prescribe services to victims.¹³²

Mikhail, an academic said change is always possible as long as there is political will:

In Russia, you can do anything you want to do. But, unfortunately it is difficult to organize everything effectively in Russia. We are a very big country and I think it is difficult to systematically organize. Yet the potential is there. But the President likes to say to us that all we need political will. And in this issue too it is necessary.¹³³

There seems to be a discrepancy between the NGOs and government on the issue of political will as the NGO representatives discussed the government's lack of will to adopt more policies on human trafficking whereas the government believes that things can be changed with political will.

State Capacity

All but one interview respondent said that they believed Russia had the capacity to adopt and effectively implement anti-trafficking policy. Respondents discussed confidence in the capacity of the police to investigate the crime and the ability of social workers to work with victims. The financial situation of the government was not discussed by respondents as an

¹³¹ Yelena, civil society representative, personal interview, July, 2013, Russia.

¹³² Yelena, civil society representative, personal interview, July, 2013, Russia.

¹³³ Mikhail, academic, personal interview, July, 2013, Russia.

impediment to policy adoption and implementation compared to Ukraine and Latvia where this was a significant issue. While the financial situation of the Russian government was secure, NGOs discussed their own significant financial difficulties. These difficulties came as a result of the *Law on Foreign Agents* adopted in July 2012 that requires NGOs in Russia that receive funding from foreign sources and engage in political activity to register as ‘foreign agents’ (Amnesty 2013). Respondents reported the closing of many of anti-trafficking NGOs as a result of this legislation. Many also discussed the lack of financial support from the Russian government and municipal authorities on anti-trafficking activities, which have not closed the funding gap left by foreign donors as a result of this law. Despite this law and the closure of NGOs, Lena did discuss capacity building activities of current projects at her NGO supported by the European Commission related to combatting the commercial exploitation of children: “I think the only way for non-governmental organizations to survive in Russia is to have different sources of money and quite a lot of sources...not to be dependent on only one because unfortunately it is a tendency that a lot of programs have been closed.”¹³⁴ The failure of some anti-trafficking programs was mentioned by several of respondents, and this failure caused funding agencies to stop supporting these programs in Russia.¹³⁵

Although respondents believed that the government had the capacity to adopt and implement trafficking laws effectively, they said that there is a lack of political will to put them into action. Irina, a regional NGO representative said the following:

Of course the government has money to adopt and implement laws ...both financially and legislatively everything is in place. But there is no interest in this problem (of human trafficking), there is no political will, and the public organizations that could do something to solve the problem are completely destroyed now financially as a result of the Law on Foreign Agents.¹³⁶

¹³⁴ Lena, civil society representative, personal interview, August, 2013, Russia.

¹³⁵ Alexander, academic, personal interview, July, 2013, Russia.

¹³⁶ Irina, civil society representative, personal interview, August, 2013, Russia.

Thus, again the discussion comes back to political will. According to these respondents, the Russian government has the capacity to effectively adopt and implement these laws on human trafficking; it just lacks the will to do something about it. This is in contrast to an earlier study by Buckley (2009a) that demonstrates with public opinion data that the general population did not have confidence in the government's capacity to address human trafficking because both political will and state capacity were viewed as lacking (2009a, 225).

Interest Group Influence

The influence of NGOs has been greatly reduced as a result of the closure of a number of NGOs from the *Law on Foreign Agents*. However, this was not always the case. In the mid-2000s, there were numerous advocacy groups related to violence against women and human trafficking. Many of the NGOs in Russia working with human trafficking emerged out of women's rights organizations, gender centers, or domestic violence organizations.¹³⁷ There were 100 NGOs working in the anti-trafficking field in 2006 at the first all-Russian Assembly of NGOs working in anti-trafficking (UNODC 2010a, 153).

One advocacy group, the Angel Coalition, began its anti-trafficking work with a grant from the U.S. government and by 2004 had expanded its membership to 33 NGOs throughout Russia (Johnson 2009, 62). The coalition also supported a number of shelters and safe houses established in five regions of Russia offering specialized rehabilitation services for victims of trafficking (Johnson 2009, 62). The organization closed due to monetary issues, and according to a number of respondents it is currently under investigation by the European Commission for mismanagement of funds. The Angel Coalition and the IOM Moscow Office's network of rehabilitation and assistance NGOs had several overlapping organizations since the IOM

¹³⁷ Alexander, academic, personal interview, July, 2013, Russia.

oversaw some Angel Coalition projects (IOM 2003, 170). At one time the IOM network of rehabilitation NGOs was numbered at 18, but now more than 50% of them have closed because of the foreign agent law and government supervision resulting from this law.¹³⁸ This network has also ceased to operate because the international support for these programs has dwindled and many of the organizations no longer exist.

The Russian Association of Crisis Centers for Women (RACCW) is another interest group and advocacy coalition that focuses on violence against women, and human trafficking is one of their key issues. RACCW was founded by the non-governmental organization ANNA (National Center for the Prevention of Violence) from Moscow in 1994, as an informal network of organizations working together on programs and advocating for legislative reform (Johnson 2009, 50). This organization had around 160 non-governmental and governmental entities around Russia as of 2013, and members of the network participate in the Gender Issues Council at the Ministry of Labor and Social Protection.¹³⁹ This council works with several issues on violence against women including domestic violence, sexual assault, and human trafficking. NGO membership on the council means that they have direct access to government policymakers and possibly the ability to shape policy.¹⁴⁰

There is another group of organizations that works with human trafficking, the Russian Alliance against Commercial Sexual Exploitation of Children. The organization unites 10 NGOs across Russia,¹⁴¹ founded in 2004, is part of the international End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT), which allows this group to work on the local, national, and international level (ECPAT 2006, 14). The alliance is a

¹³⁸ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹³⁹ Galina, civil society representative, personal interview, July, 2013, Russia.

¹⁴⁰ Galina, civil society representative, personal interview, July, 2013, Russia.

¹⁴¹ Lena, civil society representative, personal interview, August, 2013, Russia.

professional network of NGOs that coordinate on this issue and, according to Lena, the membership is only made up of organizations that are devoted to work against child trafficking. ECPAT decides on different themes to concentrate on surrounding prevention and protection of children.¹⁴²

Despite these former and current umbrella organizations of NGOs in Russia focusing on trafficking, a number of respondents discussed the lack of cooperation between NGOs in the country. Katerina, a regional NGO representative, said “It’s a common problem here that NGOs are not working together or cooperating. There is a huge competition between NGOs. They just hate each other because it is all about the competition for funding. I tried hard to cooperate with other NGOs, but it’s absolutely impossible to do.”¹⁴³ Adding to the animosity among women-centered NGOs in Russia, there is also disagreement concerning prostitution as some groups seek to legalize it while others view it as violence against women (Buckley 2009b, 129). Thus, there seems to be limited cooperation among some NGOs in Russia. The RACCW is even a member on a government council where it has the opportunity to provide input and possibly influence government policy. Although influence on the national level is difficult, individual organizations in the regions have found it more effective to utilize local or regional contacts to influence their republic or municipal level governments through letter writing campaigns or personal relationships with local and regional authorities. This has been an effective way to influence governance on the regional and republic levels, and some of these organizations have received grants for anti-trafficking programs¹⁴⁴ and even housing for shelters or office space in a number of Russian cities including Vladivostok, St. Petersburg, and Moscow.¹⁴⁵

¹⁴² Lena, civil society representative, personal interview, August, 2013, Russia.

¹⁴³ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹⁴⁴ Alyona, civil society representative, personal interview, July, 2012, Russia.

¹⁴⁵ Vera, civil society representative, skype interview, August, 2013, Russia.

Policy Entrepreneurs

Two policy entrepreneurs were identified by Johnson as being integral in the adoption of the criminal code in 2003; Elena Mizulina, a deputy in the Duma, the Russian parliament, and Tom Firestone, the resident legal adviser for the U.S. Embassy in Moscow (2009, 134). However, 10 years after the adoption of the criminal code articles, many respondents in Russia had a hard time identifying anyone as a significant advocate for human trafficking laws. In fact, a number of respondents rejected the idea that Mizulina was anything more than a politician who took this issue because she saw it as a political opportunity and then abandoned it when the presidential administration did not support it. Johnson argues that Mizulina was tasked by the U.S. government to work on the legislation (Johnson 2009, 134). However, my respondents argued that the IOM approached her and other members of parliament to start a legislative working group on the issue in parliament and because of her experience working on social issues she was chosen at the head of the group.¹⁴⁶ Alexander, an academic researcher, said the following:

Mizulina is just a politician and she changed her opinions like that on a whim. She does what is good for her and what is important and what will bring a good result. This is my personal impression...Human trafficking is controversial [in Russia]. It's connected to prostitution, illegal migration, and unpopular subjects in society. You don't want to be associated with those subjects if you are a politician.¹⁴⁷

The legislative group headed by Mizulina formulated a comprehensive bill on human trafficking, but, after a number of contentious and heated debates on the bill in the Duma hearings, the draft was abandoned because financing for the legislation could not be agreed upon (McCarthy 2011, 81). According to McCarthy, “though she had wanted to present the bill formulated by the working group, the upcoming parliamentary elections made her concerned that the bill would

¹⁴⁶ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹⁴⁷ Alexander, academic, personal interview, July, 2013, Russia.

become a political issue in the election campaign” (2011, 81). In fact, Mizulina changed political parties before the 2003 election and was voted out of parliament when her new party did not meet the 5% threshold for representation in parliament. She was re-elected to the Duma in 2007 on another party’s ticket, and she is the current chairman of the Duma Committee on Family, Women, and Children Affairs; however, she has not discussed the possibility of revisiting human trafficking legislation in the future.

Other than refuting Mizulina as a real policy entrepreneur for human trafficking policy many respondents said that Russia did not really have someone in the government or civil society that championed human trafficking because it was such a divisive issue. Despite this, a few respondents mentioned NGO representatives Marina Pisklakova, Director of ANNA (the NGO mentioned above), the Russian Red Cross, and the late Elena Tyuryukanova, a prolific scholar and researcher on human trafficking and forced labor from the Institute for Socio-Economic Studies of the population of the Russian Academy of Sciences who passed away 2012. Buckley also suggests that Tyuryukanova and Natalia Khodyreva from the St Petersburg Crisis Center were significant players in the academic community (2009b, 127-128).

Bureaucratic Influence

Reforms in the Ministry of Interior were discussed by a number of respondents as a bureaucratic influence impeding policy adoption. This bureaucratic influence in Russia concerned the administrative reforms in the human trafficking investigative police force and the Ministry of Interior in general. Around 2007-2008 there was a large administrative reform in the Ministry of Interior that eliminated special investigative units on human trafficking. Alexander said the following:

We used to have police units, they were anti-organized crime units and they had in their competence to investigate human trafficking and other crimes connected to organized

crime. They no longer exist. We had a big reform. We had *militsija*, and now we have *policija*...it's just a change in title but there were many other changes and reforms and some departments disappeared.¹⁴⁸

Other respondents agreed that despite this reform and name change, the police continued to be ineffective and little has changed.¹⁴⁹ The TIP report in 2012 discussed the reforms occurring in 2009 as adversely affecting the polices' investigatory capabilities (2012, 295). However, a road map for reform in 2013 that "included the formation of an interagency anti-trafficking commission with representation of the prosecutor general's office, the ministry of foreign affairs, the federal migration service, the federal security service, the investigative committee, and other agencies" (TIP 2013, 311) could help stream line the bureaucracy. Oleg, with reference to the reforms in Russia, said the following:

They do not have a clear picture of who should do what with counter trafficking in Russia. The MVD has a roadmap of reform for themselves, and one part of this is to bolster anti-trafficking work. Another article that was published said that the Prosecutor General's Office should be the one to take the lead on anti-trafficking. There is no lead agency, so people do what they can inside each agency, but there is no cooperation or unified plan.¹⁵⁰

Therefore, the bureaucratic influence on the policy process is significant in Russia because administrative reforms eliminated the anti-trafficking police units and there is no lead agency, cooperation, or concerted plan on how to combat trafficking. Yuri also discussed the difficulty of adopting legislation in Russia:

Russia has developed legislation on trafficking later than other countries in the region because the government paid less attention it. Then the process of writing and adopting Russian legislation more complex and bureaucratic than other countries in the region because we have a lot of parties, lobbies, opinions, and members of parliament who have their questions and concerns. Russia is simply a big country.¹⁵¹

¹⁴⁸ Alexander, academic, personal interview, July, 2013, Russia.

¹⁴⁹ Mikhail, academic, personal interview, July, 2013, Russia.

¹⁵⁰ Oleg, international partner, personal interview, July, 2013, Russia.

¹⁵¹ Yuri, academic, skype interview, July, 2013, Russia.

Thus, the bureaucracy of Russia and size of the country also influences policy adoption, as well as administrative reforms.

Scope of the Human Trafficking Problem

Human trafficking is a popular subject in the Russian media, and many of the respondents mentioned the plethora of news articles on focusing on sex trafficking. Most people in Russia are aware of sex slavery because it is written about often in the media: “this is a favorite theme of journalists, a girl becoming a victim of sexual slavery because the people read it willingly.”¹⁵² The issue of human trafficking in Russia was discussed starting in the late 1990s after women’s groups, NGOs, and academics began to engage the issue through a number of conferences (Buckley 2009b, 127). There was increased coverage in the early 2000s with the adoption of the criminal code articles (Buckley 2009a), but the low perceived salience of human trafficking among politicians, as many confused human trafficking with helping prostitutes, little time to adopt the legislation, and the cost of witness protection and other rehabilitation services put the issue of trafficking very low the government agenda (Buckley 2009b, 129). Despite continued stories in the media, conferences throughout the country, and limited awareness campaigns, the Russian government’s first response was that human trafficking does not happen in Russia (Buckley 2009b, 127), and it is a perception that continues to this day. Alexander said, “there are a lot of financial implications to signing and ratifying these international documents. You need a reporting mechanism, monitoring mechanisms, evaluations, expert groups, and it’s too much. In a country that has no problem with human trafficking it’s too much work.”¹⁵³ These perceptions are not just limited to national level politics, as respondents reported that the city

¹⁵² Mikhail, academic, personal interview, July, 2013, Russia.

¹⁵³ Alexander, academic, personal interview, July, 2013, Russia.

government in Moscow has similar opinions on the absence of trafficking in their city and country.¹⁵⁴

When officials did finally admit that trafficking occurred in Russia, it was still far from a policy priority in the government. Salience on the issue of trafficking has always been low on the government agenda¹⁵⁵ and has not been taken seriously on the state level.¹⁵⁶ Many respondents said that the Russian government had more important issues to focus on that affect more people in the country. Issues such as terrorism, drugs, HIV, and the Caucasus were just some of the issues listed by respondents that the government focused on instead of trafficking. Alexander said the following:

I think the problem is that our society does not consider the problem of human trafficking as a serious issue. There are many other serious problems that draw more attention. In my opinion, society is not ready to give human trafficking this kind of attention. In other countries like Kazakhstan and Moldova, the situation is catastrophic, because they have a lot of people leaving the country so there are lot more victims. In Russia, within in the context of other problems this probably is not the most serious, and it will take some time to society understood that this problem is very serious and systemic.¹⁵⁷

By 2004 trafficking was framed as an issue of national security and then government officials began to pay more attention to the issue, but still no government agency wanted to take responsibility for this issue due to the significant cost of anti-trafficking programs (Buckley 2009b, 130-131).

Regardless of the low salience of human trafficking with government officials, the general population was familiar with human trafficking. A 2007 opinion poll shows that only 17% of the general population did not know how big the problem was in Russia whereas 64.8% said that trafficking was a growing and serious or large problem (Buckley 2009a). Thus, the

¹⁵⁴ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹⁵⁵ Irina, civil society representative, personal interview, August, 2013, Russia.

¹⁵⁶ Vera, civil society representative, skype interview, August, 2013, Russia.

¹⁵⁷ Alexander, academic, personal interview, July, 2013, Russia.

population seems to be knowledgeable about human trafficking, but almost 41% blame the victim for being trafficked (Buckley 2009a), which is similar to the attitudes I encountered with interview subjects in Russia six years later. Boris, an international partner said the following:

Public attention to human trafficking has decreased. Russian people view the migrants not as victims but as people who come on their own interest. Normal Russians are protected. Combatting general crime is more of a priority for normal people, why should human trafficking have special priorities compared to children and pedophiles. They care more about children and future citizens than about prostitutes.¹⁵⁸

This very blunt statement encapsulates societal thoughts on human trafficking in Russia. It demonstrates that despite a multitude of media coverage on human trafficking this issue is still not salient to Russian policymakers or society and does not significantly influence policy adoption.

International Intervention

Russia signed the Palermo Protocol on December 12, 2000 and ratified it on May 26, 2004. The influence of the Palermo Protocol has been cited in the literature as the biggest influence on policy development in Russia (Shelley 2005). A number of respondents also identified it as the most significant influence on policy adoption in Russia. Alexander said “signing and ratification of Palermo Protocol was the most important impetus that created the anti-trafficking movement. Russia signed and ratified Palermo Protocol, so it was obligatory to include something in our national legislation.”¹⁵⁹ The Palermo Protocol was also used as the model for the Russian criminal code additions and adapted to the Russian system of legislation.¹⁶⁰ Despite this emulation of the Palermo Protocol there was one significant difference between the two documents. According to Boris, the Russian law necessitates a sale of

¹⁵⁸ Boris, international partner, personal interview, July, 2013, Russia.

¹⁵⁹ Alexander, academic, personal interview, July, 2013, Russia.

¹⁶⁰ Galina, civil society representative, personal interview, July, 2013, Russia.

the person, but with Palermo, a sale is not compulsory.¹⁶¹ Thus, the influence of the Palermo Protocol in the 2003 criminal code adoptions can be seen as the impetus for policy adoption and seen within the content of the policy, but it is not the only influence.

European Influence

Buckley argues that anti-trafficking legislation would not have developed in Russia without Western influence (2009). Russia is a member of the Council of Europe but has not signed or ratified the *Council of Europe Convention on Action against Trafficking in Human Beings*. Alexander thought that Russia had not signed and ratified this convention because it came with too many obligations that were costly for the Russian government.¹⁶² Despite their failure to sign this agreement, they have received a significant amount of funding for anti-trafficking programs from the European Union and individual European countries such as the Netherlands, Sweden, and Switzerland. Respondents also discussed that Europe was a significant destination region for Russian victims of trafficking. Despite these references and the subtle pressure of membership in the Council of Europe, European pressure on policy adoption was minimal.

Russia is also a member of the Council for Baltic Sea States and participates in the Task Force against Trafficking in Human Beings that was discussed briefly in the Chapter Four; Latvia is also a member. The task force recognizes that human trafficking is an issue that needs to be solved in the Baltic Sea region and then they coordinate and implement joint counter-trafficking projects depending on the needs of the countries.¹⁶³ The task force's main focus is on labor exploitation, and they have projects that provide trainings for consular officials and

¹⁶¹ Boris, international partner, personal interview, July, 2013, Russia.

¹⁶² Alexander, academic, personal interview, July, 2013, Russia.

¹⁶³ Diana, international partner, skype interview, July, 2013, Russia.

conduct research on anti-trafficking activities that identify policy gaps.¹⁶⁴ The Ministry of Foreign Affairs coordinates Russia's participation in the taskforce and as part of Russia's presidency of the council in 2012-2013 it had three task force meetings in Moscow and a special conference on fighting human trafficking in St. Petersburg that included numerous experts. Russia presidential priorities related to combating human trafficking paid particular attention to children and focused on exploitation through technology (CBSS 2013). The CBSS has been one of the only avenues for European pressure on human trafficking despite European funding and pressure from the Council of Europe.

United States Influence

Buckley argued that pressure from U.S. government was productive in the development of the 2003 criminal code amendments over time but not instantly as politicians and the government disputed that the problem was even occurring in Russia (2009b, 127). I have found that influence from the United States on human trafficking policy development has hindered the government from adopting human trafficking policies. Russia was downgraded from Tier 2 Watch List to Tier 3 in 2013 in the U.S. State Department's Trafficking in Persons Report for failing to comply with the U.S. minimum standards (2013, 310). This also meant that economic sanctions could be utilized on Russia and the U.S. government could withdraw non-humanitarian and non-trade-related foreign assistance from the country (TIP 2013). Russia was ranked on the watch list for nine years in a row and granted two consecutive waivers¹⁶⁵ from the lowest tier because it had a written plan to bring itself into compliance with the minimum standards for the

¹⁶⁴ Diana, international partner, skype interview, July, 2013, Russia.

¹⁶⁵ According to the TIP report, "in the 2011 and 2012 TIP Reports, Russia was granted consecutive waivers from an otherwise required downgrade to Tier 3 on the basis of a written plan to bring itself into compliance with the minimum standards for the elimination of trafficking. The Trafficking Victims Protection Act (TVPA) authorizes a maximum of two consecutive waivers; a waiver is no longer available to Russia, which is therefore deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3" (2013, 310).

elimination of trafficking (TIP 2013, 310). This downgrade was published in June 2013 and was mentioned by several of respondents as negatively affecting U.S.-Russian relations. Yelena said that when the Americans put Russia in the third tier of countries, it caused only resentment.¹⁶⁶

Alexander said the following:

Human trafficking is political. The U.S. TIP report does not help our work. On the contrary, it makes everything very hard. Although as a researcher I respect the effort. I can understand how much work it is to gather that information, to analyze, to double check, to contact your embassies abroad, to contact NGOs, to contact the experts...I think the tier rankings are not helpful.¹⁶⁷

In addition to frank discussions about TIP report rankings, respondents also discussed the monetary support of anti-trafficking programs until the United States Agency for International Development (USAID) office in Russia was closed in September 2012, after Russian authorities asked them to cease operations in the country. Until that time USAID has sponsored numerous prevention and awareness campaigns and study visits. Although the influence of the U.S. government can be seen with the 2003 criminal code adoption, this influence has depreciated over the years. Oleg said “when Russia finally does get an action plan or better policy on human trafficking it will be a Russian policy and not based on anything else or any other model.”¹⁶⁸

Regional Policy Networks

Russia is a member of the Commonwealth of Independent States (CIS) and as a member of this organization former President Medvedev signed the *Commonwealth of Independent States Program to Combat Human Trafficking* for 2011-2013 in December 2010. This program prescribes a number of requirements for member states such as forming a national anti-trafficking structure and funding NGOs to provide victim protections (TIP 2011, 305). The CIS has held roundtable meetings for the coordination of human trafficking responses across the

¹⁶⁶ Yelena, civil society representative, personal interview, July, 2013, Russia.

¹⁶⁷ Alexander, academic, personal interview, July, 2013, Russia.

¹⁶⁸ Oleg, international partner, personal interview, July, 2013, Russia.

region where country representatives exchange information and best practices for combatting human trafficking (IOM Russia 2013). Government officials said that the CIS program was like a national program for Russia but when I asked what requirements had been met, they could not name anything. Alexander said:

It's not like an anti-trafficking program. It's like a declaration. There is no force to that document. I heard from some American colleagues who believe that signing and participating in that program gives something to combatting or stopping trafficking in Russia. No, it does not. We don't have to do anything...we can sign it, but then Russia hasn't done anything to implement what is in the program. The program suggests a national plan of action, more shelters, special funding allocated for trafficking survivors, none of that is done...so it's okay that we sign it. We sign many documents.¹⁶⁹

Other respondents also felt that the CIS program was not implemented. This was particularly strange because the Russian prosecutor's office contributed to the development of this program and even drafted some of the CIS legislation models. Even though Russia is an active participant and often a leader in this regional policy network they have not implemented any of the requirements of the program. Thus, the CIS policy network does not influence policy development in Russia, but this could be an avenue for Russian adoption in the future.

Russian Anti-trafficking Institutions

Since Russia only has one policy tool to combat trafficking in persons, there are few anti-trafficking institutions in the country. In Ukraine and Latvia, national programs and other anti-trafficking policies called for the establishment of anti-trafficking institutions in those countries, but this has not occurred in Russia. This section will examine the types of institutions that have developed in Russia in the absence of anti-trafficking policy including a National Coordinator, Anti-trafficking Working Group, specialized police units, shelter, and the process of certification for human trafficking victims.

¹⁶⁹ Alexander, academic, personal interview, July, 2013, Russia.

National Coordinator

There is no National Coordinator in Russia to direct and coordinate the implementation of trafficking policy. While the Ministry of Foreign Affairs coordinates Russia's participation in the Council for Baltic Sea States Taskforce against Trafficking in Human Beings, beyond that there is no agency or ministry assigned to implement the human trafficking laws in Russia. The UNODC study on the Baltic Sea region also identifies no national coordinator or rapporteur in Russia (2010a). Alexander explained the situation in Russia as such:

There is no central institution. As you know, there is no national plan of action. It's not like there is a ministry...like in Tajikistan where the Ministry of Foreign Affairs is the central ministry in charge of implementing the program so it's the go to ministry. It's not like that; there is no system in place. There is no single agency that is central for this question. The Ministry of Foreign Affairs does what Ministry of Foreign Affairs in other countries is doing. They are taking care of inter-governmental relationships. They do diplomatic work. They have nothing to do with helping trafficking victims return. They have nothing to do with prosecuting, so they are not working on any of these issues.¹⁷⁰

This lack of leadership means that there is no pressure on other government agencies to work to implement trafficking policies. According to the UNODC, monitoring the implementation of the criminal code amendments is delegated to a number of federal level agencies in the executive and legislative branches of government including the Inter-Agency Working Group under the Committee on Legislative Issues of the State Duma, the Ministry of Interior, and the General Prosecutor's Office of the Russian Federation (UNODC 2010a 152). When I asked respondents which ministries were supposed to be working with human trafficking issues, respondents mentioned the Ministry of Interior, Ministry of Labor and Social Protection, Ministry of Health, Ministry of Education and Science, Ministry of Culture (to work with ethnic issues as described by one respondent), and the Committee on Youth Issues. However, there were large discrepancies among respondents when asked which ministries worked with human trafficking

¹⁷⁰ Alexander, academic, personal interview, July, 2013, Russia.

as most respondents said only the Ministry of Interior. This lack of clear leadership means that these ministries have no oversight on anti-trafficking activities and do not know what the other ministries are doing on this issue.

Anti-trafficking Working Group

Although currently there is no official working group tasked with coordinating human trafficking activities in Russia, there were a few different working groups that were developed in the early 2000s to work with the issue of human trafficking. Russian President Vladimir Putin founded a working group on human trafficking legislation development, headed by the Ministry of Interior in April 2002 (McCarthy 2011, 68). An interagency working group was also established in the Duma in October 2002 to draft a law on counter-trafficking (IOM 2003, 171). This group was headed by Mizulina and made up of ministry officials, international organizations, and non-governmental organizations and supported by the presidential administration (McCarthy 2011, 68). According to McCarthy, these groups were merged and constituted the official Duma working group on human trafficking (2011, 69).

After the criminal code was adopted in 2003, these working groups seemed to disperse. There have been reports that there is an Inter-Agency Working Group under the Committee on Legislation of the State Duma that develops national legislation and strategies to combat human trafficking composed of law enforcement, state agency representatives, and NGOs (UNODC 2010a). One source suggested that as of June 2013 there was no government agency coordinating trafficking efforts in Russia (Global Slavery Report 2013b). Another source said a Federal Interdepartmental Commission was going to be established when the draft Federal Law on Combating Human Trafficking was approved (UNODC 2010a), but this source was from 2010, and there was no indication by the respondents that this law would be adopted in the near future.

The IOM in Moscow has facilitated the establishment of an interdepartmental working group for the improvement of a referral mechanism model that held its first meeting at the St. Petersburg Public Charitable Organization of the Russian Red Cross in December 2013 (IOM Moscow 2013). The TIP report said that the Ministry of Health and Social Development had also formed an interagency coordinating committee on human trafficking in December 2010, and it was the “first known coordinated effort to address human trafficking at the national level” (2011, 305). Some regions in Russia, such as Vladivostok and St. Petersburg, have also reported ad-hoc regional working groups to ensure the cooperation of government and civil society organizations when working with people in crisis situations; however, these groups are informal and meetings are sporadic.¹⁷¹

Police Units

An Interdepartmental Working Group on Combatting Violence against Women, Trafficking in Women, Prostitution and Sexual Violence was established in the Ministry of Interior in April of 2002 (IOM 2003, 180). This group was located within the Information and Public Relations Unit of the ministry and was tasked with gathering information on crimes related to the working group for use in cooperation and information sharing (IOM 2003, 180). In December 2003, a Specialized Unit on Combating Human Trafficking was established to investigate trafficking offenses as part of the organized crime unit (McCarthy 2011, 144). Consequently, in every region of Russia there were several police investigators who could potentially work with trafficking cases, in addition to their other duties (McCarthy 2011, 144). These units worked until 2008 when administrative reforms eliminated them and the special investigators with training on trafficking cases were dispersed to the general pool of criminal police (McCarthy 2011, 145). Dmytri said that there are still people working on this issue in

¹⁷¹ Vera, civil society representative, skype interview, August, 2013, Russia.

some regions of Russia, so despite the administrative reform there are some remaining police investigators working on trafficking cases.¹⁷²

According to McCarthy, law enforcement officers were instrumental in providing bottom-up pressure to adopt the trafficking law in 2003 because without a criminal code article on trafficking they were unable to fit the types of crimes they were seeing to other criminal code articles (McCarthy 2011, 53-54). However, the police have faced criticism of their trafficking investigations as prosecutions in Russia were low compared to estimates of trafficking problem (TIP 2013, 310). In sex trafficking cases many times the police utilize *Article 241 Organization of Prostitution* because that crime is often easier to prove and many labor trafficking cases were not opened despite a few high profile cases reported in the media (TIP 2013, 311). There are also issues when working with trafficking victims during police investigations as many victims are afraid to cooperate. This is explained by Katerina:

There is a distrust of police. I must say that about 50% of assisted victims of trafficking cooperate with police, but many of them just don't want to do this because it's a long process to open a criminal case to testify. It's very hard and stressful, and many victims have post-traumatic stress disorder, and they don't trust police at all.¹⁷³

Although anti-trafficking police units were developed in Russia, administrative reform restructured the departments and has diminished the capacity of the investigators who remain, making investigations and working with victims increasingly difficult. This is combined with the lack of continuing legislation on this issue anti-trafficking policies are not very effective because government's fail to hold traffickers accountable for their crimes.

Shelter

Shelters for human trafficking victims have an equally speckled history in Russia. In 2003, the IOM sponsored a project with the Angel Coalition that established four shelters for

¹⁷² Dmytri, government official, personal interview, August, 2013, Russia.

¹⁷³ Katerina, civil society representative, personal interview, August, 2013, Russia.

trafficking victims in St. Petersburg, Murmansk, Petrozavodsk, Kazan, and one rehabilitation center in Moscow (IOM 2003, 170). These shelters provided rehabilitation services including medical, psychological, social assistance, as well as, repatriation services to help Russian victims return to Russia. This project lasted until around 2009, when the government made no indication of their desire to take over or work with these shelters, and the project ended and shelters were closed.¹⁷⁴ There was also a shelter in Vladivostok that established as part of a different IOM supported program and still exists today with the support of local authorities who provide the apartment and pay for the electricity.¹⁷⁵

Despite this lack of support with most shelter facilities, the Ministry of Health and Social Development reported that they officially cooperated with 47 NGOs on human trafficking and have both NGO and state rehabilitation centers (UNODC 2010a, 153). The statistic was calculated before the NGO law went into effect so the number of existent NGOs specializing in trafficking is most likely significantly smaller. Victims' may also go to any of the 2,500 women's centers around Russia to receive assistance, but these centers treat general medical issues, and social workers are not trained to identify women as trafficking victims or specialize in trafficking care.¹⁷⁶

Since the IOM's internationally sponsored shelters closed in 2009, and the NGO law limiting foreign funding to the women's organizations forced many of these to close as well, the anti-trafficking movement has taken a decidedly more Russian approach. The women's organizations that brought the issue of trafficking to the forefront were supported by international funding, so many of them were seen as bringing Western ideals into the country as well. When that funding dried up, many of these organizations ceased to exist, leaving a vacuum

¹⁷⁴ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹⁷⁵ Vera, civil society representative, skype interview, August, 2013, Russia.

¹⁷⁶ Elvira, civil society representative, personal interview, August, 2013, Russia.

where services for trafficking victims once existed. Only a handful of these organizations survived, and many of these organizations work on more than just trafficking. In the wake, a number of new players have emerged such as the Russian Red Cross and the Russian Orthodox Church. In 2013, the St. Petersburg municipal government granted the Russian Red Cross an apartment space to open an eight-bed IOM supported trafficking shelter (IOM 2013, 312). It was started in St. Petersburg, with the help of the municipal government and the Federal Migration Services. The Red Cross is working together with the government to provide this shelter.¹⁷⁷ At the same time Russian Orthodox monasteries around Russia have been housing Russian and foreign victims temporarily until government service centers or NGOs could be located to assist them. Both of these organizations have long histories in Russia, cooperate with local authorities, and are seen as being friendlier to the regime than the foreign sponsored women organizations.¹⁷⁸ Trafficking shelters have come and gone, and some municipal authorities are more open than others to the idea of human trafficking. However, by utilizing Russian organizations, trafficking shelters have been re-established to work together and cooperate with government authorities.

Victim Service Provisions

Russia does not have a specific law that grants victims of trafficking access to social services. If the victim is a Russian citizen, he or she can access medical assistance at government health centers around the country, but if the victim is foreign he or she is not entitled to any special rehabilitation services. The significant amount of bureaucracy with NGO-provided assistance has been identified as a problem in Russia with respect to human trafficking (Shapkina 2010). This is in reference to NGOs labeling people as Victims of Trafficking (VOT), a

¹⁷⁷ Katerina, civil society representative, personal interview, August, 2013, Russia.

¹⁷⁸ Boris, international partner, personal interview, July, 2013, Russia.

bureaucratic process that involves applications and questionnaires to determine if the person meets the set criteria (Shapkina 2010). As most of the organizations and rehabilitation centers that could award the status of victims have closed, there is not much of a process for application in Russia. Lena explains what happens to child victims of trafficking:

The problem is that we do not have a law which provides the status of victim to a victim of trafficking and that is why we can only work with children until they identify his or her identity and where the child is from, and then they have to contact the local institution either in Russia or the embassy if the child is from a different country. If they are between 16-18 they mainly go to the detention centers...child detention centers because it's kind of an administrative crime to be in the city without parents without documents or something like this.¹⁷⁹

A trafficking victim can apply for refugee status if he or she is from a different country, but respondents stressed that obtaining this status for a victim of trafficking based on the fact that they were trafficked to Russia was extremely difficult. Vera, a regional NGO representative said the following:

Yes, it's almost impossible to get the refugee status. And then because we are talking about a crime that is often committed in one country and the victim returns to another, these things are very difficult to prove. We have a lot of victims in China or Korea, but no one gets excited about them and nobody investigates the crime. We also have a lot of crimes against migrants who enter Russia. We have a lot of people from Central Asia who come here and have no rights because their employers confiscate their passports, do not pay their wages and force to work without signing a contract. These people are absolutely powerless, and the state only sends them out of the country.¹⁸⁰

Foreign trafficking victims are not entitled to the social services that Russian citizens can receive. This refers back to the migrant stereotypes that they are not true victims because they have chosen to come to Russia. Mikhail said the following about the intersection of migration and human trafficking in Russian policy:

In a general sense, it came to the point that we should not help immigrants from any particular country but especially migrants. That is, if there is a worker and he or she has a

¹⁷⁹ Lena, civil society representative, personal interview, August, 2013, Russia.

¹⁸⁰ Vera, civil society representative, skype interview, August, 2013, Russia.

problem and they have begun to assist the migrant, not as a native of a particular country but according to their migrant status. I think that they need to help internal migrants the same as victims of human trafficking. But it needs to come to the point that we help foreign victims the same as Russian victims based simply on the fact that the victim needs help that is the most promising direction for the work. Because when we stop dividing it by Russians and non-Russians, then we can begin to make progress, and the Russians need to help raise this issue somehow. But if you have this mindset perpetuated by some Russians by thinking that they are not our people and why should we help them, then you will not want to help others.¹⁸¹

However, a new law, *On Protection of the Rights of Victims of Crime* signed by the President in January 2014, could fix some of these problems. While it does not focus on trafficking victims specifically, it does work to provide victims of violence access to social services.¹⁸² The law is for victims of crime in general and it prescribes the basic rights for victims and types of services available to them.¹⁸³ It also allows NGOs and government agencies to obtain funding from the government to work with victims of violence so there could be more support for trafficking victims under this law in the future.¹⁸⁴

Conclusions

Russia has adopted two changes to the political code related to human trafficking since 1991. This chapter examined a number of themes related to policy adoption in Russia. Trafficking was understood as a political issue to a much larger extent in Russia than it was in Ukraine or Latvia. Consequently, state commitment, and bureaucratic influence related to the scope of the trafficking problem were significant themes influencing policy adoption in Russia. The lack of issue salience was also a factor as respondents noted that Russia did not have a better human trafficking policy because it was simply not a priority for the government. They said that the government had bigger issues to worry about like drugs or the war in Chechnya. Thus,

¹⁸¹ Mikhail, academic, personal interview, July, 2013, Russia.

¹⁸² Galina, civil society representative, personal interview, July, 2013, Russia.

¹⁸³ Galina, civil society representative, personal interview, July, 2013, Russia.

¹⁸⁴ Galina, civil society representative, personal interview, July, 2013, Russia.

government attention was not given to this issue despite salience of the issue within the media. Respondents also said that the commitment of the government to an issue was fundamental to policy adoption because even if a member of parliament became interested in this issue without coming from the presidential administration the issue would never be examined in parliament. Other mediating factors internal to the system that had minor influence on policy adoption such as corruption, level of democracy, interest group strength, policy entrepreneurs, and bureaucratic influence. Finally, at one time international influence was significant, but over time external influence has dissipated, and Russia has staved off international, European, and U.S. pressure. Russia is the de facto leader of the Commonwealth of Independent States, and their regional policy network. Even though this organization has developed guidelines on human trafficking Russia does not follow them. The chapter also examined Russia's anti-trafficking institutions which have not developed significantly because there are no laws in place to solidify these institutions. As a result they lack ad-hoc commitments to a National Coordinator, Anti-trafficking Working Group, specialized police and prosecutor units, shelter, and the process of certification for human trafficking victims. The next chapter will expand the analysis to all 15 countries of the former Soviet Union and contextualize Russian, Ukrainian, and Latvian policy within the region as a whole.

Chapter 6: The Scope and Variation of Human Trafficking Policy in the Post-Soviet Region

The case studies have demonstrated the scope and variation of human trafficking policy in three different countries of the post-Soviet region. In this chapter, I examine this variation further and assess the comprehensiveness of the human trafficking policies in all 15 countries of this region. Using a content analysis, I examine a variety of policy documents to determine the scope and variation of human trafficking policies in the former Soviet Union. I determine the overarching themes that emerge from the policies and discuss how they differ from previous policy studies. These observations will add to the literature because policies related to human trafficking have not been examined across the post-Soviet region as a whole and there is much to discern from the development of policy across this region.

The chapter begins by detailing the methods I used to determine and locate the policies from the 15 countries of the former Soviet Union. I then discuss the parameters of the database I built with the 100 policy documents I located from this region. The methods section describes the categories and methodology utilized in the empirical and substantive content analysis. Systemic results demonstrate the themes present in the content of the policies. Then cross-sectional comparisons of the systemic results by country and policy type provide a more in-depth analysis. Substantive results reveal the differing definitions, localization of policy elements, and overarching themes in the policies as a whole. Finally, the conclusions reveal the significant policy variation in this region and how the results from the content analysis will be used to construct the Human Trafficking Policy Index in Chapter Seven.

I examine the following hypotheses in the content analysis. I hypothesize that trafficking policies in the post-Soviet region will be framed to fit the needs of female sex trafficking victims, the Natashas, and not account for other types of victims with rehabilitation programs

and preventative campaigns. I also contend that, contrary to the literature, prosecution will not be the most widely utilized theme in the policies due to the fact that the post-Soviet region is a source region for human trafficking victims. I also hypothesize that while organized crime and corruption will be mentioned in the policies they will not make up a large amount of the policy content. Since international influence is seen in the literature to be the biggest influence in policy, I hypothesize that this theme will be widely used in the policies. Finally, I hypothesize that monetary weight will be one of the smallest codes because some countries adopt human trafficking as a symbolic policy as a way to meet their international commitments and do not think about how the policy will be implemented.

Methods and Policy Tracing

In order to analyze the policy approaches to human trafficking in the post-Soviet region and the content of the policy documents concerning human trafficking, the actual policies had to be determined and then located. Only primary laws and policies specifically devoted to human trafficking in the post-Soviet region from 1991-2013 were targeted; secondary laws that supplement these primary laws were left out. There are also other policies that include human trafficking elements, such as gender equality policies or domestic violence, but these include other elements not related to human trafficking policy. Therefore, they were excluded.

Building a database of human trafficking policy documents was not an easy task because policy documents in the comparative context are difficult to track, which impedes data collection and policy tracking. In the international sphere, different types of political systems have policy documents that come in many different forms and have a legal status that is more ambiguous than policy documents in the American context, which are concrete policies or laws (Sabatier

1998). Despite this, a number of sources and contacts were utilized in the region in order to build a database of human trafficking policies in the post-Soviet region.

Newspaper archives and databases were also used to identify the policies that were passed, but they were unhelpful in locating the actual policies. The United Nations Secretary Generals database on Violence Against Women tracks many of the human trafficking policies through questionnaires to member states and, although it does not provide links to most of the policies, it was a useful starting point in looking for the policies. UN Global Initiative to Fight Human Trafficking (UNGIFT) and the Protection Project had links to some of the trafficking policies in the region. Legislationline.org, sponsored by the Organization for Democratic Institutions and Human Rights, also provides legislation, and human trafficking is one of the policy topics encompassed by their database. The Harvard School of Public Health, Rule of Law in Armed Conflicts Project, and the Migration Law Database, sponsored by the International Organization for Migration (IOM), provided more policy documents. Ministry of Interior websites, national government legal databases, and emails with NGOs or government officials in the respective countries were also utilized when other methods of searching and databases failed to yield the policy documents. The results of my policy tracing were triangulated to ensure the reliability of the results and ensure that all of the policies were included. My list of policies was forwarded to the International Organization for Migration's Regional Office for Eastern Europe, Caucasus and Central Asia, which oversees all of the countries in my study with the exception of the Baltic States. The list of policies was triangulated, by comparing my results to lists developed by each IOM office in all 12 countries covered by this office. Then, Estonia, Latvia, and Lithuania's policies were triangulated with the European Commission's database on member state anti-trafficking initiatives. In total, 100 policy documents were examined, including 35

criminal laws and code changes, 29 national action plans, 9 national laws, 23 decrees, regulations, or decisions, and 4 miscellaneous changes including amendments, working group policies, or victims' services laws.

Once the policies were located, 23 of them were translated from Ukrainian, Russian, Latvian, and Lithuanian by the author, before they could be analyzed. Therefore, the policies were translated before coding parameters could be determined, so as not to bias the translation. Despite careful translation, there were some hurdles that needed to be overcome in the translation process. These languages contain gender-specific language that English does not possess; thus, wherever applicable, I translated words into gender-neutral language.¹⁸⁵ Additionally, these languages have many run-on sentences, which are standard for academic and government documents in these countries. However, when translating into English and trying to preserve the meaning, while also observing the structure of the translated language, it was necessary to break some of these sentences apart. For this reason, characters instead of sentences were the unit of analysis for the content analysis, as counting sentences would have lost the meaning in the translated language. Also, since there are more words in the English version than the original language versions, characters were the most appropriate unit of analysis for the study compared to sentences, as they convey more accurately the content of the policies and allowed me to split sentences into two different codes if necessary.

After translating the documents that were not available in English, I conducted two cycles of coding, first looking for the main themes of human trafficking policy and second to merge codes and standardize the analysis. Due to the plethora of policy documents, Computer Assisted Qualitative Data Analysis Software (CAQDAS), MAXQDA 10 was utilized to facilitate the

¹⁸⁵ For example, some of the policies used a he or she designation for actors in the policy process and these were changed to they or it in the translations in order to correctly translate the meaning to English.

coding and organize the data. The formulation of codes was developed with two goals in mind related to the dissertation as a whole. First, the codes were developed to recognize common themes, determine what governments are doing to fight trafficking, and to try to understand the variation of policies in this region. These codes were modeled after the Britton and Dean study (2014) and adapted for the post-Soviet region. Second, the codes were created with themes such as sentencing guidelines and victims' service provisions that were used to create an index to measure the scope of the laws. This index will be used as the dependent variable for policy adoption in Chapter Seven. Consequently, the first cycle of coding began with a list of predetermined codes, developed from an examination of the literature and an initial review of human trafficking policy indices. Then, codes were added based off of the emergent themes and the second cycle of coding standardized the analysis.¹⁸⁶

For this content analysis, I used 24 mutually exclusive codes for which three codes were broken down into sub-codes. For example, prosecution was broken down to include criminal, civil, and child specific provisions; cooperation was broken down into international and national; and services for victims was broken down into working group, shelter, and hotline. I was interested in comparing sentencing guidelines among the countries and if they included child specific provisions. I also wanted to determine whether the countries had specific provisions such as a trafficking shelter or hotline and use this information to build the index; these codes were combined with other codes for the systemic analysis because they are only important for the creation of the index. Hotline, shelter, and taskforce were combined with services for victims, and then criminal, civil, and child specific provisions were combined again to form prosecution. The second cycle of coding took these changes into consideration and standardized the coding

¹⁸⁶ For a complete list and description of all of the codes, please see Appendix Four.

for analysis in order to ensure the reliability of the results. As a result, 18 codes are displayed in the final results.

This coding included open coding, in which I identified emergent codes that developed out of a reading of the policies such as investigation, research, and cooperation. I was interested in the content of the policies, in order to uncover overarching themes and observe what strategies are used by these governments to combat human trafficking. Similar to hand coding, themes were highlighted with different colors, and then the name of the theme was written in the column of the policy in order to assure the correct code and color was utilized. After the coding was performed, the number of characters in every category were counted and divided by the number of characters in all of the policy documents in order to obtain a percentage of the policy devoted to that theme.¹⁸⁷ Presenting the data as percentages versus counts allows for comparisons of data across policies, a method that is supported in the literature (Weber 1990, 57). In addition to these systemic counts of codes, substantive results examine common themes across the region.

Results

The results demonstrate the significant variation of human trafficking policies in the post-Soviet region. The coding resulted in a significant amount of data from the 100 different policy documents analyzed which generated a total of 5,649 coded segments and 29 memos. The systemic results will be presented first, followed by the substantive analysis results.

Systemic Results

The systemic results of the content analysis are presented in Table 6.1. This table displays the codes, the percentages of the characters in all coded segments from all of the policy documents combined, and the rank of the codes. Only 40.09% of the characters in the policies fit

¹⁸⁷ MAXQDA measures coding segments by bytes which is a measure for the amount the coded text takes up in the document.

within the coding parameters of the themes. This means that a little less than 60% of the text did not fit into any of the categories, as it either did not relate to human trafficking, was a signature of an authorizing party, was a title or subsection heading or was extra space in the policy.

Table 6.1: Systemic Results of Policy Variation by Document

Theme	Percent of Documents	Rank
Services for Victims	10.3%	1
Prosecution	6.7 %	2
Education	3.3%	3
Legislation	2.8%	4
Definition of Human Trafficking	2.3%	5
Prevention	1.9%	6
Cooperation		
Domestic	1.8%	7
International	1.5%	8
Implementation	1.5%	8
International Influence	1.4%	10
Protection	1.1%	11
Research	1.1%	11
Monetary Weight	1%	13
Identification of Victims	.99%	14
National Characteristics	.8%	15
Investigation	.8%	15
Human Rights	.4%	17
Business	.4%	17
Totals	40.09%	18

Contrary to previous research, which has found prosecution to be the largest theme in trafficking policies (Britton and Dean 2014; Lindstrom 2006; Askola 2007), my analysis determined that victims’ services (10.3%) was the most widely utilized theme in the human trafficking policies in the region. This finding is somewhat surprising because these types of rehabilitation and job training services can be expensive and some governments in the post-Soviet region are not very economically developed. A closer look at the codes on victims’

services reveals that some countries, including Belarus and Georgia, will rely on international organizations and donors to pay for these services. Consequently, simply because a policy is devoted to victims' services, does not mean that there will be monetary weight behind these provisions and that the government actually supports them. Another likely reason that victims' services is the most utilized theme in the trafficking policies of the former Soviet Union is because all of the countries in this region are source countries for victims of trafficking. Therefore, this emphasis on victim service provisions could be related to the region and the fact that many victims originate there. While there are a few destination countries in the region, the biggest destination country in the region, Russia, has no victim service provisions related to human trafficking. This could demonstrate that the type of policy a country has on human trafficking is based on what types of trafficking trends the country possesses.

Prosecution is the second largest code utilized in the documents, taking up 6.7% of the policy content. This echoes the finding of previous studies, as national governments devote a significant amount of policies to discussing sentencing guidelines, methods for combatting trafficking, and criminal proceedings. This also suggests that national governments in the post-Soviet region devote more time to prosecuting traffickers than they do preventing human trafficking (which was 1.9% and the sixth highest frequency of characters). Prosecution also includes references to issues of national security, such as terrorism, border control, and illegal migration, framed as security issues which were frequently utilized when discussing how countries planned to combat trafficking. Turkmenistan, Tajikistan, Uzbekistan, Kyrgyzstan, and Belarus all referenced trafficking as an issue of national security in their policies and some assigned the national security office or ministry in their respective country as an implementing office for the policies. Although there is an emphasis on prosecution in the policy documents of

the former Soviet Union, it was not the mostly commonly used theme but is still an important component of the policies in this region.

Education was the third highest code in the policy documents. This was an unexpected finding but it is evidently something countries in the post-Soviet region see as an important policy component in combatting trafficking. The code of education includes topics such as awareness campaigns and trainings on human trafficking themes. These trainings can be for police officers and border guards so that they recognize human trafficking victims. Training modules for social workers were also included in many policies, so they can learn to identify victims and work with victims by constructing their rehabilitation programs. Many countries also plan to educate the general public about human trafficking through media and advertising awareness campaigns. Some countries also included provisions for training at-risk populations and ordinary citizens about how to avoid becoming a victim of human trafficking. These types of activities are usually the first to get cut in government budget crises and the last to be implemented, so it is very surprising that it was the third most commonly used theme in the policies.

The fourth largest code was legislation, with 2.8% of the characters in the policies overall. For this theme, the policies discussed what type of legislative initiatives countries have planned in the future or international agreements that they plan to sign or implement. Even countries that were ranked very high for the scope of trafficking policies (examined in Chapter Seven) indicated their plan to rework their national level legislation and further develop national action plans and laws. The policies also presented plans for legislative initiatives that would prepare them to ratify international protocols and treaties. Some countries with break-away and autonomous regions, such as Gagauzia in Moldova and Crimea in Ukraine (the policy was

written before it was annexed by Russia), even recommended that regional policies be developed to combat trafficking in those specific regions. Uzbekistan's government wrote that they will establish regional interdepartmental commissions for preventing trafficking in humans in the Republic of Karakalpakstan and in the districts and city of Tashkent (the capital city).

Definitions on human trafficking were the fifth most widely used theme in the policies with 2.3% reflecting countries' need to lay out how they define the problem before they attempt to combat it. A comparison of the differing definitions will follow in the substantive results.

The sixth largest code was prevention, with 1.9% of the codes, which encompassed prevention programs and techniques that countries planned to undertake to stop trafficking. National and international cooperation were the seventh and eighth most widely used codes, which is interesting, because I theorized that governments would want to cooperate significantly with other countries. There are a lot of references to bilateral agreements and cross-border cooperation with fighting human trafficking. However, it seems that, according to the content of the human trafficking policies, countries are having a hard time cooperating across different institutions within the same government (as evidenced by how many characters were devoted to national cooperation). Consequently, cooperation needs to be facilitated within a country first before it can be increased outside of its borders.

One code that did not rank as high as expected in the analysis was international influence. Based on the literature, which argues that human trafficking policies are adopted due to international influence, I theorized that this would be one of the most widely used codes. However, this was the tenth most frequent code that was utilized in only 1.4% of the policies. While many policies referenced international agreements, bilateral agreements or abiding by international commitments, in reality this was not discussed very much within the content of the

actual policies. The Kazakh national action plan discusses cooperation with the CIS countries, by referencing the CIS policy *About cooperation of CIS member states Independent States in Combating Trafficking in Human Beings 2011-2013* from December 10, 2010. Kyrgyzstan and Belarus also mention cooperation among the CIS countries and Belarus discusses the need to develop model legislation for CIS countries. Moldova discusses the influence of the European Union and the Organization for Security and Cooperation in Europe in its policy developed to coordinating a national referral system for victims (*Strategy of the National Referral System 2008*). The Latvian national action plan reveals the influence of the US Embassy, as they used similar language to the TIP Report, such as identifying Latvia as a source, transit, and destination country (*National Programme for the Elimination of Trafficking in Human Beings 2004*). The policies from Estonia and Lithuania also discuss international cooperation and influence at length. Not only do they discuss cooperation with the Interpol and Europol, and surveillance equipment exchanges, they also discuss concrete cooperation programs such as witness protection among the three Baltic States and the *Nordic-Baltic Pilot Project for providing assistance to victims of human trafficking Support, Protection, Safe Return, and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation (Estonian Development Plan for Combating Trafficking in Human Beings 2006)*. The influence of the international community is not surprising when it comes to the Baltic States (Estonia, Latvia, and Lithuania), as they are members of the European Union and North Atlantic Treaty Organization (NATO), but this influence can also be seen in other countries' policies and is not limited to only European organizations or policies.

I theorized that monetary weight would be one of the lowest codes before I began my analysis, as many countries in this region do not place trafficking as a priority on the government

agenda. Instead, it took 13th place with 1% of the policy content. Some of the governments, such as Latvia, assigned actual monetary amounts per year (1.87 million lats or \$3.6 million in 2005) in their policies (*National Programme for the Elimination of Trafficking in Human Beings* 2004). It is not specified where this money is going, but this amount is more than the allocation listed within the policy for helping the victims and developing legislative initiatives combined. This suggests that the Latvian government is spending a significant amount of money on catching traffickers and less on developing legislation or rehabilitating victims, which was previously discussed. While some countries have assigned specific amounts of money, others wrote that they would utilize existing funds. Azerbaijan and Belarus said that they would pay for rehabilitation services through an assistance fund for victims with the liquidated assets of the traffickers. Estonia presumed that a trafficking hotline for women would be financed by the international community, including the United States, Great Britain, and Finland (*Development Plan for Combating Trafficking in Human Beings* 2006).

On the lowest end of rankings were investigation and national characteristics, which tied for 15th place with .8%. Then, business and human rights were tied for 17th place with .4% of the total policy content. Investigation is linked to the prosecution of traffickers but I felt that it was an important code to have by itself because without an investigation of the crime, there would be no prosecution. Thus, I believe these are separate ideas. A possible reason that this could be ranked as a lower code could also be because legislators lack the expertise to offer recommendations and do not want to tell the police how to investigate these crimes. National characteristics also make up only .4% of the characters in human trafficking policy documents. This code was included to determine if countries in this region have added elements which localized these policies and made them their own. With the significant international pressure to

pass human trafficking policy, it is feasible to assume that some countries would formulate a carbon copy of another country's policy or take language from international agreements.

Although the percentage that this code makes up of the entire policies is low, the fact that it exists demonstrates that at least some countries in this region have taken steps to localize these policies and adopt policies applicable to their country. Aspects of localization will be discussed in the next section.

Finally, business and human rights were the smallest codes in the documents. Business was a theme that came about through the latent coding, as many countries discussed business and its relation to human trafficking. Many policy documents examined the connections between certain types of business and human trafficking, such as agriculture, tourism, prostitution, modeling, and marriage agencies. They called for more regulation and increased accountability within these industries to ensure that they were not facilitating human trafficking. The Ukrainian state program seeks to “control the business entities’ compliance with the legislation in the sphere of modelling, tourism and entertainment business as well as mediation in employment abroad, the violation of which creates conditions for human trafficking, and to ensure prosecution of perpetrators” (*State Programme on Combating Trafficking in Human Being for the period until 2010* 2007). One Kazakh action plan even proposed auditing these companies and employment agencies sending workers abroad to ensure they are not trafficking people (*Action Plan of the Government of the Republic of Kazakhstan on fighting, prevention and crime prevention related to human trafficking* 2006). Some policies also discussed regulation of the labor market and increased oversight of state employment agencies. Others sought to contribute to the economy and encourage businesses to add more jobs in order to stop people from having to seek employment abroad. Moldova, where remittances from workers abroad account for 30%

of their Gross Domestic Product (Migration Policy Centre 2013), discussed implementing a pilot program on attracting remittances to the economy in a national action plan. Some of the policies were very vague when discussing their plans related to business and human trafficking, such as “reducing unregulated activities in the field of employment abroad” from Moldova’s national action plan (*National Action Plan for Prevention and Combat of Trafficking in Human Beings* 2010). In a few countries, some proposals for women or at risk groups to start small businesses. Armenia sought to implement micro-credit programs focused on women’s small and middle enterprise development (*Action Plan for the Prevention of Trafficking in Persons* 2004). Tajikistan aims to generate the necessary conditions for access to concessional loans in order to jump start business activities and economic opportunities for vulnerable groups (*Law of the Republic of Tajikistan* 2004).

Although almost every government in the region (with the exception of Russia and Turkmenistan), in at least one of its policies mentioned human trafficking’s relationship with human rights, it did not take up a lot of text in the policy documents. The most common discussion of human rights stated that human trafficking was a violation of human rights. Moldova took this a step further in its national referral strategy stating that “human trafficking is a violation of human rights and human dignity and integrity. The principles of democratic society are incompatible with treating human beings as goods for sale” (*Strategy of the National Referral System* 2008). Other policies discuss protecting the rights of victims with the application of victims’ services, confidentiality of victim information, and the implementation of anti-trafficking programs. Tajikistan sought to eliminate what they call the “evil of human trafficking” by preserving human rights and the freedoms declared by the state (*Comprehensive Programme for the Suppression of Human Trafficking in Tajikistan* 2006). Azerbaijan connected

human rights to its constitution and the basic values found within that document, and also the social rehabilitation of the victims of human trafficking, the victims' human rights and rights of a citizen provided for by the Constitution must be preserved (*Law of Azerbaijan Republic on the Fight against Human Trafficking* 2005). Although human rights was tied for the smallest theme in the policies overall, it was a theme connected to almost all of the policies in this analysis.

Systemic Results: Cross-sectional Comparisons

When these results are compared across countries, as displayed in Appendix Five, there are a few more interesting conclusions. The Russian policies only possess two themes while every other country in the region includes almost all 18 codes. The Russian policies also have a large emphasis on prosecution. Estonia, Lithuania, Kyrgyzstan, and Kazakhstan also prioritize prosecution significantly over any other code and with Russia could be categorized as championing the state-centered policy approach. This type of policy prioritizes law enforcement, security, and combating trafficking, themes that are epitomized in the code of prosecution. The Armenian policies focused on education and awareness campaigns more than any other theme, Turkmenistan emphasized the definitions of human trafficking, and Tajikistan stressed services for victims and legislation. Azerbaijan, Georgia, Latvia, Moldova, Ukraine, and Uzbekistan largely prioritized the services for victims theme over others. This focus on victims' services and rehabilitation programs is categorized as a victim-centered approach. The comparison across all fifteen countries reveals that some countries prioritize certain themes over others. It also demonstrates that these priorities presented in the policies emphasized the two approaches found in the literature, prosecution and victims' services. However, three countries Armenia, Turkmenistan and Tajikistan emphasized education, definition, and legislation, three themes that do not fit in the state-centered/victim-centered dichotomy present in the literature.

Comparing the policies by the type of trafficking policy demonstrates how different policy approaches address human trafficking as shown in Table 6.2.

Table 6.2: Systemic Results of Policy Variation by Policy Type

Theme	Criminal Code	National Action Plan	National Law	Decree/Regulation/Decision	Misc.
Services for Victims	0%	4%	18.7%	21%	9.1%
Prosecution	14.3%	8.5%	6.7%	.64%	6.4%
Education	0%	6.6 %	2.7%	3.4%	1.8%
Legislation	2.2%	3.8%	3.7%	1.1%	4.5%
Definition of Human Trafficking	5.5%	.38%	5.4%	2.7%	1.3%
Prevention	0%	2.6%	5%	.62%	1.5%
Cooperation					
Domestic	0%	2.8%	2.4%	.88%	2%
International	0%	2.6%	2.2%	.32%	.74%
Implementation	0%	2.3%	1.7%	.74%	3.6%
International Influence	.17%	2.9%	.73%	.14%	.9%
Protection	0%	.58%	4.4%	1.1%	1.4%
Research	0%	2.2%	.89%	.24%	1%
Monetary Weight	0%	1.6%	1.4%	.56%	1.2%
Identification of Victims	0%	.23%	1%	2.6%	0%
National Characteristics	0%	1.6%	.25%	.19%	2.2%
Investigation	0%	1%	1.1%	.66%	2.3%
Human Rights	0%	.44%	1%	.26%	.49%
Business	0%	.54%	.85%	.26%	0%
Totals	22%	45%	61%	34%	41%

Note: Codes were calculated by dividing each category by the number of bytes in that policy type. Based on the number of bytes national action plans make up 44% of the policy documents, criminal codes 13%, laws 11%, decrees/regulations/decisions are 29%, and 3% are miscellaneous.

The criminal codes only contain four themes and are overwhelmingly reliant on prosecution and trafficking definitions which is not surprising since that is the intent of the criminal code. When focusing on only the national laws, services for victims are still the most prevalent code. This diverges from other regions of the world (European Union and Southern Africa) and some of the

literature (Lindstrom 2006; Askola 2007; Munro 2006; Britton and Dean 2014) which argues that prosecution themes are the most prevalent in national laws. Conversely, national action plans seem to focus on prosecution over education and services for victims. The decrees/regulations/decisions are the only policy type that does not prioritize prosecution. All of the other policy types have prosecution as the most or second most widely used theme in the policies, but with decrees/regulations/decisions this theme did not even make the top five. Instead decrees/regulations/decisions have services for victims, education and trafficking definitions as their most widely used themes. Comparing criminal codes and national laws that are adopted by the legislature, to national action plans and decrees adopted by the executive, presents no discernable patterns. While there are 35 criminal code policies, they only consist of 13% of the policy documents as a whole; thus, despite having the largest number of policy documents they do not make up a large part of the policy content. The national action plans make up 44% of the policy documents, decrees/regulations/decisions are 29%, 11% laws and 3% are miscellaneous.

These results demonstrate that it is important for scholars to include different human trafficking policies in their analysis because focusing only on criminal codes or national laws does not represent all trafficking policy. Studies that discuss an over reliance on prosecution themes could only be examining one type of legislation, thus, in order to obtain a complete picture of the trafficking policies in this region it is necessary to examine all of the different policy types. This brief investigation of the main systemic themes covered in the content of the human trafficking policies in the former Soviet Union demonstrates that the content of trafficking policies goes beyond the previous categorizations found in the literature. This includes the state-centered/victim-centered approach outlined above and the Prosecution,

Prevention, Protection model advocated by the Trafficking in Persons Report. This analysis reveals that there are so many more themes within these policies that do not seem to fit in this categorization. Even with the addition of a fourth P for Partnership to the TIP report, announced in 2009 (US State Department 2014) that covers cooperation, it is not evident from this model where implementation, research, business regulation, or human rights fit in this model. The state-centered/victim-centered model also possesses this limitation. This is why codes beyond the 3 Ps and state-centered/victim-centered were developed for analysis of these policies because they fall short of actually conveying the content of human trafficking policies.

Substantive Results: Definitions

The substantive results reveal other interesting information about the scope and variation of policy in this sphere. As mentioned previously, most criminal code articles contain a definition of trafficking that included both sex trafficking, forced labor, and elements of force fraud or coercion. Some countries also have provisions for the recruitment, transport, transfer, concealment, or harboring of persons for exploitation. However, a few countries moved beyond this basic definition to include other categories. For example, Georgia, Russia, Tajikistan, and Uzbekistan have provisions in their criminal code or national policies for organ trafficking or tissue removal. Kyrgyzstan and Belarus included adoption provisions, for example if people tried to adopt children and then traffic them, which could suggest that it has been a problem in both these countries in the past. Belarus included regulations for bridal agencies and mail-order brides, while Uzbekistan banned forced marriage. These types of crimes have seen resurgence as a result of the post-Soviet transition and are prevalent in this region (Racioppi and See 2009), so the fact that only two countries included it in its policy is quite remarkable. Finally, Tajikistan included surrogacy in its definition of human trafficking as a “woman who gave birth to child as

a result of using medical method of artificial insemination or embryo implantation for its bearing” (*Law of the Republic of Tajikistan on the Fight Against Human Trafficking* 2004). In the law they state that “depending on the activities of the victims of human trafficking, the exploitation may be as following: a) exploitation of human physiological organs, namely for transplantation of organs and tissues as well as the use of woman as surrogate mother” (2004). This was highly unusual to be included in a definition of human trafficking, and, although the law does seem to recognize that not every case of surrogacy is human trafficking, it makes Tajikistan’s policy unique.

The issue of consent in human trafficking is another issue that was present in some definitions of human trafficking. Consent refers to the fact that there are some people who choose to work as prostitutes, thus consenting to sex work. The issue surrounding consent goes back to the adoption of the Palermo Protocol in 2000, when two different groups, one that viewed prostitution as legitimate work and another that saw prostitution as a form of violence against women, debated the use of coercion in the protocol’s definition of human trafficking (Doezema 2002). The abolitionist group advocates for the abolition of prostitution by arguing that prostitution leads to human trafficking and, by eliminating it, they would also eliminate human trafficking (Lobasz 2009). Conversely, the sex work group argues “for an alternative solution to human trafficking that involves legalizing prostitution and establishing legal frameworks to ensure human rights protection for all workers, including sex workers and those in low-wage and low-status jobs” (Lobasz 2009, 344). As a result, the abolitionist group argued against the inclusion of fraud and coercion in the definitions because they believe it is not necessary to constitute human trafficking. However, the sex work group argues that it is necessary because, without fraud and coercion, it is likely to be confused with someone who

chooses to work as a prostitute. Many of the countries in the post-Soviet region include coercion in their definitions of human trafficking. Uzbekistan defines trafficking as selling a person “or their recruitment, transportation, transfer, harboring or receipt for her operation” (*Criminal Code* 2008). Consent is seen as an aggravated offense that includes “violence or threats of violence or other forms of coercion” and prescribes five to eight years in jail for this offense versus the three to five years under the former definition (*Criminal Code* 2008). Ukraine also tries to balance both sides of the debate and includes “with or without consent” in its definition of trafficking (*Criminal Code* 1998). Although coercion is described a few different ways through violence, alcohol or drugs, and debt bondage, the lack of clarity in the definitions above demonstrate how easy it is to conflate human trafficking with prostitution.

The definitions of human trafficking vary significantly in the region and these differences also correspond to variations in sentencing guidelines. Kazakhstan has the lowest sentencing guidelines for human trafficking, prescribing a fine of the following:

one hundred or up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or restriction of freedom for a period up to two years, or detention under arrest for a period up to six months, or deprivation of freedom for a period up to one year (*Criminal Code* 2004).

This sentencing recommendation demonstrates how open the interpretation is for human trafficking in that country. Belarus has numerous penalties for trafficking arrest up to six months; or to restriction of freedom up to three years; or to imprisonment up to six years. Russia prescribed up to five years in its 2003 Criminal Code, which means that traffickers could get a few months in jail with the open sentencing guidelines in those countries as well. Estonia has a recommended one to five year sentence for human trafficking, which was amended to one to seven years in 2012. Most other sentences range from two to ten years in Lithuania, three to

eight years in Latvia and Ukraine or three to five in Uzbekistan, to four to ten in Turkmenistan, and five to eight in Tajikistan, and five to ten in Azerbaijan and Kyrgyzstan. Moldova and Georgia have the most stringent sentencing guidelines in the region, prescribing five to twelve years for regular human trafficking. Sentencing guidelines increase in most countries if the crime involves more than one person or is particularly heinous and includes the trafficking of pregnant women and/or children. But even here this varies, as Moldova had particularly stringent penalties for trafficking in children (twenty to twenty-five years if it results in the death of the child) while Lithuania had none at all. Despite this, it is evident that human trafficking is illegal according to the criminal codes of all the countries in the region, although they prescribe different sentences for committing this crime. Thus, these provisions, laws, and policies can be seen as a strategy the governments are utilizing to deter people from committing these crimes within their territory.

Human trafficking is often conflated with many different topics, such as prostitution, and this theme is found throughout the content of the trafficking policies as well. Prostitution is legal in five countries in the post-Soviet region: Armenia, Estonia, Kazakhstan, Kyrgyzstan, and Latvia. In the countries where prostitution is illegal, it is included in the names of the policies, as countries such as Belarus and Lithuania seek to combat prostitution alongside human trafficking. Most of the references are related to combatting trafficking and prostitution, but a few go beyond that and call for research on the phenomenon by tracking prostitutes and evaluating public opinion on the issue. Estonia, Latvia, and Lithuania all discuss the demand for prostitutes in Western Europe as a contributing factor to the human trafficking problem in those countries.

In the trafficking policies, prostitution is also linked to a number of other issues such as sex tourism, forced marriage, and pornography. Lithuania's national action plan includes mass media campaigns that seek to raise awareness of human trafficking and also include information

about sex tourism (*Programme for the Prevention and Control of Trafficking in Human Beings and Prostitution* 2002). Lithuania and Latvia both sought to organize counter-advertising for sexual services and sex tourism advertisements on television. Forced marriage is mentioned in policies from Lithuania, Uzbekistan, and Tajikistan. Uzbekistan has an article in its criminal code that makes forced marriage illegal, while Tajikistan includes it in its definition of trafficking stating that “legal dependence associated with the adoption or guardianship or fictitious marriage” is one form of exploitation victims endure (*Integrated Programme on the Prevention of Human Traffic in the Republic of Tajikistan* 2006). Pornography, especially child pornography, is a topic also discussed in the policies as an issue relating to, or as a result of, human trafficking. Every country in the post-Soviet region, with the exception of Azerbaijan, Uzbekistan, and Turkmenistan, has a law banning child pornography (International Center for Missing and Exploited Children 2005), but a few go beyond that in their trafficking legislation and attempt to demonstrate deeper connections between child pornography and human trafficking. In Belarus, producing any type of pornographic material (printed or film) for the purpose of dissemination is illegal and is not limited solely to child pornography (*State Programme for Combating Trafficking in Humans, Illegal Migration, and Illegal Activities* 2008). However, in Lithuania, profiting or using someone to produce pornographic materials is illegal (Criminal Code 2005). Both of these countries also want to have awareness campaigns on pornography and improve education about child pornography and the dangers of it on the internet. Moldova discusses how they would like to identify funding sources to increase child pornography investigations on the internet in its national action plan (*National Action Plan for Combating Trafficking in Human Beings in the Republic of Moldova* 2012).

Substantive Results: Localization

Although national characteristics did not consist of a large percentage of the systemic analysis described above, elements of localization were found in the national policies of the post-Soviet region as a whole. Accordingly, there were four main themes in the policies that demonstrate that the policies have been designed to solve issues faced by countries in the former Soviet Union. The Armenian policies discussed the assistance that the Armenian diaspora and the Armenian Apostolic Church could play in identifying and assisting Armenian victims of trafficking abroad (*National Anti-Trafficking Response in the Republic of Armenia* 2007). The policies also outlined plans to include the diaspora in efforts to combat human trafficking and cooperate with the national working group on human trafficking in Armenia (*National Anti-Trafficking Response in the Republic of Armenia* 2010). This is a theme that can be seen in the region as the Orthodox Church plays a role in the rehabilitation of victims in Russia as well. While this is not mentioned in the Russian policies, this rehabilitation work was examined in Chapter Five. The second regional element present in the policies is the incidents of forced child labor that have been found in the tobacco and cotton industries of Central Asia. A number of countries also discuss prevention tactics in their policies. Kazakhstan aims to monitor student attendance during the harvest season and they also plan to conduct inspections of cotton harvesting companies (*National Action Plan for the government of Kazakhstan to combat trafficking in persons* 2012). Under the auspices of observing the implementation of its action plan, Tajikistan plans to conduct a trip for its working group and NGOs to the cotton growing regions (*National Action Plan on Combating Human Trafficking* 2011).

The third theme is corruption and issues of transparency that were mentioned frequently in the policies and are a significant problem in this region. Azerbaijan's law on human

trafficking “aims at providing effective protection against the exposure of participants to corruption and possibility of persons who committed a crime connected with human trafficking to have an influence on participants” (*Law of Azerbaijan Republic on the Fight against Human Trafficking* 2005). Azerbaijan is weary of the traffickers bribing the special police force or people from the executive, non-governmental organizations, international partners, and other bodies who coordinate anti-trafficking activities. Moldova discussed corruption found in law enforcement, criminal investigation bodies, and courts and called for increased transparency to “diminish the means and possibilities to bribe employees” (*National Action Plan for Combating Trafficking in Human Beings in the Republic of Moldova* 2012). Kyrgyzstan even has increased penalties for human trafficking or organizing illegal migration with “actions committed by an organized group or with abuse of official powers” (*Criminal Code* 2006). Since the literature has extensively discussed connections between corruption and human trafficking, it is noteworthy that the policies in the region also acknowledge this connection.

The fourth theme found in the policies, which could demonstrate a localization of the policies to the local level, is organized crime, which is prevalent in the post-Soviet region. Many of the countries in the region recognize organized crime in their definitions of human trafficking which supports the critique of Reilly, who argues that organized crime was the main intent of the Palermo Protocol and subsequent national policies (2006). However I contend that, if this was the case, organized crime would make up a larger percentage of the policies. While most of the countries mention the subject, few of the policies devote more than a few sentences to organized crime. Contrary to what Jahic and Finckenauer argue, the concentration on organized crime is not at the expense of victim-centered rehabilitation programs (2005), which, in my analysis, consisted of the most significant theme in the policies.

The following is an overview of how organized crime is discussed in the policies of the former Soviet Union. Belarus mentions organized crime in its criminal code and prescribes harsher sentencing for crimes committed by organized groups (1999). Therefore, the policy, while not explicitly mentioning the mafia or organized crime, has included provisions for these groups. Azerbaijan states that it will fight human trafficking by “determining contacts of transnational organized criminal groups with human traffickers, preventing transnational organized criminal groups dealing with human trafficking, disclosing them and eliminating them” (*Law of Azerbaijan Republic on the Fight against Human Trafficking* 2005). The Estonian national action plan takes this one step further and states “trafficking in human beings is a phenomenon which is directly connected to organised crime, poses a threat to international and internal security and violates the basic rights and freedoms of human beings” (*Development Plan for Combating Trafficking in Human Beings* 2006). They also link human trafficking and organized crime with drug trafficking, money laundering (*Laulasmaa Declaration on Crime preferences* 2005) document falsification with passports and visa applications, and corruption with government officials (*Development Plan for Combatting Trafficking in Human Beings* 2006). The Turkmenistan policy also acknowledges “possible links between international terrorist organizations and organized crime groups, on the one hand, and human traffickers, on the other” (*Law of Turkmenistan* 2007). Finally, the Kyrgyz law, instead of focusing on the policing aspect of organized crime, focuses on the victims by “providing effective protection against the exposure of participants to corruption and possibility of persons who committed a crime connected with human trafficking to have an influence on participants” (*Law on the Prevention and Combatting of Human Trafficking* 2005). From these excerpts it is evident that organized crime is a popular substantive topic in the post-Soviet region. Although it is often employed in the content of the policies, they do not focus entirely on this theme or at the expense of other

themes, considering they take up a part of the smallest coded theme in the policies which confirms my hypothesis.

Substantive Results: Overarching Themes

There are a few overarching themes that become apparent throughout the development of the human trafficking policies in the post-Soviet region. The first are the stereotypes surrounding victims of human trafficking that permeate the policy approaches to solving this problem.

Azerbaijan's *Rules for identification of victims of human trafficking (indicators)*, contends that interrogators can identify trafficking victims as the following:

Scatter brain, consciousness confusion, sleep and memory disorder, high wakefulness, impulsive treatment, psychological and other factors form the average statistic psychological portray of trafficked persons...A victim of sexual exploitation in most cases: is lower than 30; frequently changes the place of his/her exploitation and works in various workplaces; works and acts under control; carries tattooing and other signs on himself/herself showing his/her relation with exploiter; is provided with a short day off or works without a break; lives in his/her workplace (2009).

Although some of these characteristics could be true, they are hardly true for all victims as there is not a one size fits all type of trafficking victim. According to Hoyle et al. thinking that all victims fit into a certain type of model is problematic as “the language of slavery oversimplifies our understanding of the range of causes and experiences of trafficking” (2011, 314).

Perpetuating these stereotypes in public policy only makes the victims more difficult to identify because they do not fit into the model provided in these policies and do not self-identify as victims. The stereotype of the “ideal victim” (Christie 1986) or a hierarchy of victims influences victim identification (Hoyle et al 2011), awareness campaigns (O'Brien 2012), and policy content (Britton and Dean 2014). Hoyle et al. describes this hierarchy as the following:

Ranging from ‘ideal victims’ such as young girls abducted from an orphanage and trafficked into prostitution, down to women already working in the sex industry who are persuaded that the money could be better if they migrate to another country, and then find themselves trapped in unacceptable conditions or in debt bondage (2011, 315).

These stereotypes are present in the policies of the former Soviet Union, as they have produced their own regional type of ideal victim that will be discussed in this section below. Another stereotype evident in some of the policies is the assumption that the women knew they were going to be working as prostitutes and consented to work in this industry. The Lithuanian action plan states of “the organizers of the various business advertisements offering women work abroad (bars, cafes, hotels, nurses, mannequins, etc.) about 70 percent of those responding to ads women know what kind of work is waiting for them (to provide sexual services)” (*Programme for the Prevention and Control of Trafficking in Human Beings and Prostitution* 2002). Whereas the Latvian action plan contends “part of the women responding to employment offers abroad are aware of the fact that they will be involved in provision of sexual services” (*Latvia National Programme for the Elimination of Trafficking in Human Beings* 2004). From these excerpts it is evident that stereotypes perpetuated by the media and society have a way of finding themselves in public policy, thus continuing the perpetuation of these stereotypes.

Many of the early policies focus heavily on women and children, completely discounting men or other victims. In fact, the first action plan in Ukraine was entitled the *Program of Prevention of Trafficking in Women and Children* and even the international standard for trafficking legislation, the Palermo Protocol, focused on women and children. Beyond the titles, there are many examples within the policies themselves that focus on female victims. Armenia has a poverty reduction strategy and employment-generating programs for rural women, support projects for women entrepreneurs, refugee and unemployed women, and awareness-raising campaigns for human trafficking with at risk groups, especially women and youth (*National Plan of Action to Combat Trafficking* 2007). Belarus also discussed its need to establish rehabilitation and crisis centers for women and children, where victims of trafficking can receive consultative

and psychological assistance (*State Program of Comprehensive Measures for Combating Trafficking in Persons and Spread of Prostitution* 2001). Lithuania sought to develop social support systems so that women and children would not be involved in prostitution (*Programme for the Prevention and Control of Trafficking in Human Beings and Prostitution* 2002). Ukraine provided programs for women graduating from university to stem unemployment, trafficking prevention programs for secondary school women, and organized workshops for unemployed women (*Program of Prevention of Trafficking in Women and Children* 1999). The policies discussed efforts to develop investigation methods for trafficking of women and children (*The Complex Program on Anti-Trafficking in Human Beings* 2002). Moldova focused its repatriation efforts on women and children (*National Plan on Prevention and Combatting Trafficking in Human Beings* 2012), while Tajikistan discussed organizing conferences to discuss methods to combat trafficking of women and children (*Integrated Programme on the Prevention of Human Traffic in the Republic of Tajikistan* 2006). Kyrgyzstan is one of the only countries to recognize that trafficking happens to men by discussing the scope of the trafficking problem in that country with 60% of victims being men and then focusing its policy on all victims (*Plan of Action to Combat Trafficking in Persons in the Kyrgyz Republic* 2008).

These examples confirm my hypothesis and demonstrate that trafficking policies have been framed to meet the needs of female and child victims. While not all policies suffer from this shortcoming, it is a problem that permeates trafficking policies in a variety of countries, over a number of years. The examples above demonstrate that rehabilitation programs in a number of countries only account for the needs of women and children, and are designed for the rehabilitation of those types of victims, leaving out the needs of other victims who do not fit into this model. Additionally, preventative programs for trafficking that only seek to target women

are problematic, because they are aimed only at stopping trafficking of women. There are also a few policies that have harsher penalties for sex trafficking than other types of trafficking, like forced labor or child begging. For example, the Lithuanian criminal code states “selling of a person or any other transfer or acquisition of a person for the purpose of sexual exploitation, forced prostitution, or for the purpose of receiving payments or any other personal benefits” (1998). While it is clear that sexual exploitation and forced prostitution are illegal, the law is somewhat vague on other types of trafficking. The definition was amended in 2005 to include all kinds of trafficking, but in the first criminal code, only sexual exploitation was recognized clearly in the criminal code. In Georgia, a trafficker can get 8-15 years in jail for trafficking a pregnant woman compared to 5-12 years in prison for non-aggravated trafficking offenses (*Criminal Code* 2006). Kyrgyzstan has a similar provision for trafficking pregnant women in its criminal code (2003).

Provisions that prioritize certain types of trafficking over others and demonstrate that sex trafficking constitutes a more severe offense than other types of trafficking are troubling when incorporated within public policy. The gendered language seemed to dissipate in the later years of my analysis, but this examination demonstrates the prevalence of the “Natasha Effect,” the idea of seemingly similar Slavic-looking female sex trafficking victims, in the policies of the post-Soviet region. It shows that human trafficking policies were geared toward this ideal type of victim and, in more recent years, governments had to expand their approach to include other types of victims. As a result, the language of these policies needed to shift to include more recent manifestations of the crime, such as child begging and forced labor. Since the majority of the victims rehabilitated are now men (IOM 2011), governments have had to move beyond the preconceived notion of a trafficking victim epitomized in the Natasha label. As the traffickers

changed their tactics from targeting women for sexual exploitation to targeting men for labor exploitation, policy makers had to react to this change. Consequently, soon after the initial legislation was passed, it was already outdated, and, as a result, governments in the post-Soviet region had to amend their policies to account for changes in the nature of the crime of trafficking and different types of victims. These amendments can take years to revise since the policy response time in most countries is not that rapid, which leaves victims unidentified because they do not fit this stereotypical definition and excluded social and rehabilitation services.

This evolving definition of human trafficking demonstrates policy learning has occurred. The policy problem began with governments defining victims as only female victims of sex trafficking, then as human trafficking became recognized as a wider problem, male victims of forced labor were included. This demonstrates that countries have learned more about the problem of trafficking and adapted their policies to fit this expanded idea of the crime. Policymakers need to find a balance between a focused definition of trafficking that excludes some forms of trafficking and one that is too broad and could be conflated with other issues such as migration, prostitution or kidnapping. More recent policies seem to fit this assertion but there are still a number of countries who, at least in their policies, only have rehabilitation facilities and rehabilitation programs for women or children such as Belarus, Estonia, and Ukraine. This demonstrates that there is still work to do in the policies so that they not only combat the “Natasha Effect” of women exploited for sex but other forms of labor trafficking affecting men, women, and children.

The next overarching theme emerging from the human trafficking policies in the post-Soviet region are anti-trafficking institutions. These anti-trafficking institutions were constructed from scratch in some countries to engage the multi-faceted problem of human trafficking. There

are a variety of institutions that are tasked with fighting human trafficking and rehabilitating victims and implementing trafficking policies. In the vast majority of countries, the first institution designed to work with human trafficking was a national level working group or taskforce. All of the countries in the region, with the exception of Russia, Belarus, Estonia, and Turkmenistan, have a working group or taskforce established within their policies that facilitates cooperation on trafficking-related activities. Some countries only have working groups within the Ministry of Interior tasked with investigating the crimes, while others have inter-agency commissions that combine the efforts of numerous ministries and work more broadly with all issues of human trafficking; still others include numerous ministries, non-governmental, and international organizations. These working groups are directed by a national coordinator and housed in different ministries and branches of government. For example, in Kazakhstan, the working group is led by the Ministry of Justice; in Latvia, the Ministry of Interior directs the group; in Ukraine, the Ministry of Social Policy; in Moldova, the Deputy Prime Minister, and, in Uzbekistan, the president leads the group.

In addition to these working groups, there are also investigative units within the Ministry of Interior or police tasked with investigating the crimes of human trafficking. In Moldova, they have a *Centre for Combating Trafficking in Human Beings* within the Ministry of Interior, but most countries just have a special unit or a couple of investigators within a larger criminal or organized crime unit. Another institution, which has been established as a result of these anti-trafficking policies, is a state trafficking shelter or center to rehabilitate victims. Kyrgyzstan has a state-run crisis center called “Sezim” (which means ‘feeling’ in Kyrgyz) in the capital of Bishkek, and also one in Osh for children. Moldova has the state-run *Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings* and Uzbekistan has the

National Rehabilitation Center for Assistance and Protection of Victims of Human Trafficking. A number of countries have established a human trafficking fund to pay for the implementation of policies, investigative units, rehabilitation services, or all of the above. Georgia has a *State Fund for Protection and Assistance to Victims of Trafficking in Persons*, which is almost entirely devoted to victim rehabilitation services and compensation. Azerbaijan has a relief fund for victims of human trafficking under the Ministry of Internal Affairs. According to the policy, “All the property obtained from human trafficking (real estate, financial means, securities and other property) shall be confiscated by the court...and shall be transferred to [an] especially established assistance fund for the victims of human trafficking” (*Law of Azerbaijan Republic on the Fight against Human Trafficking* 2005). Finally, Belarus established the *International Centre on Migration and Combatting Trafficking in Human Beings*; this center was established as a place to train and educate specialists throughout Belarus about human trafficking (*Law on Combatting Trafficking in Human Beings* 2012). This brief analysis demonstrates the significant number of institutions that have been built from scratch in the post-Soviet countries to combat trafficking. While it is unclear if these institutions actually have the capacity to combat trafficking and implement many of the programs, it is still interesting to note the emergence of a large variety of anti-trafficking institutions formulated as a result of these policy documents.

The final overarching theme emerging from the human trafficking policies in the post-Soviet region are the authoritarian elements, where countries have used trafficking policy to increase the surveillance of their people and decrease democratic principles. Out of the fifteen countries in the region, only three are categorized as “free” by Freedom House’s Freedom in the World Index (2014). In fact, the post-Soviet region ranks the worst in the world for political rights, with five countries categorized as “partly free” and seven categorized as “not free”

(Freedom House 2014). Thus, it is not surprising that an authoritarian government would take every opportunity they have to increase power, even if it was through human rights based policies such as human trafficking. As some of the examples demonstrate, it seems as if some countries are trying to capitalize on trafficking as an excuse to curb democratic values like free speech or freedom of movement with provisions such as requiring a special government permit for citizens to work abroad. Here are a few examples of the ways countries categorized as authoritarian or semi-authoritarian use of trafficking policy to limit the freedoms of their citizens. Armenia requires registration of all pregnant women (with passport data included) in a database operated by the Ministry of Health (*National Anti-Trafficking Response in the Republic of Armenia* 2010). Kazakhstan sought to increase the monitoring of migration organizations that export labor across the borders (*National Action Plan for the government of Kazakhstan to combat trafficking in persons* 2012). While Kyrgyzstan looks to identify and record individuals crossing or attempting to cross the Kyrgyz state border, strengthen the control over agencies in the field of tourism (*Plan of Action for Combating Human Trafficking in the Kyrgyz Republic for the period 2008*), and finally, gain control over the adoption process, boarding schools, nursing homes, children's homes, and the work of the family's homes and rehabilitation centers (*Program combating trafficking in human beings in the Kyrgyz Republic* 2013). Ukraine plans to collect information, including identification numbers, on Ukrainians detained abroad for prostitution (*The Program for the Prevention of Trafficking in Women and Children Decree of the Ukrainian Cabinet of Ministers* 1999).

Belarus is by far the most prevalent country to utilize authoritarian elements in its policies. Citizens departing and entering Belarus are monitored for anti-trafficking purposes. Belarus also seeks to collect data on children who were adopted by foreign citizens and residing

abroad in order to prevent trafficking. Additionally, the living conditions of these children are required by law to be investigated twice a year and reported to the Ministry of Education.

Belarus also wanted to introduce a monitoring mechanism to identify dysfunctional and broken families as a preventative tool for trafficking. According to the law, it is illegal to publish and disseminate advertisements on the employment of Belarusian citizens outside of Belarus without their knowledge (*Law on Combatting Trafficking in Human Beings* 2012). Students who would like to study abroad need written permission from the Ministry of Education. Tourism agencies must report information to the Ministry of Interior if a Belarusian goes on one of their tours and does not return. Also, gathering information on eligible women or men for bridal agencies (for the purpose of introducing them to potential spouses) is illegal and businesses that conduct this type of business need a special permit (*Law on Combatting Trafficking in Human Beings* 2012).

Belarus has a relatively encompassing program (discussed more in Chapter Seven), but these examples demonstrate the potential that many authoritarian regimes on the surface have good trafficking policies but utilize the policies to monitor its citizens. Since authoritarian regimes have more control over their populace, they also might be better able to combat human trafficking through policy because they can monitor population movements without the worry about being reelected. Thus one potential consequence of trafficking policies could be that authoritarian leaders utilize trafficking policies, masked in the language of international human rights norms, to increase their power and control their citizens.

Conclusions

This chapter has examined the scope and variation of human trafficking policies in the former Soviet Union. My analysis has shown that policies in the post-Soviet region prioritize victims' services over prosecution methods in the content of their policies, which confirmed my

hypothesis. The results also demonstrate the large role education, training, and awareness programs play in the policy content in this region. Furthermore, international influence did not play a large role in the content of the policies, a finding that is, again, divergent from the literature and my hypothesis. Monetary weight was one also of the smallest codes in the policies in line with my hypothesis. Additionally, organized crime and corruption were mentioned in the policies, but they did not constitute a large percentage of the policy content and were grouped together with national characteristics as one of the smallest themes in the policies, which confirms my hypothesis. Finally, the overarching themes in my analysis provided data to support my hypothesis that trafficking policies in the post-Soviet region, at least in the earlier years of the study, were framed to fit the needs of female sex trafficking victims. This perpetuates stereotypes of trafficking victims and demonstrates evidence of the “Natasha Effect” in the public policies of the region. While this gendered language dissipates in the later years of policy development, many of the services continue to be gendered toward female sex trafficking victims and governments need to move beyond these stereotypes in order to provide a human rights based policy approach to the problem of human trafficking.

The results of this chapter have also indicated that policies in the post-Soviet region have expansive definitions of human trafficking, sentencing guidelines for traffickers, and encapsulate the consent versus coercion debate. In this region, depending on which country the trafficker is caught, he or she could receive between two months and 15 years in jail for trafficking someone, demonstrating the significant variation of policy and sentencing guidelines in this region. Human trafficking policy in the region as a whole is often conflated with topics such as prostitution, sex tourism, forced marriage, pornography, and even adoption and surrogacy. Although national characteristics were one of the lowest coded themes, the post-Soviet countries still localized their

policies to discuss a number of regionally-based themes such as the Orthodox and Armenian Apostolic Church influence, regional trafficking traits, including the tobacco and cotton industries, corruption, and organized crime. The post-Soviet region has also seen the establishment of anti-trafficking institutions that work with the issue of human trafficking in a number of interesting ways. Finally, this chapter suggests that authoritarian regimes utilize trafficking policies, masked in the language of international human rights norms to increase their power and control their citizens. This chapter has laid the groundwork for Chapter Seven, which will take the codes and utilize them to construct a trafficking index measuring the scope of trafficking policy in the former Soviet Union. This index will then be used as the dependent variable for policy adoption in the statistical models.

Chapter Seven: Quantitative Analysis of Policy Adoption and Implementation

Public policies diffuse to other countries around the world for a variety of reasons including elements inside the country and external influences originating from outside the country (Berry and Berry 2007). This chapter seeks to understand how human trafficking policies have diffused to post-Soviet region focusing on adoption and implementation. The models for policy adoption speak to the goal of the wider dissertation while the models for policy implementation are preliminary but suggest avenues for future research. I utilized the policy diffusion framework from the public policy literature in the United States coupled with variables from the morality politics and trafficking literatures to expand the policy scope to include both policy variation and implementation, and I test it across the 15 different countries in the post-Soviet region. This is critical because policies develop as a result of different factors, and human trafficking is a unique policy type in that the U.S. and international community have had a significant impact on this policy development around the world. I constructed my models to speak to this literature but adapted them to the international sphere and the prevalence of outside influences in policymaking found in the human trafficking policy subsystems.

The research question posed in this chapter speaks to the wider question of the dissertation as a whole by examining whether variations in the former Soviet region, in regards to human trafficking policy adoption, are due to internal determinants such as the type of political system, level of democracy, bureaucracy, and economic factors, and/or from external pressure from the U.S. and the international community. In this chapter, I also test preliminary models for policy implementation based on the same independent variables as the policy adoption models in order to test if the same elements that determine policy adoption can be applied to policy implementation. I will introduce the Human Trafficking Policy Index, and how

it was constructed, as well as the variable operationalization and data sources for the remaining dependent and independent variables. The results will be presented with policy adoption and policy implementation followed by how these results differed from my hypotheses. Finally, the conclusions and limitations will be assessed.

This chapter utilizes the coding scheme from Chapter Six to develop the Human Trafficking Policy Index, the first index designed to evaluate the scope of human trafficking policy on the international level. It also seeks to expand the diffusion of innovation theory to the international sphere. Instead of a dichotomous variable that is used in most public policy studies to predict policy adoption, I construct my dependent variable to include policy variation with different types of policy related to human trafficking. I also posit that the factors that influence whether a country adopts a policy also influence whether a country implements this policy (Haider-Markel 1998). I utilized quantitative techniques to examine both policy adoption and implementation in a new substantive area (human trafficking) and a new regional area (the former Soviet Union). This chapter also speaks directly to two of the main hypotheses in this dissertation. First, it will explore the relationship between regimes type and policy adoption examining if both internal determinants and external pressures led to policy adoption. Second, it tests the applicability of the morality politics variables on policy adoption and implementation.

The diffusion framework has been supported with variables from morality politics in this study in order to ascertain if those elements significantly influence policy adoption and implementation. The diffusion of innovation literature hypothesizes that internal determinants and external pressures influence policy adoption. Some authors argue that both elements influence policy adoption while others emphasize one over the other. Internal determinants concentrate on economic, social, and political characteristics that facilitate or impede policy

adoption (Berry and Berry 2007). These internal determinants have been adapted and operationalized to the international context. The feminist policy and human trafficking literature have also suggested that the presence of women in the legislature is related to the adoption of comprehensive human trafficking policy (Bouche and Wittmer 2009); consequently, this variable is included in the model. External pressures such as the U.S. government and Palermo Protocol have also been identified in the human trafficking literature as the major impetus for policy adoption (Buckley 2009b; Shelley 2005). The case studies revealed that European pressure was prevalent in the region; therefore, it was also included as a variable.

A previous study I conducted on trafficking policy adoption in the United States found that factors such as, issue salience, interest group strength, violent crime rates, and trafficking hotline calls were the most useful in predicting the scope of human trafficking laws in the United States (Dean 2012). Contrary to the literature that posits that interest groups, such as anti-trafficking organizations, will lobby for better policy, this paper determined that the interest group strength negatively influences the scope of trafficking laws. This meant that the more anti-trafficking organizations a state has the less likely it is to have comprehensive trafficking policies. In the case of the U.S., this demonstrated that these organizations are not lobbying for better policy since they are service based organizations. Consequently, they are more concerned with rehabilitating clients than they are with lobbying for better policy. I also found that a conservative government ideology in the state led to better trafficking laws, which was also contrary to most of the literature that posits human trafficking is a bipartisan issue (Bouche and Wittmer 2009). This is due to issue definition that portrays trafficking as moral issue and the fact that religious organizations have championed and lobbied for anti-trafficking laws in some states.

This study extends diffusion research to a preliminary model for policy implementation. This has been recognized as an important area for future research and “may present some of the most important opportunities for learning and imitation over time and across governments” (Shipan and Volden 2012, 793). The implementation literature examines the inter-governmental context of implementation and the work of administrators and managers who implement the policies. The effectiveness of policy implementation has been categorized into three indicators: structures or how the work is organized, processes or the quantity/quality of work, and outcomes, a measure that indicates that an intervention has occurred (Scott 2003; Robichau and Lynn 2009). While human trafficking policy adoption is linked to international commitments, outlined in the Palermo Protocol, it still is a non-binding treaty, and adoption of national laws is completely voluntary. Similarly, implementation of the national policies spurred by that protocol is also completely voluntary. Due to the voluntary compliance of these international agreements by national-level officials, the political conditions inside the country should determine how countries implement and comply with these agreements (Haider-Markel 1988, 81). Local political conditions include bureaucracy, interest group pressure, issue salience, and economic development for program implementation. The implementation of the human trafficking policies is based on national and local official’s wiliness to comply with the policies that can be predicted by the same aspects that influence policy adoption (Haider-Markel 1988; Tatalovich and Danes 1988). Therefore, similar models will be utilized to examine policy adoption and implementation. The variables for this study in the post-Soviet region will be modeled after variables and measurement techniques from the literature and my previous research and the coding scheme for this project is presented in Appendix Four. This chapter also presents a number of hypotheses related to the relationships between the variables presented in Table 7.1

Summary of Quantitative Hypotheses. The next section explains the variable operationalization and measurement connecting it to the literature and these hypotheses.

Table 7.1: Summary of Hypotheses

Independent Variable	Policy Adoption	Policy Implementation
Political Factors		
Women in the Legislature	Positive	Positive
Level of Democracy	Positive	Positive
Corruption	Negative	Negative
Scope of Trafficking Policy	—	Positive
Morality Politics Factors		
Interest Group Strength	Positive	Positive
Issue Salience	Positive	Positive
Economic Factors		
Level of Development	Positive	Positive
External Factors		
Neighborhood Effect	Positive	Positive
U.S. Influence	Negative	Negative
International Intervention	Positive	Positive
European Pressure	Positive	Positive

Variable Operationalization and Measurement

In order to determine whether human trafficking policy adoption and implementation were a result of internal determinants and/or from external pressure from outside the policy subsystem, two models, one for policy adoption and one for implementation, were estimated. The models include data from 2003 to 2012 and from all 15 countries of the former Soviet Union. The variables will be contextualized below further below. I constructed a Human

Trafficking Policy Index to measure the scope of human trafficking laws in each country, as the dependent variable for policy adoption. The dependent variable for policy implementation was constructed by adding the number of trafficking investigations opened in each country to the number of trafficking victims rehabilitated in each country and standardized by population. Then, models for policy adoption and implementation were estimated based on measures from the literature using data on political factors such as women in the legislature, level of democracy, corruption. Morality politics factors include issue salience and interest group strength. Economic factors include the level of development, while external factors include the US influence, international intervention, European influence, and neighbor effects. Due to data limitations, I performed a pooled time series analysis from 2003 to 2012.

Dependent Variable: Policy Adoption

The dependent variable for the policy adoption model is the scope of the trafficking laws in each country. I located, translated, and conducted a content analysis of 100 human trafficking policies in all 15 countries of the former Soviet Union, as described in Chapter Six, in order to determine the scope and the breadth of the policies in this region. Based on this analysis, the existent literature and other indexes, I created the Human Trafficking Policy Index to measure the scope of the laws in the international context from zero to fourteen. Countries were given one point for each point on the index they possessed, and I assigned points for each year the country had that specific element prescribed in law from 2003-2012.

The Human Trafficking Policy Index was constructed based on rankings and report cards used to measure the effectiveness of human trafficking policy and rank human trafficking policy in the United States. I utilized measures from a number of the following rankings but adapted them to fit the international environment and policymaking in different types of political

systems. The Polaris Project's *State Ratings Chart: Key Human Trafficking Provisions* gives each state one point if it has certain trafficking provisions including statutes for sex trafficking, labor trafficking, asset forfeiture, training of law enforcement, statewide interagency task force, hotline, safe harbor (meaning minors cannot be prosecuted for prostitution), victims services, no requirement of force, fraud, or coercion for prosecuting sex traffickers of minors, and a statute that gives victims the ability to seek civil damages (Polaris Project 2011).¹⁸⁸ The *Report Card on State Action to Combat Human Trafficking* from the Center for Women in Policy Studies scores states on more than just human trafficking provisions including elements of criminalization, victim protection and services, statewide interagency task force, regulation of international marriage brokers, and regulating travel services providers that promote sex tourism (Center for Women in Policy Studies 2007).¹⁸⁹ While the *Projected Innocence Report Card* from Shared Hope International is geared more toward child sex trafficking, it ranks states based on the criminalization of domestic minor sex trafficking, criminal provisions addressing demand and provisions for traffickers, protective provisions for children, and criminal justice tools for investigations and prosecutions (2013). The *Renewal Forum Analysis* assigns grades in four areas: criminalization, protecting victims, making victims whole, and the age of the minor for the purpose of the statute (Renewal Forum 2007). In these categories scores are assigned based on whether the state has set up a fund to aid the victims, if the victims have access to other funds and in the making victims whole category, or if there is mandated restitution and restoration (to pay for psychological trauma) of the victims (Renewal Forum 2007).

¹⁸⁸ More information about the rating schemes and category description can be found at the Polaris Project website http://www.polarisproject.org/storage/documents/policy_documents/State%20Ratings/2010%20state%20ratings%20chart.pdf (May 6, 2012).

¹⁸⁹ More information about the rating schemes and category description can be found at the Center for Women in Policy Studies <http://www.centerwomenpolicy.org/documents/ReportCardonStateActiontoCombatInternationalTrafficking.pdf> (May 6, 2012).

The Polaris Project and the Renewal Forum appear to be more victim-centered than the Center for Women in Policy Studies. However, the Renewal Forum and the Center for Women in Policy Studies do not explicitly explain how they assign the scores. They offer questions that were used to formulate the scores, but it is not evident whether states receive a point for a “yes” response to one of the questions or if they are assigned a grade based on the answer. For this reason, I utilized elements from all of these rankings to develop the Human Trafficking Policy Index. Additionally, since non-governmental organizations can sometimes assign scores that reflect their policy stance on the issue, a combination of the elements from all of the indices will be utilized in future studies.

There is one additional ranking that has been used to evaluate trafficking efforts around the world on a yearly basis, but it is not specifically devoted to policy development or evaluation and instead focuses on government efforts to combat trafficking. The U.S. Department of State Trafficking in Persons report evaluates 188 countries around the world including all of the post-Soviet countries as Tier 1, Tier 2, Tier 2 Watch List, and Tier 3 dependent on the government actions with respect to human trafficking (TIP 2011). They limit their evaluation to government work because the report aims to assess what the government is doing, and even though non-governmental organizations and third sector work is important to the anti-trafficking effort it is not evaluated in this report. The U.S. government evaluates countries on whether governments have made efforts to address the problem of human trafficking and meet the minimum standards of the Trafficking Victims Protection Act, the United States legislation on human trafficking (TIP 2011). The categorizations for the rankings are somewhat unclear and similar to the NGO indices there have been criticisms related to biased evaluations and political maneuvering:

[The] TIP Report confirms that bias that plays a strong role in the evaluation process. Among only a handful of nations relegated to Tier 3 can be found Cuba, Burma,

Venezuela, North Korea, Sudan, Zimbabwe, Syria, and Iran. These nations just happen to be on not-so-friendly terms with the U.S. government. Meanwhile, countries like Albania, Romania, Serbia, Russia, India, Israel, Turkey, and Thailand, all of which have an abysmal record on trafficking, do not receive a Tier 3 ranking (Not for Sale 2012).

While the TIP report is the best ranking available of trafficking efforts around the world, due to this bias and the limitation that it does not evaluate the content of policies in others countries, I created my own index to measure the scope of human trafficking. One article utilizes these rankings to investigate policymaking and the spread of human trafficking policies around the world (Cho et al. 2011). Instead of examining the policies, they rate the countries based on their TIP profiles looking for policy elements related to protection, prevention and prosecution (Cho et al. 2011). I view this as an inaccurate measure of a country's human trafficking policy because it does not examine the content of the policies, and instead evaluates a country based on the United States' policy. Additionally, utilizing the TIP report as a basis for ranking policies is problematic because the US government uses it as a policy tool and does not criticize some governments as much as others. Therefore, similar to the TIP report, the rankings utilized by Cho et al. (2011) could be biased, whereas reading and evaluating the policies cross-nationally is a more accurate way to measure the scope of policy in a country.

The Human Trafficking Policy Index was constructed with the concepts from these previous rankings but modified, adapted, and supplemented by the author with other elements to fit the international context. The scoring for the index is outlined in Appendix Seven. Countries are given one point for every aspect of the index they possess in the given year from 2003-2012. The index begins by evaluating each country's definition of human trafficking. Building off the Polaris Project ranking that assigned points for sex trafficking and labor trafficking, I expanded my index to include provisions for sex trafficking, labor trafficking, organ trafficking, and special provisions for child trafficking in order to adapt it to the international sphere. These are

the four main types of human trafficking in the international sphere recognized in the Palermo Protocol. If a country was missing one of these key parts of the definition, they were scored .25 lower for that year. Recognizing all four of these elements was integral to having an encompassing definition of human trafficking and in order to receive the full point all of these elements of human trafficking had to be illegal in the country. Countries were given one point for prescribing a working group or taskforce into law. In order to receive the full point, the working group had to include more than one agency (some groups only included one ministry such as the Ministry of Interior) and non-governmental organizations. If non-governmental organizations were not included, they were assigned .75 for the working group component of the index. If they had a working group but it only included one ministry, they were given .25 points for that year. As the case studies demonstrate, anti-trafficking working groups are integral institutions for policy formulation and implementation. If this institution is established in law and has an encompassing membership of numerous government ministries and NGOs, then it is more likely to endure and influence policy adoption. One point was also given to the country if it had a trafficking hotline prescribed in law. Anti-trafficking hotlines are an important component of encompassing policy because writing them into law shows the government's commitment to combatting trafficking. Establishing shelters for victims is another important component of encompassing anti-trafficking policy. As the case studies have shown, not all countries have shelters for victims and instituting them into law helps ensure their existence.

I adopted a human rights approach with the development of the Human Trafficking Policy Index, in that it is geared toward the rehabilitation of the victim and less on the prosecution of the trafficker. I utilized the Renewal Forum ratings as my guide for scoring the victim assistance category in the Human Trafficking Policy Index. Although one point is

assigned to measure victim assistance, this point is broken down into legal, medical, shelter, and monetary support for the victims prescribed in the laws or policies. Many countries merely stated that rehabilitation services were to be provided; therefore, in order to receive the full point for rehabilitation all of these services had to be prescribed into law. If the country did not have every service, .25 was taken away for every service not prescribed in law. These four provisions were the most important elements of victim rehabilitation. Free access to basic medical care, a place to stay during rehabilitation, free legal assistance, and monetary support from the government were components of victim assistance that were chosen because the first three are the most basic rehabilitation provisions provided to victims based on the human rights approach to trafficking policy. Monetary compensation for victims was something not many countries included because of the financial burden it placed on the state, but in order for a country to have a human rights based approach and an encompassing policy it had to provide all four of these elements in its policy.

I also added one point to the Human Trafficking Policy Index for international provisions on trafficking. This included one point for a safe return clause, if the government assisted with the return of trafficking victims to their home country, and one point if victims from other countries were allowed to receive a residence permit to remain in the country during their rehabilitation period regardless of their willingness to cooperate with the police. These two provisions are not outlined in any of the U.S. based rankings but are an important component of human trafficking policy in the international sphere. Countries in the post-Soviet region are supply and, to a lesser extent, destination countries, thus in order to have an encompassing and victim-centered trafficking policy, governments need to have the mechanisms for victims to

return to their country of origin or remain in the country to which they have been trafficked with the ability to get a residence permit.

Although the Polaris Project looks at safe harbor laws that prohibit minors from being prosecuted for prostitution, most laws in the international arena go beyond safe harbor and vacate all convictions for trafficking victims, if the crime was committed under coercion. As a result, I added vacating convictions to the Human Trafficking Policy Index with one point and witness protection provisions prescribed in law also worth one point. The Polaris Project includes training for police in their ranking, and I expanded this for the international sphere by adding training for social workers, judges, and at-risk groups. Thus, in order to get one full point for training, the country had to include training or education programs for all four groups with .25 points for each group. For training or education programs with one group the country receives .25 points, for two groups they receive .50, for three they receive .75 and for four groups they receive one full point. Outlining research and data collection techniques on human trafficking were also important components of policy and awarded one point in the index. Prescribing research in policy demonstrates an encompassing policy approach and government's willingness to be accountable for the number of trafficking convictions and victims rehabilitated. Research can also include investigations on the effectiveness of preventative mechanisms and analysis of policies and laws as some of the governments seek to improve their techniques for combatting trafficking. Awareness campaigns are also given one point in the Human Trafficking Policy Index. These campaigns are also an important component of preventative trafficking policy as governments seek to raise awareness about trafficking.

The final two points on the Human Trafficking Policy Index were for cooperation and implementation which were important components for encompassing trafficking policy.

Cooperation included partnerships, bilateral agreements, or any talk of collaboration with police, social workers, or governments on the international, regional, national, and local or region levels. In order to receive the full point, a country must include cooperation on all of these levels in its policy. The final point on the index concerns implementation provisions in trafficking policy. Implementation includes not only laying out ways to implement all of these provisions but assigning someone or a specific agency to implement the policy. Countries also need to lay out a way to finance these activities, and for this reason .25 of the points for implementation are attached to monetary weight, whether the country has a plan for funding the activities prescribed in law. The Human Trafficking Policy Index ranks all fifteen countries in the former Soviet Union based on these criteria and awards them a score from zero to fourteen. The rubric for the Human Trafficking Policy Index is outlined in Appendix Seven, and the scores for every year 2003-2012, broken down by country are displayed in Appendix Eight.

Dependent Variable: Policy Implementation

Policy implementation is a complex process to measure due to the variation with trafficking policies throughout the region. Implementation differs significantly across the countries as well, since they are all trying to implement their own country specific policy. Implementation is also problematic to measure in the post-Soviet region, as Avdeyeva argues many of these countries do not have the capacity to implement these policies because the pressure to ratify international agreements makes countries “vulnerable to social pressures of monitoring bodies, which [generate] different levels of policy compliance” (2007). Nevertheless, she measures implementation of international agreements concerning domestic violence on the national level with three components:

Establishment of government offices to combat violence against women, adoption of a separate law on violence against women, and implementation of several policy

components (police training, judiciary training, government-sponsored shelters, government-sponsored awareness-raising campaigns, and cooperation with NGOs) (Avdeyeva 2007).

Conversely, my research examines policy implementation of national level legislation at the national level. As a result, most of the components Avdeyeva utilizes for evaluation of implementation were assessed with the Human Trafficking Policy Index, which analyzed the scope of national level policy. In the policy literature local political conditions determine implementation efforts, and policy implementation is contingent on the voluntary compliance of government officials, which is influenced by the same aspects that effect policy adoption (Tatalovich and Daynes 1988; Haider-Markel 1998). Voluntary compliance with human trafficking policy can be viewed as the number of trafficking cases or prosecutions of this crime. However, McCarthy argues that only looking at the number of convictions does not tell us the whole story, as the “basic structure of law enforcement [in the region] creates a series of barriers that deters prosecution” (2010). There is a division in the implementation literature though as some studies utilize outcomes of policy making or outputs which consist of the processes (service delivery) and outcomes to measure policy effectiveness (Robichau and Lynn 2009). The effectiveness of implementation with criminal justice regulatory policy is measured in the number of people convicted of a crime. This study will utilize both indicators to measure policy implementation. The outcomes of policy making will be used as the dependent variable in the quantitative study while processes concerning service delivery were examined in the case study chapters.

For this reason, the dependent variable for policy adoption is the number of opened trafficking investigations added to the number of victims rehabilitated in every country per year. I believe that this is the most accurate measure for voluntary compliance of trafficking policy;

however, a few caveats must be considered. First, depending on what the country constitutes as trafficking and the expansive definitions of trafficking in the region, the number of investigations could include prosecutions on human trafficking and other aspects of trafficking such as child adoption or surrogacy. Second, these numbers are self-reported by the countries to the US Department of State; governments could over or under report these numbers in order to try and receive a better ranking in the report. Third, implementation is measured by the number of opened trafficking investigations instead of the number of trafficking convictions. Trafficking convictions are difficult to obtain and sentencing data is unreliable in the post-Soviet region and every other region of the world including the United States (DeStefano 2007, 49). Thus, the number of opened trafficking investigations is a more accurate way to measure compliance with this legislation because investigating a crime demonstrates that the policy is being implemented. Due to the problems with data reliability of human trafficking investigations, the statistic is combined with a less political statistic: the number of victims rehabilitated in each country. The number of rehabilitated victims includes the number of identified victims including those assisted in returning to their home country or brought back home from a destination country. I believe this figure coupled with the number of opened trafficking investigations indicates the level of compliance by local officials with this legislation and is the best way to measure implementation quantitatively.

Reliable cross-national data on human trafficking cases and victim rehabilitation are difficult to obtain because of the secretive nature of the crime. However, the Trafficking in Persons report works with the governments around the world to provide the number of initiated trafficking cases in every country. These data are free from the bias presented in the TIP rankings discussed previously and represent a reliable measure for implementation. There is one

slight problem with the data in that Turkmenistan was not included in the report until 2006 and then 2006, 2007, and 2008 are not full reports. Starting in 2009, Turkmenistan was reported like the rest of the countries, but there are missing data points from 2003-2005. The data were triangulated with information from International Organization for Migration internal reports to ensure that the numbers were valid, and then they were standardized by country population (per 10,000 people). There is also great variability with the number of initiated trafficking cases in this region; therefore, this measure of policy implementation should be the most robust available measure of a country's effort to implement policy (Haider-Markel 1998).

Independent Variables

The policy literature also outlines a number of factors that influence policy adoption and implementation. According to Tatalovich and Daynes (1988) policy implementation is based on assistance from the bureaucracy, politicians, and influence from organized interest groups (1988, 221-22). Therefore, with one exception that will be described below, I utilize the same independent variables in both my models because a country's efforts to adopt trafficking policy are similar to its efforts to implement it. The diffusion framework, morality policy, and human trafficking literature outline a number of independent variables that can help explain policy variation in four areas including political factors, morality politics factors, economic factors, and external factors. Applying the diffusion of innovation framework to countries outside of the United States involves altering a number of these variables to the comparative perspective. These characteristics are interesting to test in the systems of the former Soviet Union that offers a good mix of presidential, parliamentary, and semi-presidential regime types from emerging democracies to semi-authoritarian states.

Independent Variables: Political Factors

Political factors influencing policy adoption and implementation from the literature include level of democracy, corruption, women in the legislature, and interest group influence. The scope of trafficking policy is utilized as an independent variable for policy implementation, and the operationalization is explained above. An encompassing policy is likely to increase the implementation of policy because countries with better laws are more likely to have higher levels of implementation (Haider-Markel 1988, 82-83). I hypothesize that the scope of trafficking policy will positively influence policy implementation because the more encompassing policy a country has the more likely they are to investigate trafficking and rehabilitate victims. Level of democracy is the next political factor that influences a country's ability to adopt policy. Bartilow (2008) argues that democratic governments are bound by rule of law, and as a result they have more incentive to fulfill their international obligations than other types of regimes. However, authoritarian regimes could have an easier time adopting policies because opposition is limited, and as a result policymaking could be swift. In the post-Soviet region which contains a number of authoritarian or semi-authoritarian regimes, this variable can also ascertain the capacity of the state to adopt trafficking policies that combat human trafficking and utilize state resources and bureaucracy to implement these policies (Shevel 2011). I utilized the Polity IV Project data, *Political Regime Characteristics and Transitions, 1800-2013* to encapsulate the level of democracy. The Polity2 Revised Combined Polity Scores were re-coded on a scale from 1-20 instead of the -10 strongly autocratic to +10 strongly democratic scale reported in the data. I hypothesize this variable to positively influence policy adoption and implementation.

The literature on human trafficking policy also includes a measure for the percentage of women in state legislature (Bouche and Wittmer 2009). The literature has identified that the

presence of women in legislatures has prompted female representatives to introduce policies that are seen as helping women such as gender equality, child care, and social welfare programs (Swers 2002; Bratton 2002). The more women there are in the legislature, the more likely a country is to possess “women friendly” policies as descriptive representation of women leads to substantive outcomes in policy (Mansbridge 2005). Thus, I was interested in testing this assumption on human trafficking policy, a policy type that could be seen as “women friendly.” But, the changing nature of the crime could have changed this categorization. In order to operationalize this variable, I utilized percentages from the Inter-Parliamentary Union website, an organization that monitors women’s representation in parliaments around the world. The percentages for each year in January were utilized, but when there was no measure for January then data from February or March data were used. Since the post-Soviet region has bicameral legislatures in Russia, Kyrgyzstan, Belarus, Kazakhstan, and Tajikistan institutional variations within the region had to be taken into consideration so the two scores were averaged per year in order to obtain one score per year for all of the countries in the region. Based on findings from my previous study and the literature described above, I hypothesize this influence of women in the legislature to positively influence policy adoption and implementation.

As stated previously, corruption is a prevalent theme not only in the human trafficking literature but also in the content of the policies as one of the main push and pull factors for human trafficking in the post-Soviet region (Shelley 2002; Hughes 2000; Stoecker 2000; Stoecker and Shelley 2005; Tyuryukanova 2006). Corruption at all levels of society from law enforcement officers and criminal justice authorities to the private sector and businesses such as travel agencies, model agencies, hotels, and construction companies contribute to and facilitate human trafficking (UNODC 2011). For this reason I include a measure for the perception of

corruption in both models because concrete measures of corruption are difficult to obtain. The best measure available for the perception of corruption is the Transparency International *Corruptions Perception Index*, which ranks countries on a scale from most corrupt to clean with a combination of polling data and corruption related data (Corruption Perceptions Index 2011). The measure is from zero to ten with zero being highly corrupt and ten very clean. The measurement changed for 2012; therefore, the 2012 scores were changed to the old method of measurement so the data could all be uniform. I hypothesize this variable to negatively influence the scope and implementation of human trafficking policy because the perception of high levels of corruption should impede governments' ability to adopt and implement policy.

Independent Variables: Morality Politics Factors

Morality politics factors include interest group strength and issue salience. Interest groups that operate within each country can help put the issue of human trafficking on the policy agenda by mobilizing the citizenry and increasing issue salience (Haider-Markel 1998). There are a number of groups that have the potential to influence policy adoption on human trafficking policy including women's organizations and trafficking shelters. This influence has been measured in the U.S. literature as the average number of members of an interest group (Haider-Markel 1998), the number of registered lobbyists in proportion to all lobbyists (Shipan and Volden 2006), or the percent of the group members in the state population (Patton 2007). Since there is no true measure of interest group influence for trafficking policy, a proxy measure was created to represent potential interest group influence. Therefore, the number of NGOs working with the issue of trafficking in each country was standardized by country population (per 10,000 people), data that are available from the International Organization for Migration website and progress reports. I believe that this is the most accurate measure of potential interest group

influence because as the case studies suggest, non-governmental organizations working with human trafficking victims could lobby the government for increased social assistance for the victims they serve. I hypothesize this influence to be positive since the more NGOs working on this issue the more likely they will be to influence policymaking and policy implementation.

Issue salience is also included in both models because policy can be a response to how big a problem is perceived to be in the media (Haider-Markel and O'Brien 1997, 553; Tatalovich and Daynes 1984; Meier 1992). The morality policy literature argues that policies are adopted when the salience of the issue is significantly high "due to the severity of the problem and should serve to activate attentive publics" (Haider-Markel 1998; Meier 1994). As discussed in Chapter One, the issue of human trafficking could be viewed as a morality policy issue due to the sex and controversy involved in this issue due to its links to prostitution and migration. In order to measure issue salience of human trafficking, I utilized the East View Universal Database that contains Russian speaking newspapers in each country in the region with the exception of Tajikistan, Estonia, and Uzbekistan. For those three countries I conducted searches in three Russian speaking newspapers identified in Kidon Media Links.¹⁹⁰ The East View Universal Database for the CIS countries includes Russian language newspapers in breakaway republics such as Abkhazia and South Ossetia, which were excluded from this analysis. The Russian language newspapers were prioritized over English language newspapers because every country had a Russian language newspaper, whereas not every country had a newspaper in English. I

¹⁹⁰ This is the list of newspapers I utilized in each country. For the most part newspapers from the East View Universal Database were utilized if a website is listed articles were obtained from that newspaper for the years listed. *Biznes & Baltiia* Riga, Latvia; *Ekho* Baku, Azerbaijan; *Litovskii kur'er* Vilnius, Lithuania; *Logos-Press. Ekonomicheskoe obozrenie* Chisinau, Moldova; *Neitral'nyi Turkmenistan* Ashgabat, Turkmenistan; *Novoe vremia* Yerevan, Armenia; *Pravda Ukrainy* Kyiv, Ukraine; *Respublika Armeniia* Yerevan, Armenia; *Slovo Kyrgyzstana* Bishkek, Kyrgyzstan; *Sovetskaia Belorussiia* Minsk, Belarus; *Svobodnaia Gruziiia* Tbilisi, Georgia; *Zerkalo nedeli* Kyiv, Ukraine; *BDG. Delovaia gazeta* Minsk, Belarus; *Kazakhstanskaia Pravda* Astana, Kazakhstan; and *Izvestiia* Moscow, Russia; *Narodnoe slovo* from 2002-2006, Tashkent, Uzbekistan and *Pravda Vostoka* from 2006-2012, <http://www.pv.uz/>; *Molodezh'* Tallinn, Estonia 2002- 2009 and *Postimees* <http://rus.postimees.ee/> from 2002 to 2012; *Avesta* Avesta.tj Dushanbe Tajikistan.

conducted a search of human trafficking themes, gathering a count of the articles mentioning the specific topic including all grammar variations from the previous year.¹⁹¹ I was careful not to double count or include non-related stories such as drug trafficking, which is often conflated with human trafficking. These counts were compiled per year and standardized by country population (per 10,000 people). I hypothesize issue salience to be positively related to policy adoption and implementation.

Independent Variables: Economic Factors

Economic factors that influence the adoption and implementation of policy include the level of development. The level of development in a country can influence whether or not a country adopts and implements human trafficking policy because as the case studies have shown some governments are reluctant to adopt policies with costly social programs. Human trafficking policies can be expensive with police investigations, lengthy criminal prosecutions, and rehabilitation services for victims. As a result, poorer countries could have problems generating the funds to adopt and implement these policies effectively. To measure the level of development in every country, I utilized data from the World Bank on Gross Domestic Product (GDP) per capita in U.S. dollars. I hypothesize this variable to be positively related to the scope of human trafficking policy because the more money a country has the easier it will be to adopt and implement anti-trafficking programs.

Independent Variables: External Factors

External variables such as the neighbor effect, international intervention, U.S. influence, and European influence are the final variables that I believe can influence the scope of policy adoption and implementation. The diffusion literature argues that states are influenced by a

¹⁹¹ The Russian language has six cases so adjectives have numerous possible endings. As a result, the root words for trafficking in human beings and trafficking (torgóvlja ljud'mí and tráfiking) were searched for the operationalization of issue salience.

neighboring state's adoption due to policy learning, emulation, and competition (Berry and Berry 2007). This is similar in the international sphere in which states share information through advocacy networks, expand linkages, and cooperate with civil society, government bureaucrats, and international organizations (Keck and Sikkink 1998). Information sharing is especially important with the issue of trafficking which is facilitated by migration patterns. In this respect neighborhood effects could matter more with human trafficking than other types of policy because if a trafficking policy is adopted in one country neighboring countries could rush to pass legislation hoping that traffickers do not migrate to their country. In accordance with the policy literature (Karch 2006; Langer and Brace 2005; Chamberlain and Haider-Markel 2005), this variable was calculated by the author as the percentage of bordering states that adopted the policy in the previous year.¹⁹² One important caveat that needs to be mentioned in the international context when calculating these percentages are the neighboring countries that are outside of this study whose adoption patterns have not been included. For example, Moldova is bordered by Ukraine and Romania a country outside of this study and Armenia and Georgia border Turkey another country that is outside the scope of this dissertation. Although these neighbors have varying degrees of influence in the countries that they border, this influence could be incomplete. I hypothesize neighborhood effects to be positively related to the scope of trafficking policy.

The last variables I include are variables for external pressure from the international community, the United States, and Europe. These were difficult to operationalize because there are many different types of influence and the policies from many of the countries reference this influence through the international treaties or mention of the U.S. government's Trafficking in

¹⁹² The measure ranges from zero to 100 percent. It was calculated by the presence of the four policy types as outlined in Appendix Three and then averaged per year. Thus, the percentage of neighboring countries with the policy is averaged over the four policy types.

Persons Report (TIP). The diffusion literature in the U.S. hypothesizes that federal intervention would influence whether or not state adopts a policy or not (Karch 2006). I transform this variable to the international sphere and argue that this influence intervention is evidenced in whether or not a country has ratified the Palermo Protocol.¹⁹³ Although these international laws are non-binding, there would be similar pressure and intervention from the international sphere for adopting this protocol that then requires countries to adopt their own policy. I coded a dichotomous variable zero for non-adoption and one for adoption of this protocol. This coding scheme has been recognized in the trafficking literature (Bartilow 2008; Cho et al. 2011) as international regime membership, which demonstrates “states’ compliance with international commitments against human trafficking is a function of the strategic choices that they make – choices that are facilitated by the international prohibitive regime of which they are members” (Bartilow 2008). My expectation on this variable is somewhat different as I argue that it demonstrates the intervention of the international community in national policymaking with Article Nine, whereas Bartilow and other authors use this coding scheme to signify compliance with international laws (2008). I hypothesize this variable to be positively related to the scope of human trafficking policy and policy implementation because countries are more likely to have better policy and implementation if they have ascribed to this international convention.

The influence of the United States government is encapsulated in the literature as a measure of U.S. foreign aid as a percentage of Gross Domestic Product because human trafficking policy is attached to foreign aid and U.S. government grants (Bartilow 2008; Cho et al. 2011). However, the results for this variable in Cho et al (2011) are not statistically

¹⁹³ I differentiate international intervention from international influence in this study. International influence is an encompassing term for all international influence including the four external variables U.S., European, Neighbor Effect and international intervention. Conversely, international intervention is the operationalization of the Palermo Protocol variable which shows the intervention of the international community on national-level policymaking.

significant, so I argue that the variable needs to be operationalized a different way. I operationalize the influence of the United States with the TIP Report rankings Tier 1, Tier 2, Tier 2 Watch List, and Tier 3 and score them with one, two, three and four points respectively. Countries that have conducted what the U.S. deems to be insufficient efforts to combat trafficking (set forth in the Trafficking in Persons Report) and fail to comply with the minimum standards for the elimination of trafficking in persons receive a higher score in the report. If a country is given a Tier 3 ranking they may be subject to sanctions and the U.S. government can withhold or withdraw non-humanitarian and non-trade-related foreign assistance (TIP 2011). Therefore, there could be significant external pressure from the United States' government based on these rankings to adopt and implement policies. I hypothesize this relationship to be negative because as the TIP report rankings decrease trafficking policy and implementation will increase.

One of the themes uncovered in the interviews and case studies was the influence of Europe in the post-Soviet region. This was mentioned repeatedly by interview respondents in Ukraine and Latvia and discussed in Chapters Three and Four. This influence was more significant than American influence in the case studies when it comes to adopting and implementing trafficking policies, and for this reason it was included in the models. European influence was operationalized with a dichotomous variable for countries ratification of the Council of Europe *Convention on Action against Trafficking in Human Beings*.¹⁹⁴ Azerbaijan, Armenia, Georgia, Estonia, Latvia, Lithuania, Moldova, Russia, Ukraine are members of the Council of Europe and Belarus is a non-member that nonetheless ratified the treaty in 2013 (Council of Europe 2014a). None of the Central Asian countries are members of the Council of Europe, but they are able to sign and accede to this convention (Council of Europe 2014b). I

¹⁹⁴ The Council of Europe is an international organization focusing on human rights and democratic development. Unlike the European Union, the Council of Europe cannot make binding laws and membership expands beyond Europe to 47 countries (Council of Europe 2014a).

believe that this variable demonstrates the best measure available to operationalize European influence in the region as a whole. Council of Europe treaty membership is open to any country, and as a result any country in the region that is influenced by Europe would accede to this convention. I hypothesize this variable to be positive because the case studies suggest European influence was integral to adoption and implementation efforts.

Results for Policy Adoption and Implementation

The data were compiled from 2003 to 2012 and models were estimated for policy adoption and policy implementation. For a complete list of the variables, operationalization, and their data sources see Appendix Six. The model for policy adoption was estimated with a random effects Poisson regression in order to account for the fourteen point index dependent variable. A pooled time-series poses two statistical problems with correlated error that have to be accounted for, and, since the dependent variable is a simple count, a random effects Poisson regression was the most efficient way to model the relationship. Overdispersion of the dependent variable for policy adoption was also tested for in order to show that a binominal regression is unnecessary, and a histogram is displayed in Appendix Nine. The model for policy implementation was estimated with an Ordinary Least Squares (OLS) robust regression. The results are displayed in Tables 7.2 and 7.3 with significance levels at $<.05$ and $<.1$. In the model for policy adoption, standardized estimates reveal that corruption, interest groups, issue salience, international intervention, and influence from the United States and Europe were the most important elements influencing the scope of trafficking laws in the former Soviet Union.

Three models were constructed for policy adoption. Model 1 displays the results of the model without the variable for corruption perception. Model 2 displays the results without the variable for democracy. The Corruption Perceptions Index utilizes data from the Freedom in the

World Report by Freedom House to construct its index. This report measures the level of democracy in the country and could be correlated with the index used to measure democracy, another independent variable in this study. The correlation coefficient between the variables correlation and democracy is .637, which suggests that they are moderately correlated. Thus, Models 1 and 2 display the results without each of these variables, and Model 3 displays the entire model with corruption and democracy. In Model 1 the absence of corruption changes the relationship between the scope of trafficking policy and issue salience to an insignificant level and increases the level of significance with the level of economic development to a $<.05$ level. Conversely, Model 2, the model without the level of democracy differs only slightly from the full model in Model 3, and none of the variables change in significance. The results in Model 3 demonstrate that morality politics, economic, and external factors all influence policy adoption, and the scope of human trafficking laws in this region. Interest groups, issue salience, and economic development all had a negative relationship with the scope of human trafficking policy with interest groups at a $<.05$ level and issue salience and level of development were significant at the $<.10$ level. However, U.S. influence, international intervention, and European influence all positively affected policy adoption at $<.05$ level.

Both morality politics factors influenced the scope of human trafficking policy at statistically significant levels, but this influence was negative, counter to my hypothesis. The results suggest that the lower the interest group strength within a country the more encompassing human trafficking policy is in that country. This is contrary to the diffusion literature that argues that interest groups mobilize the citizenry around an issue; thus, policy diffusion is dependent on the role of interest groups (Shipan and Volden 2006). The state corporatist systems in the post-Soviet countries have limited the influence of NGOs due to the history of state controlled civil

society, which today relies on old networks while marginalizing new organizations seeking to influence the government (Kubicek 2000). Thus, the number of organizations in each country does not accurately represent the type of influence that these organizations have in policy formation. Issue salience is another morality politics factor that negatively influenced the scope of human trafficking policy in the post-Soviet region. The results demonstrate that countries with higher levels of issue salience when it comes to trafficking had less encompassing trafficking policy, which is contrary to what the literature and I hypothesized.

Table 7.2: Determinants of Human Trafficking Policy Adoption

Independent Variables	Model 1	Model 2	Model 3
Political Factors			
Women in the Legislature	.0059 (.0048)	.0065 (.0048)	.0063 (.0048)
Level of Democracy	-.0076 (.0064)	--	-.0038 (.0078)
Corruption	--	-.0675 (.049)	-.05 (.06)
Morality Politics Factors			
Interest Group Strength	-.00071* (.0003)	-.00067* (.0003)	-.00069* (.0003)
Issue Salience	-.00005 (.00003)	-.00006** (.00003)	-.00006** (.00003)
Economic Factors			
Level of Development	-.00003* (8.93E-06)	-.00002** (.00001)	-.00003** (.00001)
External Factors			
Neighbor Effect	-.0002 (.002)	-.0007 (.002)	-.0004 (.002)
US Influence	-.196* (.053)	-.203* (.054)	-.206* (.055)
International Intervention	.54* (.169)	.56* (.17)	.56* (.17)
European Influence	.255* (.089)	.265* (.09)	.272* (.092)
Constant	2.08	2.15	2.14
Standard Error	(.264)	(.277)	(.277)
Number of Cases	145	145	145

Note: Random effects Poisson regression where significance levels * $<.05$ and ** $<.10$ with Standard Errors are in parentheses.

The economic factor, level of development, was also statically significant and had a negative effect on the scope of human trafficking policy, contrary to what I hypothesized. The higher level of development or the higher the country's GDP per capita is, the less likely the country is to have an encompassing trafficking policy. Poorer countries in the region have better trafficking policy, which demonstrates that money is not a necessary component of trafficking policy adoption. This could also demonstrate that the policies do not need monetary support to be adopted or that they could be symbolic policies with no enforcement mechanisms. Chapter Six demonstrated that monetary weight was an element included in the content of the policies. Although it was only 1% of the policy content overall, the percentage varied throughout the region as Armenian policies devoted 4.5% of its content to monetary discussions while Russia had no mention of monetary issues in its policy. Despite the presence of monetary elements in the policies, the quantitative results show that as economic development increases the scope of trafficking policy decreases.

Three out of the four external factors in the model influenced the scope of trafficking policy at a statistically significant level. International intervention positively influences the scope of human trafficking policy, which is in agreement to the literature and my hypothesis. The results suggest that countries that have ratified the Palermo Protocol have a more encompassing policy than countries that have not acceded to the protocol. Thus, the protocol is having a positive effect on the countries in the post-Soviet region and encouraging them to adopt better trafficking policy as a result of their ratification. This external influence can also be seen in the variables for United States and European influence, which were both statistically significant. The influence of the United States was negative and in line with my hypothesis, which posited that as

the ranking on the TIP report was lowered (with Tier 1 complying with the minimum standards for the elimination of trafficking in persons and Tier 3 for non-compliance) the scope of trafficking policy increased. As countries improved their ranking in the TIP report, the scope of human trafficking policy also increased. This influence of the United States is at a statically significant level and demonstrates that, with respect to policy adoption, the United States TIP report rankings influence the scope of human trafficking policy. Thus, my results demonstrate that U.S. foreign policy pressure with the TIP report rankings are effective in influencing countries to adopt better trafficking policy in the post-Soviet region. Although the U.S. is seen as the biggest anti-trafficking proponent around the world with human trafficking policy, European influence was also statically significant. It positively influences the scope of human trafficking policy and is in accordance with my hypotheses and the case studies which purport that the scope of human trafficking policy is linked to the influence of Europe. Therefore, it is not surprising that countries that ratify the Council of Europe's *Convention on Action against Trafficking in Human Beings* also have more encompassing trafficking policies compared to those who do not.

No political factors significantly influenced the scope of human trafficking policy. This was unexpected, especially concerning the variable for women in the legislature because almost every other quantitative study on human trafficking policy found this influence to be significant (Bouche and Wittmer 2009; Bartilow 2008; Cho et al. 2011; Dean 2012). Despite this, it is in line with the case study results discussed in Chapters Three, Four, and Five. The case studies suggested that policy entrepreneurs within the bureaucracy and not female politicians advocated for this issue in the legislature. Also since half of the policies responses (national action plans and decrees) are not adopted in the legislature, the influence of female politicians could be muted. This also could be because the post-Soviet region has lower women's representation than

other regions of the world behind only the Middle East (Montgomery 2003), thus the influence of women is muted in the legislature and can instead be seen through advocacy coalitions and the presence of organizations in anti-trafficking working groups, as shown in the case studies.

The model for policy implementation, displayed in Table 7.3, reveals that women in the legislature, level of democracy, interest group strength, issue salience, neighbor effect, and international intervention influence policy implementation in the post-Soviet region at the $<.05$ level. While the models for policy adoption and implementation utilize almost all of the same variables, the model for implementation also included the dependent variable for policy adoption, the scope of human trafficking policy as an independent variable. Consequently, the issues with correlated independent variables for corruption and level of democracy can also be seen in the model for policy adoption and alternate specifications were developed. Model 1 displays the results without the variable for corruption which is very similar to Model 3 the full model. In Model 2, which shows the results without the variable for democracy, corruption is significant and the variables for U.S. influence and economic development are positive.

There are a number of political factors that influence the implementation of trafficking policy in the post-Soviet region including women in the legislature and the level of democracy. The results show that the percentage of women in the legislature negatively influences policy implementation in the post-Soviet region. This suggests that the more women there are in the legislature the lower the level of policy implementation that country has, which is contrary to my hypothesis. Again this could be due to the low level of women in the parliament and because women have found that their influence is more effective through advocacy coalitions and anti-trafficking working groups. The level of democracy is also statistically significant and negatively related the implementation of trafficking policy, contrary to what I hypothesized. This reveals

that more autocratic countries have higher implementation rates than democratic countries. It could have to do with the rule of law, as authoritarian regimes need less information to open an investigation for criminal cases on trafficking and are a more efficient type of government than democracies. However, due to moderate level of correlation between variables for level of democracy and corruption, this result could be problematic.

Table 7.3: Determinants of Human Trafficking Policy Implementation

Independent Variables	Model 1	Model 2	Model 3
Political Factors			
Women in the Legislature	-.160* (.055)	-.133* (.055)	-.163* (.061)
Level of Democracy	-.218* (.062)	--	-.252* (.084)
Corruption	--	-.796* (.455)	.098 (.61)
Scope of Trafficking Policy	-.158 (.134)	-.165 (.135)	-.182 (.149)
Morality Politics Factors			
Interest Group Strength	-.017* (.002)	-.012* (.002)	-.019* (.002)
Issue Salience	.003* (.0002)	.003* (.0002)	.005* (.0002)
Economic Factors			
Level of Development	-.00001 (.00009)	.00007 (.0001)	-3.19e-06 (.0001)
External Factors			
Neighbor Effect	-.038* (.0179)	-.049* (.0179)	-.039* .02
US Influence	-.055 (.61)	.117 (.618)	-.065 .68
International Intervention	-3.23* (1.25)	-2.49* (1.26)	-3.14* (1.37)
European Influence	1.16 (1.06)	.597 (1.07)	1.52 (1.17)
Constant	17	15.28	17.12
Standard Error	(2.18)	(2.46)	(1.17)
Number of Cases	145	145	145

Note: Robust Standard Regression results where significance levels

*p<.05 and **<.10 with Standard Errors are in parentheses.

Both morality politics variables interest group strength and issue salience influence policy implementation at a statically significant level. Similar to the model for policy adoption, interest group strength is negative contrary to the literature and my hypothesis. Again, this problem could be associated with the operationalization of the variable that does not capture the influence of these interest groups effectively. Many of the laws in the region named non-governmental organizations as key players in the implementation of anti-trafficking laws so it is unlikely that they have no influence on implementation. In most countries NGOs are tasked with rehabilitating victims, but the case studies established that not all of the anti-trafficking NGOs in Ukraine, Latvia, and Russia rehabilitate victims, sometimes only certain NGOs recognized by the government can rehabilitate victims. Since the number of rehabilitated victims is used to calculate the implementation variable, the organizations that rehabilitative victims clearly influence the number of people rehabilitated in a country but this influence is difficult to operationalize. Issue salience is positively related to human trafficking implementation, which is in accordance with my hypothesis. This result demonstrates that the more salient the issue of human trafficking, the more likely the country is to have better implementation. This finding with issue salience supports the effectiveness of awareness raising and media campaigns in identifying victims and opening trafficking investigations. When more people are informed about human trafficking through newspaper stories in the media, more victims will be identified and more trafficking investigations will be opened.

External influences affect the implementation of trafficking policy less than with policy adoption as the relationship with only two of these variables was statically significant compared to three with the model for policy adoption. The variable for international intervention was statistically significant, negatively influencing the scope of human trafficking policy. This is

inconsistent with my hypothesis and means that as implementation of trafficking policy increases the likelihood of ratifying Palermo Protocol decreases. Thus, the protocol is having the opposite effect that it intends to and instead of having more trafficking investigations and victims rehabilitated, countries that signed the protocol actually had less. This could suggest that countries are just acceding to the protocol and then not combatting trafficking or rehabilitating victims. Neighbor effect also influences the implementation of trafficking policy negatively. Thus, the more neighboring countries that have adopted trafficking policies within the last year the less likely a country is to effectively implement trafficking policy.

Conclusions and Limitations

This chapter presented the data for the quantitative section of my dissertation that included data over time (2003-2012) from all fifteen countries of the former Soviet Union examining the policy adoption and implementation. The results also demonstrate how the diffusion of innovation framework can be adapted to policymaking in the international context. The results determined that internal factors such as interest groups, issue salience, and economic development, as well as, external factors such as international intervention, United States influence, and European influence were statistically significant in the model for policy adoption. This demonstrates that external and internal factors influenced the scope of trafficking policy in the post-Soviet region. Most of the internal factors were negative while external factors positively influenced the scope of trafficking policy. The models for adoption also revealed that there are different types of external influence on policy adoption and that the influence is not only from the U.S., as the literature suggests, but from the international policy agreements as well as other regional players. Out of the three overarching factors of policy adoption external influences had three out of the four variables that were statistically significant.

In the model for policy implementation internal factors such as women in the legislature, level of democracy, interest group strength, and issue salience influenced policy implementation. Two external factors, neighbor effect and international intervention, also were statistically significant. All of these variables with the exception of issue salience had a negative effect on policy implementation. The implementation model determined that countries with fewer women in the legislature, lower human trafficking interest group strength, and more autocratic regimes have better policy implementation. This finding will need to be tested in more countries to be conclusive, but, at least in the post-Soviet region, autocratic regimes that seem to limit civil society organizations are better at implementing trafficking policy than democratic regimes.

Despite having relatively similar independent variables, the results for policy adoption and implementation diverged considerably which suggests that the variables influenced the models in very different ways. Three variables were significant in both models interest group strength, issue salience, and international intervention. Interest group strength was negative in both models, but the other two variables had opposite values. As a result, many of the predictions I made on the positive and negative relationship were incorrect. These variables will be compared to the results in the case study chapters in order to discern if they have similar conflicting outcomes.

Although diffusion is the main theoretical framework utilized in this study I am also testing two variables from the morality policy framework. Both morality policy measures for adoption had negative effects in the model and in implementation only issue salience was positive. This diverges from the morality policy framework that posits that both of these variables would positively influence policy adoption. Issue salience on human trafficking was high according to many respondents in the three case study countries, but, contrasting with the

morality politics framework, it did not positively influence trafficking policy adoption. In addition to the variables having a negative influence on policy adoption, and only issue salience positively influencing policy implementation, human trafficking also lacks a number of the key characteristics of morality policy. Trafficking policy is controversial as the case studies have shown, and it contains elements of sin involved with discussions of prostitution and sex. However, it lacks the mobilization of the citizenry, high public opinion, and acrimonious debates based on values that the literature mentions (Mooney and Lee 2000; Haider-Markel 2001; Doan 2011; Haider-Markel and Meier 1996). Based on this finding, it is difficult to argue concretely that human trafficking is a morality politics issue. These results will be compared to the case study results in Chapter Eight in order to determine if human trafficking policy in the post-Soviet region can be categorized as a morality politics issue.

The model fits slightly better with the policy diffusion variables that were adapted to fit the international sphere. In the model for policy adoption the external variables, U.S. influence, European pressure, and international intervention show that they positively influence the scope of human trafficking policy. This supports the diffusion model and my adaptation of the variables to the international context. The model for adoption speaks to the literature by breaking down the external factors influencing policy adoption that play a bigger role in international policymaking than they do in the U.S. Thus, it demonstrates the significant influence that different external players can have in policy adoption in both democratic and authoritarian regimes. These external pressures show the top-down diffusion of human trafficking policies in the post-Soviet region. The main sources of influence demonstrated in the quantitative results were from the U.S., Council of Europe, and international community with the Palermo Protocol. With the exception of the U.S., these are intergovernmental and international organizations, and

this pressure is coming from above, not across states. The rankings from the TIP Report show that this pressure is not horizontal but vertical as countries are evaluated and shamed into adopting policies not influenced across states. The results demonstrate coercion on the part of the U.S. government and also the susceptibility of countries to be influenced when there are fiscal penalties connected with a (low) Tier Three ranking on the TIP Report. The results for implementation demonstrate that only issue salience positively influenced policy implementation while women in parliament, level of democracy, international intervention, and the neighbor effect all negatively influenced policy implementation. This confirms that political conditions inside the country moderately determine how countries implement policy as the literature prescribed (Haider-Markel 1998, 81), but external elements also influenced a country's implementation. Although this is a preliminary model for policy implementation, these results yield important questions for future research. Consequently, the overall results for both models suggest that there are some variables from the diffusion literature that fit with human trafficking in the international perspective. Again this will be examined more in Chapter Eight in order to discern if human trafficking fits the diffusion of innovation theory.

As with many quantitative studies in the comparative context, there were a number of data limitations with this analysis. Finding data across fifteen countries over 10 years proved to be rather challenging, and some of the measures that I had initially planned to include (government ideology, state capacity, bureaucracy, rule of law) were unavailable due to data limitations. I also had problems with the reliability of data across this region. For example, issue salience was difficult to measure across countries, as each country in the region has its own national language and national newspapers. The East View Universal Database was the most reliable and consistent way to obtain data on issue salience across all of these countries available,

but it was incomplete because it only recognizes Russian language sources. Even though the counts for issue salience were low in these Russian language sources, I believe that they reflect the salience of human trafficking in the region and searches in the local language media would yield similar results.

This chapter constructed a quantitative model for policy adoption and implementation using variables from the diffusion of innovation, morality politics, and trafficking literatures. The findings from this chapter will be compared to the findings from the case studies in Chapters Three (Ukraine), Four (Latvia), and Five (Russia). Therefore, this chapter utilized the theory outlined in Chapter One. It builds on the analysis and coding from Chapter Six with the Human Trafficking Policy Index. Then, the results from this chapter will be compared to the case study chapters in Chapter Eight, which will discuss the overall findings and analysis from this study.

Chapter Eight: Cross-Case and Cross-Method Comparisons

The qualitative case studies and quantitative chapters suggest that there are a number of important themes and variables that influence respect to human trafficking policy adoption in the post-Soviet region. This chapter examines these themes across the case studies and different methods comparing the quantitative and the qualitative results. The analysis speaks to the main research question for this study: whether variations in the post-Soviet region concerning human trafficking policy adoption are due to internal determinants or external pressure from the U.S. and the international community. In this chapter I compare and contrast these themes in order to determine which variables are most important for human trafficking policy adoption across the three different cases. The anti-trafficking institutions in each country will also be analyzed to determine the type of institutions that evolved in the region as a result of human trafficking policy. The case study results will be compared to the quantitative results in order to determine if these results align or diverge from each other. Then, the conclusions for the chapter are presented.

Cross-Case Analysis

Ukraine, Latvia, and Russia are three countries that began at the same starting point in 1991 but have evolved differently since then with respect to human trafficking policy. Ukraine has four policy tools to combat human trafficking, while Latvia has three and Russia has one. Policy development in each of these countries has been unique, but there are still some overarching themes that emerge. Table 8.1 displays the different variables from the case studies of Ukraine, Latvia, and Russia. The table ranks the impact of each variable on policy adoption in that country on a four point scale of no influence, low influence, medium influence, and high influence. The scores were determined based on previous literature and data obtained during

fieldwork to reflect the impact of the variable on policy adoption in that country, not the level of the variable present in that country. For example, there was a high level of the scope of human trafficking in Russia, but it did not significantly influence the adoption of trafficking policies in that country, so it was scored at a low level of influence. A rating of no influence was given when it was not mentioned in interviews, country policy evaluations, or observed during participant observation as an impediment to policy adoption.

Table 8.1: Impact of Policy Adoption Variables by Country

	Ukraine	Latvia	Russia
Corruption	Medium	No Influence	Low
Level of Democracy	Medium	No Influence	Low
State Commitment	High	High	High
State Capacity	High	Low	Low
Interest Group Strength	High	Medium	Medium
Policy Entrepreneurs	High	Medium	Medium
Bureaucratic Influence	High	Low	High
Scope of Trafficking Problem	High	Medium	Low
International Influence	Low (Palermo) Low (U.S.) High (Council of Europe)	Medium (Palermo) High (U.S.) Low (Council of Europe)	Medium (Palermo) Medium (U.S.) Low (Council of Europe)
Regional Policy Networks	Low (CIS)	High (EU)	Low (CIS)

Note: This table shows the level influence the variable has on policy adoption in Ukraine, Latvia and Russia. This table is modeled after Weiner and Koontz (2010) and adapted to fit the comparative international context with case studies of human trafficking policy adoption. It shows the level of influence that the variable has on policy adoption in that country, not the level of the variable present in that country.

Internal Determinants

These results demonstrate that there were both internal and external determinants of human trafficking policy adoption in the post-Soviet region. Overall, state commitment to human trafficking policy is the biggest influence on policy adoption in the case studies. In Latvia, the only democratic country of the case studies, state commitment to anti-trafficking policy facilitated policy adoption through consistent national action plans. While state commitment appears to be evident in most policymaking, in authoritarian regimes these results alter the perception that all policies are initiated by the authoritarian leader. Instead of a black box of policymaking, the case studies of an authoritarian and semi-authoritarian regime demonstrate that it takes more than an authoritarian leader decreeing policies to adopt a policy. Authoritarian leaders need other variables to advocate policy importance and bring topics to their attention. Also, the variety of policy tools utilized, with policies adopted in the legislative and executive branches, demonstrates that not all trafficking policy making is done in the executive branch; consequently, even authoritarian leaders have to navigate the legislature with some human trafficking policy approaches. In Russia, international pressure facilitated the establishment of a working group on human trafficking policy development, but the presidential administration only took a small number of the working group's recommendations in the final policy adoption. This, coupled with interest group pressure, and policy entrepreneurs, made policymaking in this country possible. State commitment in Ukraine also helped policy entrepreneurs circumvent the normal policy process and adopt a policy that was in compliance with its Council of Europe commitments. While in Latvia, the state's commitment to policy adoption from government bureaucrats in the Ministry of Interior helped push forward trafficking policy in that country. Political will was something that came up over and over again in the interviews across the three

countries as an important factor in policy adoption. Many respondents said that encompassing human trafficking policy was possible due to political will or, in the case of Russia, due to the lack of political will to change the status quo. It was the only variable that was scored at a high level of influence across the three different case studies.

While state commitment is integral to policy adoption, the state does not act unitarily, and other actors in the policy subsystem are also important players in the adoption of policy. The case studies indicated that interest group strength and policy entrepreneurs were significant actors in policy development. These variables ranked high in Ukraine and medium for Latvia and Russia. This demonstrates that players beyond the state were essential to policy adoption and even in authoritarian regimes interest groups can influence policy adoption. The case study of Ukraine revealed how policy entrepreneurs navigated the adoption process in order to put the issue on the government agenda and also bring about policy change. In Latvia, the working group there composed of NGOs and government bureaucrats worked together as policy entrepreneurs to fill a policy gap and stop a new form of trafficking that developed in the country. Policy entrepreneurs in Russia worked to raise awareness in the presidential administration and make human trafficking illegal in that country. Even though many NGOs in Russia have closed, there are still enough organizations to form a coalition of NGOs in the country that have membership in a national-level government working group and can advocate for better policy from the inside. On the local and regional levels these organizations are also effective at influencing the government through letter writing campaigns and one-on-one relationships with government bureaucrats. Thus, even in the most authoritarian regimes, NGOs and policy entrepreneurs have found ways to circumvent the system and work with the government on the issue of human trafficking.

Bureaucratic influence was an impediment to policy adoption and ranked at a high level of influence in Ukraine and Russia. This was due to bureaucratic reforms in those countries, which slowed policy adoption and made it difficult to identify the lead ministry for human trafficking policy development in each country. In the case of Ukraine, reforms of all of the ministries meant that the ministry in charge of trafficking issues ceased to exist and a successor was not identified for almost a year. This was happening while drafts of the bill on human trafficking were being developed. Administrative reforms only influenced the Ministry of Interior in Russia, and there still was not a lead agency tasked with directing human trafficking work in the country. As such there was no government unit advocating for human trafficking policy. Thus, the bureaucracy has been an impediment to policy adoption in both Ukraine and Russia. In Latvia, the continuity of members of the working group facilitated policy adoption and, even before this working group existed, individual policy entrepreneurs circumvented bureaucratic issues to adopt policies.

State capacity was rated as high on the level of influence on human trafficking development in Ukraine and but low in Russia and Latvia. Although NGOs in all three countries discussed difficulties obtaining funding to operate, there were also problems with government funding anti-trafficking programs as well. In Ukraine, the lack of economic development and government support was mentioned frequently as most of the support comes from international donors. In Latvia, the government sponsors some anti-trafficking programs and rehabilitation, but EU commission funding was also available for the small number of NGOs in the country. Even during the economic crisis when funding was difficult to obtain for social programs, the capacity of the state was not questioned. The capacity of the Russian government was also not often questioned, and many people thought that the level of economic development was

sufficient to support social programs, if the government decided that they were important. NGOs in that country have suffered due to the law and the termination of international funding to support anti-trafficking programs but this did not cause respondents to signify that the capacity of the state influenced policy adoption. In Ukraine, the capacity of the state impeded policy adoption, whereas in Latvia, the state, even if it could not afford the programs, adopted them and then added an addendum to the policies the next day.

Corruption was also discussed as medium level impediment to policy adoption in Ukraine. The country has the highest perceived levels of corruption examined at 144th place in the world; however, Russia, at 127th place, is not that far ahead of Ukraine in the rankings, and Latvia is ranked 49 out of 177 and considered clean (Corruption Perceptions Index 2013). Despite this, corruption was not mentioned frequently as an impediment to policy adoption in Russia. This could be because there were so many other impediments to policy adoption that corruption was low on the list. In Latvia, corruption was evaluated as having no influence on policy adoption. This was because the issue of corruption was never mentioned by respondents, discussed in country evaluations, or observed during participant observation as an impediment to policy adoption. A ranking of low would have suggested some influence, but since this did not influence policy adoption it was rated as having no influence.

The scope of the trafficking problem was high in Ukraine, medium in Latvia, and low in Russia. Both Ukraine and Latvia had examples that identified the issue salience as the impetus for policy adoption, but this occurred early in the policy development process or when a new caveat of the problem surfaced, as in Latvian fictitious marriages. In Russia, despite the prevalence of the stories in the media on human trafficking, they did not influence policy adoption in that country.

The level of democracy was ranked as a medium influence in Ukraine, low influence in Russia, and no influence in Latvia. Although the level of democracy to many would seem like an integral influence on policy adoption, these three cases demonstrate that it was not a significant element in policy adoption in these countries. The three cases encompass three different levels of democracy with Latvia a democratic country, Ukraine semi-authoritarian, and Russia authoritarian (Freedom House 2014); however, only in Ukraine was this discussed as having an influence and it was the lowest level of influence in that country among the international influences. In Latvia, the level of democracy was never questioned as an element impeding policy development. While in Russia, where it could be seen as a significant impediment to policy because of the regime's authoritarian elements, it was not discussed by many respondents and during the fieldwork.

External Influence

There were also a number of external elements influencing policy adoption in the three cases, but these are less cogent across the cases than the internal determinants. Although international intervention and influence have been associated with international treaties in the literature, it could also encompass influence from a number of different international stakeholders. Thus, external influence is more nuanced than the literature suggests, as it comes from different sources such as Europe, the United States, international agreements, as well as regional policy networks and sometimes these elements work in tandem to exert influence. Thus, it is not a singular unitary force from the outside but forces working in tandem to influence policy development.

Influence from the U.S. government was evidenced with TIP report evaluations, study visits, and financial support for anti-trafficking programs. While there was evidence of all three

of these elements in Ukraine, Latvia, and Russia, it affected policy development in the countries differently. This influence from the United States on human trafficking policy development has had the opposite effect on Russian policy, compared to Ukraine and Latvia. In those countries, U.S. influence and their rankings on the TIP report have influenced Ukraine and Latvia to adopt better anti-trafficking policies, whereas in Russia it has really hindered the government from adopting human trafficking policies. As such, this impact can be seen both positively and negatively, as pressure from the U.S. seemed to backfire and have the opposite effect than it was intended in one of the cases. This influence is ranked as medium, though, because of the role that the U.S. government played in the establishment of the working group that developed a bill on human trafficking. While this was not the legislation that was eventually adopted, the working group helped raise the presidential administration's interest in this topic.

European influence from the Council of Europe was also varied in the three cases. The requirements of the Council of Europe convention, coupled with visa-free travel to Europe, were the driving force influencing the adoption of the Ukrainian human trafficking law. Thus, European influence was significant in Ukraine but is minimal in Russia, a Council of Europe member, but non-signatory to the Council of Europe convention. In Latvia, this influence is also low because European Union membership supplanted the influence of the Council of Europe. The Council of Baltic Sea States was the only type of European influence in Russia, and this organization was able to coordinate cooperation with the Russian government when other international forces had failed. However, this organization had also no influence in Latvia, which was also a member state because their laws and development were so far ahead of Russia's. This could suggest that inter-governmental organizations, like the CBSS, are more influential with policy change to the laggard countries in the region instead of those whose policy has already

developed. Overall, it suggests that these organizations are more effective at influencing some countries than others even though policy development has not occurred in Russia. As a result of the influence of this organization, they have been effective in opening a dialogue with Russia on anti-trafficking activities where there was formerly none.

The Palermo Protocol had more influence in the early 2000s on policy development than it did in the later years of this study. Once countries met the minimum requirements of the protocol, some did not develop their trafficking policy further. As stated in Chapter Two, meeting the protocol meant that a country had laws that criminalized trafficking, established comprehensive programs to prevent and combat trafficking, and provided assistance to victims. Since Ukraine met these minimum requirements before the Palermo Protocol was written, it had little influence in the country, while in Latvia it did influence the development of policy in the early 2000s. Although the Palermo Protocol sets forth these guidelines, countries are able to interpret them as they see fit, and some countries, such as Russia, did the bare minimum to meet the requirements. However, since there are no real repercussions for failing to meet these requirements, Russia has not developed its legislation further and stayed away from any other legislation, such as the Council of Europe convention, that would necessitate further policy development.

The final variable of external influence is Regional Policy Networks. The influence of the regional policy networks was dependent on the region, as influence in Latvia with the European Union was high. In Ukraine and Russia, with the Commonwealth of Independent States, this influence was low. Both of these regional policy networks have outlined policy development in the area of human trafficking for member states. Ukrainian policy had developed beyond most of the CIS agreements before they were adopted in 2006 and 2008, and they were not mentioned by

respondents as one of the reasons for policy development. In Russia, these agreements were often mentioned by respondents as a substitute for the lack of legislation in the country, even though Russia did not adopt any of the requirements outlined in these programs, so the level of influence was rated as low. Conversely, the European Union had a profound influence on Latvian policy development. This influence was so substantial that Latvia decreased its sentencing guidelines to go along with European Union minimum recommendations. Thus, this influence was not always positive but was significant, as the Latvian government tried to harmonize its legislation with its European counterparts.

Comparison of Anti-trafficking Institutions

Since policy development in all three countries was very different, it is not surprising that the anti-trafficking institutions that have developed in these countries are varied as well. In Latvia, the National Coordinator is the Ministry of Interior; in Ukraine, it is the Ministry of Social Policy; and in Russia there is no National Coordinator. Based on the policy output and the lack of anti-trafficking organizations in Russia, it is more effective for policy development and accountability to appoint a ministry or person in charge of the anti-trafficking work. Most countries in Europe appoint the Ministry of Interior or Ministry of Justice as the National Coordinator or National Rapporteur for anti-trafficking (UNODC 2010a, 17). In Ukraine, the placement of the National Coordinator in the Ministry of Social Policy suggests that Ukraine concentrates on the rehabilitation of victims. Since Ukraine is mainly seen as a source country, the emphasis on social services and rehabilitation for the victims, instead of combatting the crime, is not that unexpected. Since Latvia had a system of rehabilitation services already in place, the emphasis in that country was more on prosecution. While it is not clear which system

of national coordination is better for combatting trafficking, having a point person in the government bureaucracy is a necessary element to coordinate policy effectively.

The Latvian case also suggests that working groups or councils are an integral institution for policy development. A designated working group that met regularly and had transparent membership and meetings helped the country quickly respond to changing trafficking trends and initiate legislation to curb new aspects of the crime. It also facilitated collegial relationships and cooperation among key players in the anti-trafficking movement. There can still be issues with NGOs concerning government influence; working groups provide civil society with a direct line to the government. Consequently, working groups can be a very effective anti-trafficking institution in adopting new policies, fighting human trafficking, and implementing trafficking policies.

While all three case studies have a history of police units specifically devoted to trafficking, their degrees of effectiveness vary. Ukraine and Latvia have established units that work with human trafficking; however, in Russia, the units disappeared after an administrative reform. All three countries were criticized for the small number of perpetrators brought to justice and for police seeking to persecute offenders under lower statutes than the ones specified for trafficking. This supports McCarthy's study that suggests the institutional structure of law enforcement and the lack of clarity in the criminal code definitions are the reasons police have charged trafficking cases with criminal code articles that they are more familiar with, instead of the new criminal code articles that are untested and unclear (McCarthy 2010, 22). Thus, problems with prosecution could be remedied with clearer legislation, training, and practice. Ukraine and Russia reported bureaucratic reforms that also impeded trainings and hindered the

continuity of police officers investigating these crimes. This differed from Latvia, where police turnover did not impede the investigation of crimes.

All three of the case study countries had shelters at one time or another during the study period, but they all have differing approaches to operating and funding these shelters. Only the Latvian government pays for the rehabilitation services; in the other two countries rehabilitation services are supported by international donors. In Latvia, these services have been contracted out to one NGO, while in Ukraine the government is in the process of taking over the rehabilitation center. The Russian government has tried to limit international funding through the law on foreign agents, but there is one NGO operated shelter supported by international funding. There also seems to be a shift away from supporting women's organizations that first brought the issue of trafficking to the government's attention. This could be a reflection of the changing nature of the crime, that it is not a woman-centered crime anymore. This change could also indicate that women's organizations were often critical of the governments, and, as such, funding was allocated to other organizations that were seen as more friendly to the government.

The certification process for human trafficking victims is also very different in each country. The processes and decisions have transparency issues in Ukraine and Latvia, but the appeals process is clear and has helped victims receive the status or certification even if their applications have been denied. Victims are entitled to a one time monetary compensation from the government, as well as rehabilitation services in Ukraine, while in Latvia they only have access to rehabilitation services and support. The situation in Russia is much bleaker as many of the shelters that existed in the mid-2000s have shut down; as a result, trafficking victims visit government service centers to receive support. Accordingly, there is not a trafficking victim

certification process, and victims do not have access to compensation or specialized treatment in Russia.

Although many of these institutions were created as a result of policy, the results suggest that the more effective the anti-trafficking institutions are in a country then the more likely a country is to have better the policy. Consequently, if these institutions are strengthened they could influence policy development and implementation. The findings suggest that, once anti-trafficking institutions are established in countries and there are mechanisms to ensure the institution's survival, they can not only oversee effective implementation but also work to develop better and more responsive policy in the future, as evidenced by the Latvian working group example. While all five of the institutions outlined above are important components to combatting human trafficking, the working group is the most important anti-trafficking institution because it can bring together specialists from all the other anti-trafficking institutions to facilitate further policy adoption and implementation. Consequently, an effective working group composed of civil society and government officials, which meets regularly, is the most effective anti-trafficking institution a country can possess, because it can facilitate the adoption and implementation of trafficking policy.

Overarching Case Study Themes

In addition to the comparison of policy adoption themes and anti-trafficking institutions across the cases, there are a few themes that emerged from the case studies related to policy adoption in the post-Soviet region. Policy learning was a concept that was discussed in all three cases, as each country sought to learn about trafficking policy from their own experiences and other countries. Although, this policy learning was not as the theory suggests. Diffusion theory posits that policy learning, emulation, and competition will come from neighboring countries

(Berry and Berry 2007) or other countries in the region (Schmitt 2011). Russians looked to Ukraine for policy advice. Dmytri, a government official in Russia, said that the Russian legislation was based on the Ukrainian legislation because he believed the Ukrainian legislation was the best in the CIS.¹⁹⁵ Ukraine and Latvia said they looked to Europe for policy queues; this was not individual countries in Europe, but the European Union and the Council of Europe. Maksims, a national government official in Latvia said, “We certainly would not want to compare ourselves in any way with Russia.”¹⁹⁶ However, specific policies in Ukraine, such as the National Referral Mechanism, revealed policy learning from Poland and Moldova, which have very similar policies. Consequently, there is evidence of policy learning from the West to the East, and this is not limited to only neighboring countries but also Western organizations like the European Union and the Council of Europe.

There were also brief mentions of ethnic elements throughout the interviews in each country. While these elements did not overtly influence policy adoption, respondents mentioned them as an aspect of policy. Russian respondents had the most discussions of these elements, as they theorized that Russia did not have better anti-trafficking policies because respondents thought that the government did not want to pay for programs that helped migrants, who were seen not as victims but as having chosen to migrate. Respondents also alluded to the fact that the population saw migrants as non-Russian victims, and they felt that the victims should not be supported. In Latvia, respondents did not mention the ethnic element, but there are underlying assumptions that many of the women in prostitution are Russian-speaking non-citizens. This, however, did not seem to influence policy development in Latvia, as respondents discussed helping victims regardless of their citizenship or nationality. Ukraine has linguistic divisions

¹⁹⁵ Dmytri, government official, personal interview, August, 2013, Russia.

¹⁹⁶ Maksims, government official, personal interview, June, 2013, Latvia.

within the country as well, but there were no discussions of ‘us and them’ like there were in Russia, since victims, no matter their immigration status, were entitled to assistance. Some respondents also discussed the prevalence of Roma victims of human trafficking and that outreach work to these communities was difficult. Therefore, while ethnic elements exist in all three countries, only one country, Russia, limits social services based on the victim’s nationality.

Trafficking was a political issue to a much larger extent in Russia than it was in Ukraine or Latvia. Respondents over and over again in Russia discussed how the issue of human trafficking had become politicized through outside pressure to adopt policies and Western intervention in Russian internal politics. The rankings on the TIP report were mentioned frequently in Latvia and Russia, but only in Russia were they viewed as negatively influencing the relationship between the U.S. and Russia. In Latvia, respondents thought that Latvia should have been ranked higher since many felt that the government was working diligently to stop trafficking. This political nature of human trafficking based on foreign policy, diverges from other examinations of human trafficking policy adoption in other regions of the world. In the U.S., government officials opposed legislation on human trafficking due to the monetary commitments attached to some anti-trafficking policies (DeStefano 2007; Berman 2006). Once human trafficking was on the government agenda, cost was the only real impediment to policy adoption. However, this is not the case in the post-Soviet region as governments see the trafficking as a political issue not based on moral values but due to U.S. pressure and shaming in TIP report.

Cross-Method Analysis

There are also a number of differences when comparing the case studies to the quantitative results. The quantitative results for policy adoption suggested that interest groups,

issue salience, and economic development had a negative relationship with the scope of human trafficking policy. U.S. influence, international intervention, and European influence all positively affected policy adoption. The relationships with interest groups, U.S. influence, international intervention, and European influence are statistically significant at the $<.05$ level, and issue salience and level of development are significant at the $<.10$ level. The three case studies covered the entire time period from independence until 2013; however, the quantitative results, due to data limitations, analyze the time period from 2003-2012. This difference in time compared to the case studies could be one of the reasons why the results differ markedly. State commitment and policy entrepreneurs, had a significant effect on policy adoption but were not operationalized in the quantitative results because they are difficult concepts to measure quantitatively. Meier identifies the shortcomings of empirical policy studies that are unable to operationalize policy entrepreneurs; if studies do operationalize it, policy entrepreneurs are a residual category (Meier 1994, 244). This is why I utilized a multi-method approach because there are significant differences in the results of these two methods that need to be recognized. State commitment to human trafficking policy is also a variable that is difficult to measure quantitatively as government spending on anti-trafficking programs is not tracked in most of the countries. In addition, government actions surrounding the issue of trafficking are difficult to obtain without intimate knowledge of every country.

Interest groups were one of the biggest variables affecting policy adoption across the three case studies, but the quantitative results suggest that this influence was negative and that the more anti-trafficking NGOs a country has the less likely it is to have better human trafficking policy. The U.S. based literature posits that organized interests within states are likely to influence policy adoption (Shipan and Volden 2006). Due to data limitations, my interest group

variable was the number of anti-trafficking NGOs standardized by country population, but this operationalization does not seem to capture the influence of anti-trafficking interest groups. This negative result could demonstrate that some of the anti-trafficking organizations are not political organizations and are instead service providers for victim rehabilitation. Thus, perhaps the pure number of these groups does not matter as much as the access that these groups have to the government. The case studies suggest that NGOs have had a large role in policymaking and this role can be increased when NGOs are members of anti-trafficking working groups and have direct access to the government. Historically, NGOs have had limited influence in the post-Soviet region due to the state corporatist system that prioritizes established networks over new organizations (Kubicek 2000). Anti-trafficking working groups have helped overcome this hurdle and given the most significant NGOs or leaders of NGO coalition's direct access to the government. The formation of the umbrella organizations in Ukraine and Russia signified that they were beginning to influence the government; thus, perhaps the development of interest groups and advocacy coalitions is not far into the future. Therefore, the number of organizations in each country could not accurately represent the type of influence that these organizations have in policy formation. This has implications for the operationalization of interest groups in the international context, as the method adapted from the U.S. literature does not capture the true influence of these organizations. Interest groups are also linked to issue salience in morality politics because policies have low salience when interest group influence matters more, but, when the salience of an issue is high, they matter less because morality politics occur (Haider-Markel and Meier 1996, 2003). Thus, the high salience of the issue of trafficking could signify that interest groups matter less since the salience of human trafficking is high.

The quantitative results for issue salience and the qualitative results for the scope of the trafficking problem also differ in the different methods. The quantitative results suggest that there is a negative relationship between the scope of trafficking policy and the salience of the human trafficking. The case study results demonstrate that the salience of human trafficking was the impetus for human trafficking policy adoption in Ukraine and to a lesser extent in Latvia and Russia. Here the results also diverge with the quantitative results, as the quantitative relationship is negative while the case studies show that it is positive. Again, this could be that the quantitative operationalization does not accurately capture the salience of the issue. Issue salience influenced policy adoption in Ukraine and Latvia when human trafficking was a new issue. It appears to have influenced earlier adoptions more than later adoptions, except in the Latvian fictitious marriages criminal code amendments, which was a new type of trafficking. This influence early in policy development could have muted the effect of issue salience over time in the quantitative results.

The last diverging results in the cross-methods comparison are the negative influence of economic development at a statistically significant level in the quantitative results, while the qualitative results for state capacity were ranked high in Ukraine but low in Latvia and Russia. One of the reasons that the comprehensive bill on human trafficking was not adopted in Russia was due to the cost of anti-trafficking measures (McCarthy 2011), so it is not surprising that policymakers would be apprehensive about adopting a bill with many financial obligations. In Latvia, national programs were adopted, and the monetary obligations were amended soon after the adoption. As a result, financial obligations were not an impediment to policy adoption in that country because the amount could always be adjusted. This is contrary to what the literature suggests, that a higher level of economic development would mean that the country has more

money to pay for anti-trafficking programs. However, this could be a difference between authoritarian and non-authoritarian regimes and social spending. The literature suggests that democracies spend more money on social programs that benefit society as a whole whereas authoritarian regimes limit this spending since they do not have to meet the needs of the broader populace through contested elections (Brown and Hunter 1999). Huber et al. (2008) demonstrate that authoritarian regimes limit health and education spending, but not social security and welfare spending, compared to democratic regimes; consequently, authoritarian regimes do not always spend less than democracies on all social programs. This, combined with the stereotypes surrounding human trafficking (that victims knew what they were getting themselves into and are undeserving of assistance) could cloud this allocation of social assistance and skew spending on social programs when it comes to human trafficking. One other caveat to consider is that, in economically less developed countries, international funding supports many of the assistance programs related to human trafficking, and this could explain the inverse effect of economic development on the scope of trafficking policy.

Despite these varied results for the internal determinants between the qualitative case studies and the quantitative data, the results for external determinants are much more uniform. The quantitative results suggest that U.S. influence, international intervention with the Palermo Protocol, and European influence all positively affect the scope of human trafficking policy adoption in the post-Soviet region. The case study results were more case dependent with certain international elements influencing policy adoption in different countries at different times of the policy development process. For example, European influence with the Council of Europe mattered more in Ukraine than it did in Latvia and Russia, while influence from the U.S., with the TIP report rankings, was discussed as a significant influence in Latvia, but in Russia it only

caused disputes. The case studies reveal the nuances of this influence in three specific countries while the quantitative results demonstrate the region as a whole. Consequently, the case studies and quantitative results align with external determinants by revealing that, in terms of U.S. influence, international intervention, and European influence, all but one of the external factors significantly influence policy adoption in the post-Soviet region.

My results both support and diverge from literature. They provide a new way to view external influences on policy adoption as the literature mostly focuses on one element such as international pressure to assimilate (Avdeyeva 2007), international influence (Shelley 2005), or U.S. influence (Johnson 2009). I examine all of these elements in tandem and reveal that this influence affects countries in different ways. External pressures are not the only influences on policy adoption, as they have to navigate the domestic political environment inside countries. Thus my results also support McCarthy's (2011) argument that external elements and internal pressures from law enforcement, NGOs, and policy entrepreneurs play a role in human trafficking policy adoption. Although her study was limited to Russia, I found evidence of internal pressures in Ukraine and Latvia as well as Russia.

My results call into question the results from Cho et al. (2011) who argue that trafficking policies diffuse due to contiguous countries. The quantitative and qualitative results suggest that the neighbor effect, influence from bordering states, did not significantly influence policy adoption. The case studies also demonstrate that policy learning came from the West and not neighboring states. Although there was evidence of Ukraine's policy adoption influencing Russia, this was based on the fact that Ukraine was seen as a leader in the region, not because they are one of Russia's eight neighbors in the post-Soviet region. My results also suggest that gender representation does not influence human trafficking policy adoption in the post-Soviet

region (Bartilow 2008), which is again contrary to the literature. Finally, my results also support the assertion in the literature that monetary burdens influence policy adoption (Hathaway 2002). Although the quantitative results reveal a negative relationship between economic development and the scope of trafficking policy, the qualitative results indicate that the cost of trafficking policies has impeded policy development.

Conclusions

Overall, the qualitative case studies suggest the factors influencing human trafficking policy adoption that were absent from the statistical models, such as state commitment and policy entrepreneurs, which had a high level of influence across the cases, and bureaucratic influence, which had less influence on policy adoption. The case studies demonstrated what people and sources on the ground in these three countries viewed as the most significant influences of policy adoption. My results suggest that there were a variety of different factors influencing policy adoption in every country; however, there could be variables of influence that were not identified in the case studies. According to Wiener and Koontz, the missing variables from the case studies “are not meant to suggest that these factors do not play a significant role in other countries, but they were not deemed to be critical in the specific analysis conducted for this study” (2010, 645). This is important to note because the results are based on interviews and participant observation; thus, there could be aspects of influence that were not noticeable to people working within the policy subsystem.

The statistical models reveal these determinants of policy adoption over the 15 post-Soviet countries. The positive influence, at a statistically significant level of all but one of the external determinants on the scope of trafficking policy, suggests that external factors mattered more in policy adoption than factors inside the policy subsystem with the quantitative study.

Internal elements, such as interest group influence, issue salience, and economic development all had a negative influence on policy adoption. However, the case study results contend that it was not just external elements that led to policy adoption; internal elements, such as interest group strength, state commitment, and policy entrepreneurs, influenced policy adoption as well. Some of these variables were difficult to operationalize in the quantitative portion of this study, but this is why multi-method approaches are integral to research as each of the methods demonstrate different factors influencing policy adoption.

Conclusions: Hypotheses, Theoretical Contributions and Avenues for Future Research

This dissertation has revealed the determinants for human trafficking in the post-Soviet region. The conclusion will provide a short summary of the main findings of this study. Next, the hypotheses introduced in Chapter One are discussed to determine if they are supported or not supported throughout the eight chapters of this dissertation. Then, the theoretical contributions of this dissertation are evaluated with respect to the policy literature and the applicability of the diffusion of innovation framework in the international context. Finally, areas for future research are assessed.

Summary of Findings

The results demonstrate that both international and external factors influenced the adoption of human trafficking policies in the 15 countries of the former Soviet Union. Ukraine was the first country in the region and one of the first countries in the world to adopt a policy making human trafficking illegal in 1998. The policies in this region have continued to develop since that time and include 102 different policies across the entire region up to 2013. In less than 10 years all 15 countries had adopted at least one policy response to human trafficking; such rapid diffusion is categorized as a policy outbreak.

The findings from the case studies in Chapters Three on Ukraine, Four on Latvia, and Five on Russia demonstrated that there are both internal and external pressures influencing countries to adopt human trafficking policy in the post-Soviet region. The case studies demonstrated that state commitment to human trafficking policy was the most important component necessary for policy adoption. Even in democratic states, it was important for people within the government to have the political will to support these measures in order for them to be adopted. The second two most important variables were policy entrepreneurs and interest group strength. Although international influence was discussed as the main influence on policy

adoption in the literature, when broken down into specific areas of influence such as U.S., Palermo Protocol, European influence, it varied by country. Therefore, instead of a black box of international influence, as most of the trafficking literature depicts it, I have broken down this influence into specific elements of influence. This allowed my analysis to explore more areas of external influence and move beyond the previous literature, which suggested that international pressure and pressure from the United States were the most important factors, while my findings suggest European pressure mattered as well.

The content analysis in Chapter Six indicated that there are stark differences in the scope and variation of policy in the post-Soviet region. This is why it is important to go beyond dichotomous models that only examine whether a country adopts a policy or not, in order to capture the nuances of this policy variation. The content analysis of the policies suggested that trafficking policies in the post-Soviet region prioritize victims' services over prosecution methods in the content of their policies which was contrary to the literature. Stereotypes of trafficking victims and the perpetuation of the "Natasha Effect" focusing only on female sex trafficking victims were also found in the content of the policies. Results also suggested that authoritarian regimes utilize trafficking policies, masked in the language of international human rights norms, to increase their power and control their citizens.

The quantitative results in Chapter Seven took the findings from the content analysis and used them to build the Human Trafficking Policy Index, a ranking of the scope of human trafficking policy by country from 2003-2013. The quantitative results for policy adoption revealed that interest groups, issue salience, and economic development had a negative relationship with the scope of human trafficking policy. International intervention, U.S. influence, and European influence all positively affected policy adoption. Also, the results

demonstrate that influence on policy adoption came from more than just the United States and the international community, as the literature proposes, there was also pressure from Europe with the European Union and the Council of Europe. The model for policy implementation suggested that the percentage of women in politics and the level of democracy had a negative effect on the implementation of trafficking policy at a statically significant level. In this model, internal variables were more influential, but only one, issue salience, influenced policy implementation positively.

Chapter Eight demonstrated that the quantitative and qualitative results diverged as quantitative results demonstrated that external pressures were more influential to human trafficking policy adoption than internal, whereas the qualitative results suggested the opposite. The quantitative results indicate that there is a negative relationship between the interest group strength, economic development, scope of trafficking policy, and the salience of the human trafficking, but the case studies demonstrate this relationship to be positive. External variables were more consistent between both methods with U.S. influence, international intervention with the Palermo Protocol, and European influence all positively influencing the scope of human trafficking policy adoption in the quantitative portion.

Analysis of Hypotheses Confirmation

These findings provide support for the tested hypotheses discussed in Chapter One. I hypothesized that both democratic and authoritarian regimes would respond to external pressure and internal determinants to adopt trafficking policy. This hypothesis was supported in Chapter Four, the Ukrainian case study, Chapter Five, the Russian case study, and Chapter Six which demonstrated the variety of determinants in policy adoption across the region which contains a

number of authoritarian and semi-authoritarian regimes.¹⁹⁷ The Ukrainian and Russian case studies also suggest that authoritarian leaders are influenced by both external and internal elements when weighing policy decisions. While these leaders are the last word on policy adoption, issues have to first get on their agenda, and the case studies of Ukraine and Russia indicate a number of ways that policy entrepreneurs and interest groups have worked to get the issue of trafficking on the agenda. My research suggests that these policies are not just symbolic approvals of the president's wishes but negotiated policy decisions. The diffusion of innovation framework was designed for the democratic policy making environments of the United States, but my research has demonstrated that these types of external pressures and internal determinants also exist in authoritarian systems. Although the exact international influence was varied across the different case studies, these influences were present even in Russia, the most authoritarian country of the case studies. The interviews and fieldwork also demonstrated a variety of internal determinants influencing policy adoption. They revealed how NGOs and policy entrepreneurs have learned to work within the system of constraints presented by the authoritarian regimes to influence policy development on the national and regional levels, all despite limits on their work and organization. Thus, authoritarian regimes have barriers to policymaking similar to democratic regimes, especially when policies are promulgated from different branches of government, as is the case with human trafficking policy.

The second hypothesis examined the influence of women's representation in government, and hypothesized that it would have less influence on policy adoption than policy entrepreneurs and advocacy coalitions. The U.S. based literature and the human trafficking literature have suggested that the presence of women in legislatures plays a significant role in the adoption of

¹⁹⁷ The post-Soviet region includes seven countries categorized as not free, five categorized as partly free, and three countries categorized as democracies (Freedom House 2014).

trafficking policies (Bouche and Wittmer 2009; Bartilow 2008). However, the post-Soviet region has some of the lowest levels of women's representation in the world. As Chapter Seven demonstrates the presence of women in parliament did not have the same effect in the post-Soviet region as it did in the United States. The variable was not significant, which supports my hypothesis that women's representation in parliament did not influence the adoption of human trafficking policy. Instead, I hypothesized that policy entrepreneurs and advocacy coalitions would matter more than the presence of women in parliament. The quantitative results in Chapter Seven suggest that interest groups had a negative effect on the scope of human trafficking policy, but the qualitative results from interviews and fieldwork suggest that NGOs significantly influenced policy adoption. This influence was not represented by sheer numbers of interest groups, but by concerted efforts of a few organizations, participation in anti-trafficking working groups and institutions, and a nascent umbrella network of organizations. The case studies in Chapters Three, Four and Five also demonstrate the effectiveness of policy entrepreneurs in the policy adoption process. Consequently, there is support for my hypothesis that, contrary to the literature, policy entrepreneurs and advocacy coalitions had more influence on the development of human trafficking policy in the post-Soviet region than women's representation in government.

The third and final hypothesis argues that economic interests and the transformation of human trafficking from a crime of sex trafficking to labor trafficking in this region have also transformed trafficking from a morality politics issue to a human rights issue that more states want to combat. In the early 2000s, human trafficking was a crime associated with the "Natasha Effect" female sex trafficking victims and cases. As the crime has transformed to an issue that affects not just women but men and children as well, and is not limited to sex trafficking but

labor trafficking crimes, more and more countries have developed more encompassing policy on this issue. The quantitative results from Chapter Seven suggest that issue salience and interest group strength have a negative influence on the scope of human trafficking policy, but the case studies suggest that this influence is positive, revealing that human trafficking is not entirely a morality policy issue. Instead, it has been framed as a human rights issue, as evidenced in Chapter Six where almost every country mentioned the relationship between human trafficking and human rights in their policy documents. Many respondents in the case studies also discussed human trafficking as a violation of human rights. Furthermore, a number of policies were also developed with a human rights approach; some were also introduced by government representatives working on human rights issues, and other countries viewed access to rehabilitation services as a human right. Thus, this evidence demonstrates that human trafficking is viewed from a human rights approach. Countries could view adopting a human rights approach as a moral imperative wrapped in a human rights approach or perhaps a human rights approach is a morality policy in the international context. Economic and monetary considerations can also be seen in the development of policies in all three cases. For example, in Russia, the encompassing policy developed by the legislative working group was not introduced because of monetary considerations (McCarthy 2011), even though many respondents argued that the Russian government had enough money to support anti-trafficking programs. Consequently, economic limitations can supersede moral considerations (Sharp 2005) in the human trafficking policy adoption process as well. This, combined with the transformation of this issue from sex trafficking to labor trafficking, demonstrates that my hypothesis is supported and instead of an emphasis on morality topics, human trafficking policy in the post-Soviet region has adopted a human rights approach. All three of my overarching hypotheses were supported; however, there

were many hypotheses and relationships throughout the dissertation that were not supported, and data did not entirely reveal the relationships I hypothesized.

Theoretical Contribution

This dissertation has also expanded the theoretical understandings of the diffusion of innovation framework and the nuances involved when applying it to the international context. While diffusion of innovation is the main theoretical framework in this study, this theoretical framework alone does not cover the nuances of human trafficking policy of international policymaking. Consequently, the diffusion framework has been modified for the international context and supported with ideas from morality politics and feminist policy. My research has demonstrated that the diffusion of innovation framework from the public policy literature is applicable to the international context with a few modifications. First, the variables need to be operationalized differently because data sources were more difficult to obtain in the international context. For example, the data on interest groups that I gathered were available through websites and email contact with individual NGOs in every country since there are no international lists on anti-trafficking NGOs. Also, the list of policies was verified by the International Organization for Migration office in every country to validate the development of trafficking policy in all 15 countries, which took a considerable amount of time. Therefore, equivalences to U.S. based measures and data sources had to be theorized and located for a number of the independent variables. Second, political factors were modified from U.S. based studies to fit the international regimes and political context of the region. For example, U.S. policy based studies do not include a measure for the level of democracy, however since I am examining a variety of different regimes, this variable had to be included. Perceptions of corruption was also another variable not included in U.S. based studies, but a number of authors argue that corruption was

one of the main facilitators of human trafficking in the post-Soviet region (Shelley 2002; Hughes 2000; Stoecker 2000; Stoecker and Shelley 2005; Tyuryukanova 2006), thus it was included in this study. Third, the external factors in the model were also different than U.S. based studies because there are more external factors influencing policy development in the international context compared to the U.S. where the biggest influence from above is the federal government.

Despite these alterations to the diffusion of innovation framework, the adoption of human trafficking policies in the post-Soviet region does follow some patterns outlined in the diffusion literature. The rankings on the Human Trafficking Policy Index, Appendix Eight demonstrate that the human trafficking policies have improved almost every year since 2002, when the index started. 2009 proved to be the most encompassing year for policy adoption. The following year 2010 reveals there was a bit of back sliding in the rankings and the scope of policy across the region has not again reached the 2009 level of comprehensiveness. This backsliding can also be seen in Figure 2, which demonstrates the cumulative number of policies. The figure shows that the type of policy has also increased every year since 1998 with the exception of 2009 because a number of national action plans or programs had run out and countries did not adopt additional plans or programs. This demonstrates that in accordance with the diffusion literature, policies have developed and improved over time. The diffusion of policies in this region also shows that the criminal code articles have diffused quickly, in 12 years there was 100% adoption for this policy type. This rapid diffusion of the criminal code supports the argument for policy complexity in the literature, which suggests that policies diffuse based on their content and characteristics with simpler policies diffusing faster than more complex policies (Makse and Volden 2011). There is support for this assertion in my study, as the criminal code articles, the most simple policy approach to human trafficking have diffused faster and more completely than

other more complex policy types. Cho and Vadlamannati (2011) argue that preventative policies are the most common policy response to international commitments because they are the cheapest but my study contends that criminal code adoptions which consist mostly of prosecution themes are the most common policy response. Thus, my study calls into question these findings as well because prevention themes were only found in 1.9% of the policy content overall, therefore, it was not the most common form of human trafficking policy in the post-Soviet region.

The quantitative and qualitative results show the significant role of external pressures in the diffusion process. This external influence from a variety of sources, suggests the top-down diffusion of human trafficking policies across countries in the post-Soviet region. International intervention, U.S. pressure, and European influence were the most consistent forces in the quantitative and qualitative results influencing countries to adopt human trafficking policies in the post-Soviet region. This reveals top-down diffusion of these policies since this pressure is emanating from above these countries not horizontally across because the countries in the post-Soviet region are receiving direction from the international community. The policy learning from East to West and the fact that countries are looking to the West for policy guidance and are shamed if they do not comply with U.S. TIP report rankings suggests that this is top-down diffusion. Despite the significant influence of external forces, the case study results also suggest that internal determinants should not be discounted for their role in policy adoption. Many studies focus on only the external pressures and take agency away from players working inside the policy subsystem to adopt policies. My results demonstrate that policy adoptions from both the executive and legislative branches of government reveal that these policies are not just decreed by authoritarian leaders. Operationalization issues did not accurately capture the

influence of NGOs and policy entrepreneurs in the quantitative results which needs further exploration. The case studies demonstrate state commitment is also another influence that needs to be explored because it is unclear how the commitment of the state is formed.

The addition of morality politics to the diffusion of innovation framework helped explain some of the nuances associated with human trafficking policy. Since human trafficking policy is a highly politicized issue as evidenced in Chapter Five on Russia, I hypothesized that issue salience and interest group influence would be significant influences on policy adoption.

Although the results were mixed, the quantitative results show a negative relationship with the scope of trafficking policy and the qualitative results reveal a positive relationship. In all three case studies, the two morality policy variables scope of the trafficking problem and interest group strength were rated as a high or medium level of influence on the adoption of trafficking policy, with the exception of issue salience in Russia, which had a low level of influence on the government. Thus, the influence of morality politics is mixed with human trafficking and does not conclusively confirm that trafficking is a morality policy issue in the post-Soviet region.

Although the policy contains the characteristics of morality policy as described in the U.S. based policy literature, it is political for different reasons than morals in the international context.

Trafficking is still linked to prostitution and migration issues in the post-Soviet region and these issues are highly political, but they are not linked to debates about morality. Instead, in the international context, they are linked with human rights and when human trafficking is politicized it is due to migration and the involvement of the U.S. government and the rankings in the TIP report. Also, the authoritarian regimes in this study could use human trafficking as an easy fix to solve human rights abuses. Perhaps these regimes view adopting human trafficking policy as a way to argue that they do care about human rights while avoiding other human rights

abuses like freedom of speech and press. Thus, this study adds the morality policy framework by demonstrating that morality outside of the United States operates on different assumptions and not all issues are morality policy issues in the international context. My study diverges from previous morality policy studies which argue that morality policy does not produce significant policy variation across countries (Studlar 2001) as my study demonstrates that with human trafficking there is significant policy variation. My research also shows that human trafficking, as a phenomenon, has evolved from a crime of sex trafficking to one of labor trafficking, which has lessened the influence of morality politics and transformed it to a human rights issue with broader appeal.

Feminist policy was also added to the diffusion of innovation framework in order to account for feminist policy elements that could potentially influence human trafficking policy development. This theoretical framework looks at the influence of feminist policy entrepreneurs, interest groups, and advocacy coalitions in the development of policy. The case studies demonstrate that policy entrepreneurs and interest groups are a significant influence on policy adoption but the quantitative data suggest that this relationship with interest groups is negative. NGOs working with the issue of human trafficking are, for the most part, women's organization but some are geared toward migration issues and others, such as the Russian Orthodox Church or Red Cross, have anti-trafficking work as one of the many issues with which they work. Additionally, the women's organizations that work with human trafficking are not always feminist leaning, therefore, the influence of feminist policy elements is difficult to discern. These NGOs have also worked together to form advocacy coalitions in all three of the case studies, but as stated previously, the most effective method of influence for them has been through working group participation where they can directly influence government bureaucrats and policymakers.

The influence of policy entrepreneurs in the policy adoption process was also evident but, again, these entrepreneurs were not necessarily feminist leaning individuals. This concurs with Mazur's argument that one of the most important elements in feminist policy success was the presence of "sympathetic non-feminist allies" in the policy making process (2002, 177). The "Natasha Effect" demonstrates that human trafficking is no longer just an issue concerning women, but also men, thus, human trafficking in this region is no longer a women's issue. Therefore, the changing nature of the crime has caused people who would not normally be interested in this issue to advocate for trafficking policy adoption as a human rights issue. Consequently, while the presence of feminist NGOs and nascent advocacy coalitions is apparent, the impact of these organizations on the policy adoption process is less clear. The issue was brought to the forefront of society by women's organizations in all three countries, so while their direct influence on the policy process is unclear, they were integral in raising awareness to this issue and advocating for policy development.

The findings provide support for the usage of diffusion of innovation framework in the international context and demonstrate that it is applicable with some alterations. The changing nature of the crime of human trafficking in this region has demonstrated that it has evolved from a feminist and morality policy issue to a human rights issue propelling it to more of a mainstream issue. The model for policy adoption seems to fit well with the literature. Still the results suggest that the quantitative model seems to overemphasize external variables while the qualitative model seems to overemphasize internal variables. Thus, the applicability of the diffusion of innovation theory to human trafficking policy adoption in the former Soviet Union is supported.

Conclusions and Areas for Future Research

This study has demonstrated the prevalence of the “Natasha Effect” in human trafficking policies of the former Soviet Union. The content analysis revealed that trafficking policies in some countries prioritize certain types of trafficking over others. By ascribing more severe offenses to sex trafficking than other types of trafficking, countries demonstrate the prevalence of the “Natasha Effect” the idea of seemingly similar Slavic-looking female sex trafficking victims, in the policies of the post-Soviet region. While this emphasis on female victims seems to diminish in the later years of the analysis, the presence of the “Natasha Effect” in government policy is problematic when ascribing social services and shelters to certain victims over others. Both Russia and Ukraine have seen an increase in labor trafficking in recent years and now there are more victims of labor trafficking rehabilitated than female victims. Governments and service providers have struggled to respond to this change in the phenomenon because most of the services available are geared toward the Natashas. Thus, countries in the post-Soviet region need to expand their policy approaches to combat not only the “Natasha Effect” but also labor trafficking of women, men, and children.

This dissertation expanded the literature on human trafficking policy development and has opened up a number of avenues for future research. Concerning the quantitative models, in the future it would be productive to identify better ways to operationalize interest group influence and the differentiation evidenced in the regional policy networks. Also, future models could attempt to include an interactive variable to the models for policy adoption and implementation and expand the number of years for the study dependent on data availability. It also could be fruitful to add a variable that measures the influence of government ideology on policy adoption and implementation. A previous study found that conservative government

ideology led to better trafficking laws in the U.S. states which was contrary to most of the literature that suggests sex trafficking is a bipartisan issue (Dean 2012). Consequently, future research could examine this variable in the international context and identify if this same type of bias is present in the comparative context.

I would also like to expand this study in the future to examine issue framing of human trafficking, focusing on how trafficking victims are framed in the media of the former Soviet Union. I plan to examine the online news articles that I utilized to measure issue salience in every country of the former Soviet Union in order to determine the social constructions of human trafficking victims in the media. By focusing on both positive and negative constructions and the evolving picture of trafficking victims in region, I would like determine if and how these frames differ in every country of the former Soviet Union and how they have evolved over time. A positive social construction of the trafficking victim would include portraying the victim as vulnerable and needing to be cared for, while a negative one would portray them as little more than a prostitute who chose their life and therefore should not receive support. This is allied with the “Natasha Effect” and the fact that the picture of the trafficking victim has evolved in the region from a woman who was trafficked into sexual exploitation, to men and children who are used for labor trafficking and child begging. Examining how these victims are framed can also help determine why and how countries have good or bad laws on trafficking, because the more sympathy these victims can gain in the media, the more likely governments are to develop policy to support this group based on that frame.

A model for policy implementation was constructed in Chapter Seven as a preliminary quantitative analysis. Future research could also include a comparison of the implementation in the three case studies. Data for this expansion of the dissertation has already been compiled, as

the interviews I conducted for this analysis also included questions concerning implementation and policy evaluation across the three case studies. I have also thought about expanding the case study research to analyze policy adoption in the country with the most encompassing human trafficking policy in the region, Georgia. It would be interesting to compare this to Russia, the country with the worst policy in the region, and Ukraine, a country which has a high level of human trafficking policy but it is not the highest ranked country in the region, in order to discern the similarities and differences.

This dissertation examined the 15 countries in the post-Soviet region but future research could also take this model and expand it beyond this region. Then, the results could be compared in order to ascertain the determinants of policy adoption across regions. Including more countries in the future could also allow for examining policy adoption patterns by regime type and ascertain if the determinants of policy adoption differ by regime or by source, transit, and destination countries. In this dissertation I examined the different policy responses to human trafficking policy in one region of the world known to be a significant source region for human trafficking. I uncovered the variety of policy tools source, transit, and destination countries in this region utilize to combat human trafficking. While there is much more to do in this area of research, this study demonstrates the framework for an encompassing trafficking policy and sets a benchmark for best practices in the region by defining encompassing policy and ranking policy according to the Human Trafficking Policy Index. It also reveals that even though most trafficking policies and laws have evolved to include all trafficking victims, many countries are still unprepared to move beyond the “Natasha Effect” and provide access to social services and rehabilitation for all victims, men, women, and children.

Appendix 1: Semi-structured Interview Questions¹⁹⁸

Main Questions

- 1.) Tell me about your organization? What kinds of programs do you have related to human trafficking?
- 2.) How did human trafficking policies and programs unfold? What was the order of events? Why do you think the policies were adopted when they were and in the way that they were?
How did programs and policies against human trafficking begin?
What was the history of the events?
Why were the policies started when they were?
Why were the policies designed the way they were?
- 3.) Are you aware of any individuals who have played a key role in building support for anti-trafficking policies?
- 4.) What factors might account for Latvia/Ukraine/Russia having a more/less extensive human trafficking policies compared to other countries in the region?
- 5.) Have these policies been implemented? If yes then who is in charge of implementing them? What checks and balances for you have to ensure that these policies are implemented?
- 6.) Has the policy been effective at combating the problem?

Follow up Questions

- 1.) What do you think was the impetus for this policy/law? (External pressure or policy entrepreneurs)
- 2.) Do you view human trafficking as a partisan issue?
- 3.) Do you think the state has the capacity to implement these policies effectively?
- 4.) Is there anything else you would to add?
- 5.) Do you have any suggestions for other people I should contact in Latvia/Ukraine/Russia who are involved with anti-trafficking policies?

Prompts

- 1.) Tell me more about that?
- 2.) Can you provide examples of that?
- 3.) What was that experience like for you?

¹⁹⁸ These questions were adapted to fit the international context and human trafficking policy sub-system based on the semi-structured interview guide in Weiner and Koontz (2010, 650-651).

Appendix 2: Post-Soviet Human Trafficking Policies: Works Analyzed*

Country	National Policy
Armenia	<ul style="list-style-type: none"> - Action Plan for the Prevention of Trafficking in Persons. Republic of Armenia 2004-2006 (1/15/2004) - Armenian Criminal Code Articles 132, 132.1, 126 (adopted 6/9/2004 but entered into force 7/6/2006) - National Anti-Trafficking Response in the Republic of Armenia, 2007-2009 (12/6/2007) - National Referral Mechanism for Trafficked persons (NRM) RA Government Resolution 1385-A (11/20/2008) - Criminal Code Changes and Amendments (11/18/2009) - National Anti-Trafficking Response in the Republic of Armenia, 2010 – 2012 (9/3/2010) - Fourth National Action Plan on Combatting Trafficking in the Republic of Armenia 2013-2015 (2/28/2013)
Azerbaijan	<ul style="list-style-type: none"> - National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (5/6/2004) - Law of Azerbaijan Republic on the Fight against Human Trafficking (5/28/2005) - Presidential Decree on Enactment of the Law on trafficking in persons (8/5/2005) - Azerbaijan Criminal Code Article 144.1 Human Trafficking and Article 144.2 Forced Labor (9/30/2005) - National Action Plan Against Trafficking in Persons 2009-2013 (4/2009) - National Referral Mechanism for Victims of Trafficking (8/11/2009) - Rules for the Identification of Victims of Trafficking (9/3/2009)
Belarus	<ul style="list-style-type: none"> - Criminal Code Article 181 Human Trafficking (6/9/1999) - State Program of Comprehensive Measures for Combating Trafficking in Persons and Spread of Prostitution for 2002 – 2007 (11/8/2001) - Decree of the President of the Republic of Belarus, No. 3 "On certain measures for fighting against trafficking in humans" (3/9/2005) - Law of the Republic of Belarus No. 15-Z "On Amending Certain Codes of the Republic of Belarus to Increase Liability for Human Trafficking and Other Related Offences" (5/4/2005) - Decree of the President of the Republic of Belarus, No. 352 "On prevention of the consequences of trafficking in humans" (8/8/2005) - Decree of the President of the Republic of Belarus No. 624 "State Programme for Combating Trafficking in Humans, Illegal Migration, and Illegal Activities connected with them for 2008-2010" (12/6/2007) - Law of the Republic of Belarus No. 451-Z of 10 November 2008 "On Making Addenda and Amendments to Some Laws of the Republic of Belarus Pertaining to Countering Illegal Migration, Proliferation of Child Labor, Child Pornography, and Prostitution" (11/10/2008) - State Program of Counteraction to Human Trafficking, Illegal Migration and Associated Illegal Actions for 2011-2013 (10/2/2010) - Law on Combatting Trafficking in Human Beings (1/7/2012)

Estonia	<ul style="list-style-type: none"> - Laulasmaa Declaration (8/28/2005) - Development Plan for Combating Trafficking in Human Beings 2006–2009 (1/26/2006) - Amendments to the Penal Code (6/14/2006) - Amendments to the Penal Code (3/21/2012)
Georgia	<ul style="list-style-type: none"> - Plan of Actions to Combat Trafficking 2003-2005 (1/17/2003) - Changes to the Criminal Code of Georgia which criminalize Trafficking in Persons (6/6/2003) - Plan of Action against Trafficking in Human Beings 2005-2006 (12/29/2004) - Law of Georgia on Combating Human Trafficking (4/28/2006) - Decree of the President Approving the Statute of the State Fund for Protection and Assistance to Victims of Trafficking in Persons (7/21/2006) - The Action Plan to Combat Human Trade (Trafficking) in 2007-2008 (1/25/2007) - Decree No 78, President of Georgia Approving the Common Standards and Rules for Identification of Victims of Trafficking in Persons (02/01/2007) - Decree of the President of Georgia on the approval of the 2011-2012 National Action Plan on the Fight Against Trafficking in Human Beings (3/11/2011) - Decree of the President of Georgia on the approval of the 2013-2014 National Action Plan on the Fight Against Trafficking in Human Beings 2/13/2013
Kazakhstan	<ul style="list-style-type: none"> - On Education Interagency Commission on combating illicit export, import and trafficking in human beings (9/26/2003) - Criminal Code (12/9/2004) - On the Action Plan of the Government of the Republic of Kazakhstan on fighting, prevention and crime prevention of human trafficking in 2004-2005 (2/24/2004) - On introduction of amendments and additions to some legislative acts of the Republic of Kazakhstan on combating trafficking in human beings (3/2/2006) - On the Action Plan of the Government of the Republic of Kazakhstan on fighting, prevention and crime prevention related to human trafficking in 2006-2008 (4/10/2006) - National Action Plan for the government of Kazakhstan to combat trafficking in persons for 2009 – 2011 (4/2/2009) - National Action Plan for the government of Kazakhstan to combat trafficking in persons for 2012 – 2014 (10/24/2012) - On introduction of amendments and additions to some legislative acts of the Republic of Kazakhstan on combating trafficking in human beings (6/4/2013)
Kyrgyzstan	<ul style="list-style-type: none"> - An Addendum to the Amendments to the legislative acts of the Republic of Kyrgyzstan (8/9/2003) - The Law on the Prevention and Combating of Human Trafficking. Law No. 55 (1/4/2005) - Law No. 1 on the introduction of amendments and additions to the Criminal Code (1/5/2006)

	<ul style="list-style-type: none"> - Plan of Action for Combating Human Trafficking in the Kyrgyz Republic for the period 2008-2011 (9/13/2008) - On the program of the Government of the Kyrgyz Republic on combating trafficking in human beings in the Kyrgyz Republic for 2013-2016 (1/14/2013)
Latvia	<ul style="list-style-type: none"> - Latvian Criminal Law 154.1 and 154.2 (4/25/2002) - National Programme for the Elimination of Trafficking in Human Beings 2004-2008 (3/3/2004) - Regulations Regarding the Procedures, by Which Victims of the Traffic in Human Beings Receive Social Rehabilitation Services, and the Criteria for the Recognition of a Person as a Victim of the Traffic in Human Beings (10/31/2006) - On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia (1/25/2007) - National Programme for the Elimination of Trafficking in Human Beings 2009-2013 (8/27/2009) - Executive Decree of the Council of Ministers About the Task Force Program to Combat Human Trafficking 2009 to 2013 to coordinate the implementation (3/8/2013)
Lithuania	<ul style="list-style-type: none"> - Criminal Code Amendments to Articles and supplement of 131.1 (7/2/1998) - Programme for the Prevention and Control of Trafficking in Human Beings and Prostitution 2002-2004 (1/17/2002) - Penal Code Amendments for article 157 (2003) (6/30/2005) - Programme for the Prevention and Control of Trafficking in Human Beings 2005-2008 (5/19/2005) - Trafficking in Human Beings Prevention and Control Programme for 2009–2012 (9/9/2009) - Law Amending the Criminal Code (6/30/2012)
Moldova	<ul style="list-style-type: none"> - Criminal Code Articles on Trafficking (4/18/2002) - Law on Preventing and Combating Trafficking in Human Beings No. 241-XVI (10/20/2005) - Criminal Code Amendments (12/29/2005) - Decision on approving the Frame Regulation of the territorial commissions to combat trafficking in human beings Nr. 234 (2/29/2008) - Decision on approval of nominal composition of the National Committee on Combating Trafficking in Human Beings, Regulation of the National Committee and National Plan for Prevention and Combating Trafficking in Human Beings for 2008-2009 No. 472 (3/26/2008) - Decision on the creation of Assistance and Protection Center for Victims and Potential Victims of Trafficking in Human Beings Nr. 847 (7/11/2008) - Decision on Approval of Regulation on Procedure for Repatriation of Child and Adult Victims of Human Trafficking, Trafficking of Illegal Migrants, and Unaccompanied Children No. 948 (8/7/2008) - Criminal Code Amendments Art.165 amended by Law No. 193-XVI (9/26/2008) - Strategy of the National Referral System to Protect and Assist Victims and

	<p>Potential Victims of Trafficking in Human Beings and of the Action Plan for the Implementation of the Strategy on the National Referral System to Protect and Assist Victims and Potential Victims of Trafficking in Human Beings during 2009-2011 No. 257-XVI (12/5/2008)</p> <ul style="list-style-type: none"> - Criminal Code Amendments Art.165 amended by Law No. 277-XVI (12/18/2008) - National Action Plan for Prevention and Combat of Trafficking in Human Beings 2010-2011 (9/13/2010) - Decision approving the Specific Additional National Plan for Prevention and Combating of Trafficking in Human Beings for the years 2010-2011 No. 1170 (12/21/2010) - Decree of the Minister of Labor, Social Protection and Family Guidelines On the Identification of Victims and Potential Victims of Trafficking in Human Beings No. 33 of (2/20/2012) - National Action Plan for Combating Trafficking in Human Beings in the Republic of Moldova 2012 – 2013 (7/31/2012)
Russia	<ul style="list-style-type: none"> - Code of Criminal Procedure of the Russian Federation (12/8/2003 and 11/12/2008)
Tajikistan	<ul style="list-style-type: none"> - Criminal Code Article 130 and 167 law #33 on human trafficking (8/1/2003) - The Law of the Republic of Tajikistan on the fight Against Human Trafficking (7/15/2004) - Decision of the Government Republic of Tajikistan № 123 of the Interministerial Commission on struggle of trade against people (4/2/2005) - Integrated Programme on the Prevention of Human Traffic in the Republic of Tajikistan 2006-2010 (5/6/2006) - National Action Plan on Combating Human Trafficking 2011 – 2013 (3/3/2011)
Turkmenistan	<ul style="list-style-type: none"> - Law of Turkmenistan “On Combating Trafficking in Persons” (12/14/2007) - Criminal Code of Turkmenistan (5/2010)
Ukraine	<ul style="list-style-type: none"> - Criminal Code Article 124-1 (3/24/1998) - The Program for the Prevention of Trafficking in Women and Children Decree of the Ukrainian Cabinet of Ministers No. 1768 (9/25/1999) - Criminal Code Article 149 (4/5/2001) - Complex Program on Anti-Trafficking in Human Beings 2002-2005 (6/5/2002) - Cabinet of Ministers Resolution on the Establishment of the Interagency Coordinating Council for Combating Trafficking in Human Beings (12/25/2002) - Criminal Code Article 149 (1/12/2006) - State Programme on Combating Trafficking in Human Beings to 2010 (3/7/2007) - Resolution of the Cabinet of Ministers of Ukraine “Provision on the Interagency Board on Family, Gender Equality, Demographic Development and Combating Human Trafficking” No. 1087 (9/5/2007) - Law of Ukraine on Combatting Trafficking in Human Beings (9/20/2011) - Regulation of the Ukrainian Cabinet of Ministers “On national coordinator

	<p>in the field of combat against human trafficking” No. 29 (1/18/2012)</p> <ul style="list-style-type: none"> - State Targeted Social Programme on Combating Trafficking in Human Beings or the period until 2015 (3/21/2012) - On approval of the Procedure for the declaration of the status of a victim of trafficking in human beings (5/23/2012) - On approval of the Procedure for interaction of agents for combating trafficking in human beings (8/22/2012)
Uzbekistan	<ul style="list-style-type: none"> - Uzbekistan law “On combating trafficking in humans” (3/18/2008) - National Action Plan for preventing trafficking in humans for 2008-2010 (4/17/2008) - Presidential Decree “On Measures to include efficiency in the fight against human trafficking” (7/8/2008) - On making changes to the Criminal Code and the Acceptance of the Law on Countering Trafficking in Human Beings (9/16/2008) - Criminal Code (9/16/2008) - Cabinet of Ministers of the Republic of Uzbekistan № 240 "On the formation of the National Rehabilitation Center for Assistance and Protection of Victims of Human Trafficking" (11/5/2008)

*Yellow highlighting indicates that these policies have not been located are not included in the analysis. N=102 policies but only 100 of these policies were included in the analysis.

**Appendix 3: Human Trafficking Policies
in the Former Soviet Union**

State	Criminalization Statutes/Legal Framework	National Action Plan/Policy*	National Law	Decree
Armenia	X	X		X
Azerbaijan	X	X	X	X
Belarus	X	X	X	X
Estonia	X	X		
Georgia	X	X	X	X
Kazakhstan	X	X		X
Kyrgyzstan	X	X	X	
Latvia	X	X		X
Lithuania	X	X		
Moldova	X	X	X	X
Russia	X			
Tajikistan	X	X	X	
Turkmenistan	X		X	
Ukraine	X	X	X	X
Uzbekistan	X	X	X	X
Totals	15	13	9	9

*A country received an X if they have adopted a National Action Plan between 1998 and 2013. This table does not account for multiple action plans, decrees, or amendments to these policies.

Appendix 4: Code Book

Code	Description
Definition of Trafficking	Any discussion that defines human trafficking including forced labor, bondage, sex trafficking, or organ trafficking.
Prosecution	Any discussion on the prosecution of human trafficking including sentencing guidelines. Also discussions on combating trafficking. Prosecution is divided into three categories to demonstrate whether the government views trafficking as a civil or criminal matter and if they include special provisions for the trafficking of children or minors.
Investigation	Any discussion on the investigation methods for human trafficking cases.
International Influence	Any discussion of international influence on the government, the trafficking legislation, or the alignment of the national law with international standards and conventions.
Cooperation	Any discussion of cooperation within national or international level institutions.
National Characteristics	Any discussion of national level characteristics. Scope of the trafficking problem in the country
Education	Any discussion of training programs or initiatives for law enforcement, social workers, border guards, or the general population on human trafficking. Also discussions of awareness campaigns, outreach work, workshop, and conferences used to educate about human trafficking.
Monetary Weight	Any discussion of the monetary elements that the government will use for human trafficking. Including creating funds or foundations for human trafficking related expenses.
Services for Victims	Any discussion of the services provided for the victims of human trafficking.
Taskforce/Working Group	Any discussion of a taskforce or governmental body created to oversee human trafficking issues.
Hotline	Any discussion of a hotline or helpline.
Shelter	Any discussion of a shelter or rehabilitation center where victims can live.

Legislation	Any discussion of legislation reforms or development.
Research	Any discussion of research on human trafficking including data collection techniques for criminal case outcomes and statistics on victims.
Implementation	Any discussion of implementation methods, policy evaluation and monitoring of policy.
Prevention	Any discussion on the prevention methods a government takes to prevent human trafficking.
Identification of Victims	Any discussion on methods to identify victims of human trafficking.
Business	Any discussion of business or industry related verbiage.
Human Rights	Any discussion of human rights and gender equality.
Protection	Any discussion on the protection of the victims or vulnerable populations by the government or other bodies.

Appendix 5: Systemic Results of Policy Variation by Post-Soviet Country

	Definition	Prosecution	Implementation	Prevention	Investigation	International Influence	Domestic Cooperation	International Cooperation	National Characteristics	Protection	Education	Monetary Weight	Services for Victims	Legislation	Business	Human Rights	Identification of Victims	Research
Armenia	1.5	2.9	2.8	6	3.3	3.2	2.3	5.7	.92	3	24	4.5	9.9	6.9	.04	.1	.4	5.6
Azerbaijan	2.2	3.2	2.5	2.7	3.2	1.9	.46	3.6	.6	8	2.4	1.8	10.2	2.4	.5	.93	1.5	.46
Belarus	1.99	4.9	.93	1.7	.13	.94	.5	.93	.75	.69	2.3	.42	3	2.6	.97	.38	.03	.8
Estonia	1.4	6.3	.81	3	.13	5	2.6	2.6	1.1	.14	2.8	2	2.7	1	.46	.44	.17	1.6
Georgia	3.3	3.5	1.6	3	2.4	.73	8.3	2.2	1.3	3.1	4.7	3.8	18.9	3.3	.08	.53	.36	1.2
Kazakhstan	4	19.5	2.8	1.6	2	1.9	1.1	2.2	.57	.15	2.5	3.4	7.5	16	1.3	.09	.39	1
Kyrgyzstan	5.8	18	4.2	11	1.7	2.5	1.9	4.5	1.2	1.7	7.6	3	12	8	4	1.4	.38	1.5
Latvia	.94	2.2	.3	1.3	2	2	2.2	.68	.22	.16	.95	.78	8.7	2.8	.3	.2	.22	1.8
Lithuania	.88	29.7	1.7	1.3	.6	2.8	1.3	.9	3.6	.03	5.1	.44	2	2.2	.02	.26	0	1.5
Moldova	2.2	1.1	.59	.6	.18	.12	.69	.62	.22	2.1	1.2	.29	12	.81	.15	.18	1.2	.55
Russia	16.7	71.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tajikistan	1.2	9.2	5.8	4.2	.07	2.7	3	6.2	.16	2.3	6.5	.2	14.7	12.9	1.2	1.7	0	2.3
Turkmenistan	11.6	7.5	5.7	5.4	0	.4	1.5	2.6	0	9.9	1.4	.4	7.9	3.5	0	0	0	1.8
Ukraine	1.2	3.1	1.5	.6	.4	.5	.9	1.9	.2	.5	2.1	.6	5.7	1.8	.5	.4	2.9	.7
Uzbekistan	2.4	2	1.9	1.9	.9	1	1.5	5	0	4.8	2.6	1.3	16	4	.17	.4	.13	.9
Average	3.82	12.3	2.2	2.95	1.13	1.71	1.88	2.6	.722	2.4	4.4	1.53	8.75	4.55	.4	.47	.51	1.45

Note: Scores are presented as the percentage the theme makes up in the policies from the corresponding country. The average is the column average for that code

Appendix 6: Variable Coding and Sources

Variable	Source	Coding
Policy Adoption	Human Trafficking Policy Index	Range 1-14 14 = More Statutes 0 = Less Statutes
Policy Implementation	Trafficking in Persons Report	Number of trafficking investigations plus number of identified victims. Rate per 10,000
Neighbor Effect	Calculated by Author	Percent of Neighbors with trafficking policy
Level of Democracy	POLITY IV PROJECT Political Regime Characteristics and Transitions, 1800-2013	0 = Strongly autocratic 20 = Strongly democratic
Female Legislators	Inter-Parliamentary Union	Percentage of female legislators in each country
Issue Salience	Eastview Database	Number of articles on human trafficking per 10,000
Interest Group Influence	International Organization for Migration Reports	Number of Trafficking Organizations per 10,000
European Influence	Council of Europe Convention on Action against Trafficking in Human Beings	0 = Not Ratified 1 = Ratified
Level of Development	World Bank	GDP Per capita in US Dollars
Corruption	Transparency International Corruptions Perception Index	0 = Highly Corrupt 10 = Very Clean
US Government influence	Trafficking in Persons Report Rankings	1 = Met requirements 4 = Did not meet
International Intervention	United Nations Convention against Transnational Organized Crime	0 = Not Adopted 1 = Adopted

Appendix 7: Human Trafficking Policy Index

Variable	Coding
1	Definition <ul style="list-style-type: none"> • Sex trafficking (.25) • Labor trafficking (.25) • Organ trafficking (.25) • Child trafficking (.25)
2	Hotline (1)
3	Trafficking Shelter (1)
4	Working group/Task Force/Interagency Commissions (1) The group must include more than one agency and in order to get full points include non-governmental organizations
5	Victim Assistance <ul style="list-style-type: none"> • Legal (.25) • Medical (.25) • Job training (.25) • Monetary compensation available for the victim and establishment of a victim's assistance fund (.25)
6	Safe Return (1)
7	Temporary Residence Permit (1)
8	Vacate Convictions for victims (1)
9	Witness protection (1)
10	Training <ul style="list-style-type: none"> • law enforcement (.25) • social workers (.25) • judges (.25) • At risk groups (.25)
11	Research (1)
12	Awareness Campaigns (1)
13	Cooperation <ul style="list-style-type: none"> • International (.25) • Regional (.25) • National (.25) • Local/rayon/territorial level (.25)

14

Implementation (1)

To get full points the country must include monetary weight

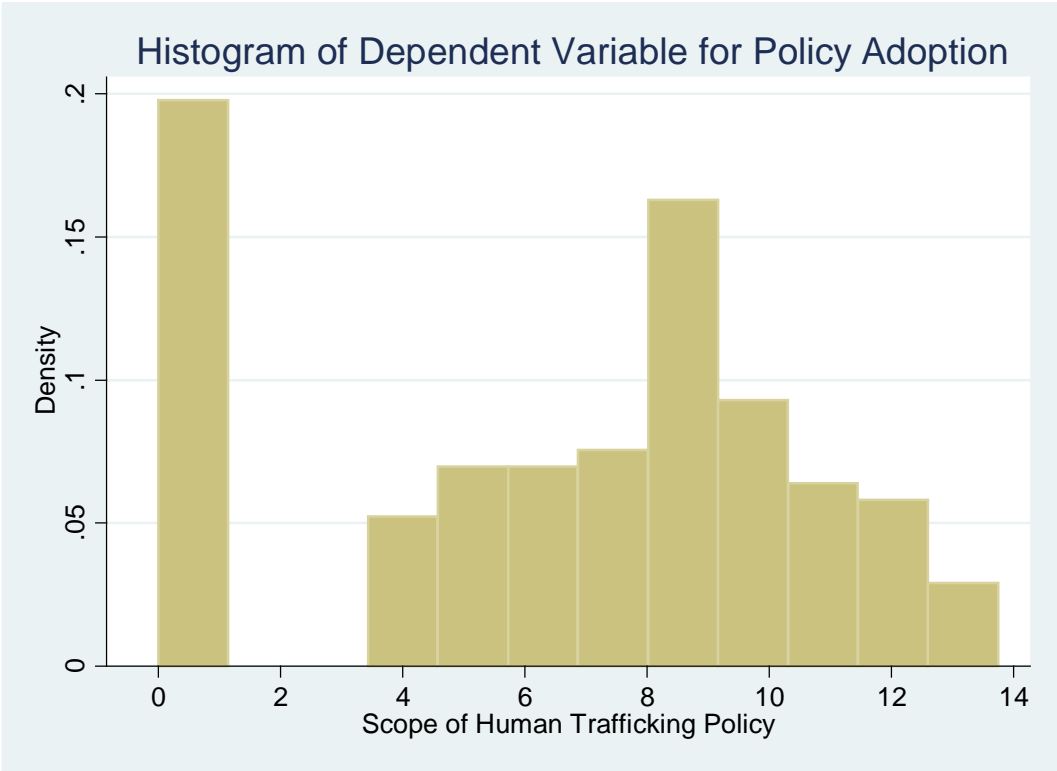
Note: One point is given for each category. Categories with two concepts were broken down into .5 per theme and categories with bullet points are broken down into .25 per bullet point.

Appendix 8: Index Scores for Dependent Variable Scope of Trafficking Policies

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Average	Ranking
Armenia	0	4.5	4.5	5	7.75	7.75	8	8.25	8.25	8.25	6.23	9
Azerbaijan	0	3.5	10.5	10.5	10.5	10.5	12	12	12	12	9.35	2
Belarus	4.75	4.75	8.5	8.5	9	9	9	9.25	9.25	9.25	8.13	6
Estonia	0	0	0	10	10	10	10	.25	.25	1	4.15	13
Georgia	3.75	6.25	6.25	12.25	13	13	12	12	13.25	13.25	10.5	1
Kazakhstan	1	3.5	3.5	6	6	6	6.75	6.75	6.75	7.25	5.35	11
Kyrgyzstan	1	1	8.25	8.25	8.25	10.75	10.75	10.75	10.75	8.25	7.8	7
Latvia	1	5	5	5	6.25	6.25	8	8	8	8	6.05	10
Lithuania	5	5	8.25	8.25	8.25	8.25	9.75	9.75	9.75	9.75	8.2	5
Moldova	1	1	8.75	8.75	8.75	11.25	11.25	11.75	11.75	13.75	8.8	3
Russia	1	1	1	1	1	1	1	1	1	1	1	15
Tajikistan	1	6.5	6.5	9	9	9	9	9	9.5	9.5	7.8	7
Turkmenistan	0	0	0	0	4.5	4.5	4.5	4.75	4.75	4.75	2.78	14
Ukraine	7	7	7	5.5	8.5	8.5	8.5	8.5	11	12.5	8.4	4
Uzbekistan	0	0	0	0	0	9.75	9.75	9.75	7.25	7.25	4.38	12
Average per year	1.77	3.27	5.2	6.54	7.39	8.37	8.68	8.12	8.23	8.38	6.59	

Note: Scores were calculated by year per country based on the criteria outlined in the Human Trafficking Policy Index (Appendix 7).

Appendix 9: Histogram of the Dependent Variable for Policy Adoption the Human Trafficking Policy Index scores 0-14.



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