

COMBATING HUMAN TRAFFICKING THROUGH THE FUNDAMENTAL
ESTABLISHMENT OF GOOD GOVERNANCE: THE CASE OF EASTERN EUROPE
AND THE FORMER SOVIET UNION

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ESTABLISHMENT OF GOOD GOVERNANCE: THE CASE OF EASTERN EUROPE
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Abstract

of

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Statement of Problem

Though the international community has attempted to carry out significant efforts to combat human trafficking, this form of modern day slavery continues to thrive. Human trafficking is the fastest growing illegal enterprise and its profitability has progressed to a level comparable to that of the international trade in illicit weapons and drugs. The current major international anti-human trafficking efforts ignore the disparity in levels of governance among nations, particularly those of Eastern Europe and the Former Soviet Union in implementing these measures. This inability to acknowledge the importance of governance coupled with the promotion of a “one size fits all” approach to combating human trafficking has impeded progress in the fight against the trafficking of human beings. This thesis supports the notion that human trafficking can be effectively combated through the fundamental establishment of good governance in those nations where it is lacking.

Sources of Data

The data for this study is both quantitative and qualitative and is comprised of secondary sources in the form of research reports conducted by the World Bank, U.S. Department of State and the United Nations. Additional sources of secondary data include academic research on human trafficking.

Conclusions Reached

There is evidence that nations with higher levels of governance implement a greater extent of anti-human trafficking efforts than nations with lower levels of governance.

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Chapter 1

INTRODUCTION

Human Trafficking: An Overview of Modern Day Slavery

Human trafficking, 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 sexual or labor exploitation,” is a global human tragedy (United Nations, 2000). The equivalent of modern day slavery, this shameful reality is fueled by poverty, government instability, lack of political will, corruption, organized crime, male gratification, globalization, and the continued marginalization of women in contemporary society. The former United Nations (UN) Secretary General Kofi Annan has declared human trafficking “one of the most egregious violations of human rights that the United Nations now faces” (Annan, 2000). The exact number of trafficking victims in the world has proven extremely difficult to measure due to the hidden nature of the trade, yet the International Labor Organization (ILO) estimates that there are a minimum of 2.5 million trafficking victims worldwide at any given time (ILO, 2005). As of 2005, it was estimated that 43% were victims of trafficking for sexual exploitation, while 32% were victims of trafficking for economic exploitation and 25% were victims of trafficking for mixed or undetermined reasons (ILO, 2005). Recent figures from the United Nations Office on Drugs and Crime (UNODC) Global Report on

Trafficking in Persons put the percentage of victims trafficked for sexual exploitation at 79% and for labor exploitation at 18% (UNODC, 2009). According to the ILO figures, women and girls make up 98% of victims trafficked for sexual exploitation and 56% of victims trafficked for economic exploitation. It is further estimated that 40-50% of all trafficking victims are children (ILO, 2005, U.S. Department of State, 2008).

The victims of trafficking are as diverse as the international community itself. There are, however, some regions where human trafficking thrives at a disturbing level, specifically countries in Central and South Eastern Europe (collectively referred to as Eastern Europe), the Former Soviet Union (FSU) and South East Asia. Nations from these regions are the most frequently reported countries of origin for victims of human trafficking (UNODC, 2006). The Eastern European and Former Soviet Union regions are particularly intriguing as they are the most frequently mentioned regions of origin for both victims of trafficking and perpetrators of trafficking and eight of the eleven countries with the very highest origin of human trafficking victims are from these regions (UNODC, 2006). Additionally, Eastern European and Former Soviet nations are among the most frequently reported transit countries, meaning that a large number of trafficking victims not only originate in Eastern Europe and the Former Soviet Union, but they are transported effectively throughout many Eastern European and Former Soviet states. Those nations considered to be part of Eastern Europe as defined in this study according to the World Bank Governance Matters Project are: Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Kosovo, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia and

Slovenia (World Bank, 2009). The Former Soviet Union (FSU) nations include Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan (World Bank, 2009). The pervasiveness of human trafficking in Eastern Europe and the Former Soviet Union is widely attributed to the fall of the Soviet Union in 1991, which resulted in widespread economic collapse and government instability in the Former Soviet States and had ripple effects throughout the Eastern European region (Malarek, 2003). Human trafficking is also a prevalent practice in West Africa, Latin America and the Caribbean, and has spread in varying degrees to nearly all parts of the world. The majority of victims frequently end up in Western Europe, North America or West Asia indicating a movement from developing to developed nations (United Nations, 2006). At its current level, this global plague on modern society is generating an estimated \$32 billion dollars per year for the criminals who manage the trafficking networks (ILO 2005, Europol 2009). The trafficking of persons is in fact the third most profitable illegal enterprise following the trafficking of illicit drugs and weapons, and it continues to flourish in the wake of the current global financial crisis as the global demand for legitimate forms of labor has decreased (UNODC, 2009).

There have been countless efforts by international organizations, regional organizations, non-governmental organizations, governments and experts to address the scourge of human trafficking. The United Nations, the United States and more recently the Council of Europe (CoE) have carried out the most significant anti-human trafficking measures. The United Nations has taken the lead in addressing human trafficking with

the inception of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol) as a supplement to the Convention Against Transnational Organized Crime. This protocol adopted by the United Nations in 2000 and entered into force in 2003, establishes standards and recommendations for member states on anti-human trafficking measures and emphasizes the need for international cooperation (United Nations, 2000).

The United States developed the Trafficking Victims Protection Act (TVPA) of 2000, which establishes the minimum measures that must be taken by nations in the effort to eradicate human trafficking. This federal act, which “provides the tools to combat trafficking in persons both worldwide and domestically,” has a provision for withholding non-humanitarian and trade related aid from those nations, which fail to comply with the minimum required standards of the act (TVPA, 2000). To supplement and continue the 2000 Act, the United States also implemented the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008, each securing more funding for both new and continued efforts to combat trafficking (U.S. Department of State, 2009). The Council of Europe (CoE) enacted the Convention on Action against Trafficking in Human Beings in 2005. The CoE Convention, which seeks to improve upon previous anti-human trafficking measures, specifically the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, went into force in February of 2008. The CoE Convention emphasizes a human rights based approach to human trafficking with a more comprehensive framework, more effective means for prosecution and a monitoring system to ensure compliance (CoE, 2005).

Though the international community, as indicated above, has attempted to carry out significant efforts to combat human trafficking, this form of modern day slavery continues to thrive throughout world. There is little if no clear evidence to indicate that existing anti-human trafficking measures have resulted in a reduction in human trafficking. The difficulty with the current anti-human trafficking measures of the United Nations, United States, and the Council of Europe is that all place the initial burden of a global problem in the hands of individual nations and their governments. Though the United Nations, United States, and Council of Europe's anti-trafficking policies greatly emphasize the need for international cooperation as well, the initial reliance on individual state action is highly problematic. This is because not all nations possess the fundamental level of governance necessary to effectively deal with such a complex, multidimensional issue. Governance defined as "the traditions and institutions by which authority in a country is exercised including the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them," is particularly deficient in Eastern Europe and the Former Soviet Union which are both hotbeds of human trafficking (World Bank, 2009). While some nations in the Eastern European and FSU regions, such as Poland and Lithuania, have managed to establish functional levels of governance and enact valid anti-trafficking measures, Eastern European and Former Soviet States as diverse as Montenegro and Russia simply lack the level of governance needed to effectively combat human trafficking.

This thesis will explore the relationship between governance and anti-human trafficking efforts. Specifically, the study will examine the extent of anti-human trafficking measures implemented by all twenty-nine Eastern European and Former Soviet Union nations in relation to their level of governance. The aim of this analysis is to test the validity of the theory that in order to successfully combat human trafficking in Eastern Europe, the Former Soviet Union, and ultimately the world, the effort must first involve the establishment of good governance in those nations where it is lacking. An examination of the data is expected to reveal that nations with higher levels of governance implement a greater extent of anti-human trafficking measures than nations with lower levels of governance. Additionally, it is presumed that nations with higher levels of governance are more likely to cooperate with the international community in the effort to combat human trafficking than nations with lower levels of governance.

The study begins in Chapter 2 with a review of the literature on governance, as a more thorough understanding of governance must be established before its influence on anti-human trafficking efforts can be fully explored. The governance literature will be followed by a review of the history of international and regional anti-human trafficking measures and relevant national anti-human trafficking measures. The history of anti-human trafficking measures is followed by an overview of the current major anti-trafficking policies. Chapter 3 focuses more narrowly on the current research on human trafficking and introduces the hypotheses of the study. In Chapter 4, the methodology of the study is laid out. The variables of the study are clearly defined and the sources for the data used in the study are identified. Chapter 5 includes the presentation of all data

relevant to the study and an analysis of that data. The thesis comes to a close in Chapter 6 with a summary of the study, statement of conclusions, and discussion of implications for international relations theory and future research.

Chapter 2

LITERATURE REVIEW AND HISTORY

Defining Governance

A fundamental grasp of the concept of governance is essential in order for one to be able to understand and evaluate the relationship between governance and anti-human trafficking efforts. Governance, like human trafficking, is a term which the international community has found difficult to define in a concise and universal manner. In fact, there is not yet an official United Nations definition of governance, though the United Nations Committee of Experts on Public Administration set out to develop one in 2006 (UN, 2006). Governance is a broad term that has relevance at a variety of levels from corporate to public and from local to national to international (Nzongola-Ntalaja, 2002). The current study focuses on governance as applied to a nation state. The conceptualization of governance even at this specific level lacks consistency and means different things to different people and different entities.

Among the academic conceptualizations of governance, Pierre (2000) refers to governance as the practice of sustaining coordination and coherence among a wide variety of actors with different purposes and objectives (Pierre, 2000). The actors specified by Pierre include political actors and institutions, interest groups, civil society, non-governmental and transnational organizations, indicating that his concept of governance is more than that of government itself. Nzongola-Ntalaja (2003) also claims that governance is more than just government, and explains that governance consists of an interdependent relationship between government, civil society and the private sector

(Nzongola-Ntalaja 2003). According to Nzongola-Ntalaja (2003), government provides for the order and cohesion of a society while civil society provides a moral foundation and the private sector provides a material foundation (Nzongola-Ntalaja, 2003). Along similar lines Cheema (2005) argues that governance comprises complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences (Cheema, 2005). While it is indeed true that governance focuses on the relationship between civil society and government, Peters and Pierre (2000) point out that while “governance relates to changing relationships between State and society and a growing reliance on less coercive polity instruments” they believe that “the State is still the center of considerable political power and thus plays the leading role in making priorities and establishing objectives” (Peters and Pierre 2000).

Among international organizations, the International Monetary Fund (IMF) defines governance as encompassing all aspects of the way a country is governed, including its economic policies and regulatory framework (IMF, 2009). Good governance by IMF standards is the management of government in a manner that is essentially free of abuse and corruption and with due regard for the rule of law (IMF, 2009). The Department for International Development identifies several key elements in governance including legitimacy of government, accountability of political and official elements of government and competence of governments to formulate policies and deliver services (Abdellatif, 2003). The United States Agency for International Development (USAID) defines governance as the capacity of the state, the commitment

to the public good, the rule of law, the degree of transparency and accountability, the level of popular participation, and the stock of social capital (USAID, 2002). The United Nations Department of Economic and Social Affairs (DESA) identifies governance as “the formal and informal arrangements that determine how public decisions are made and how public actions are carried out from the perspective of maintaining a country’s constitutional values,” (DESA, 2007).

Governance as explained by the United Nations Development Programme (UNDP) is “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences” (UNDP, 1997). Moreover, according to the UNDP, governance encompasses not just the state but the private sector and civil society as well (UNDP, 1997). By UNDP standards good governance is participatory, transparent, accountable, effective and equitable and it upholds rule of law (UNDP, 1997). Good governance as defined by the Organization for Economic Cooperation and Development (OECD) consists of eight characteristics. By OECD standards good governance is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law (OECD, 2001). Furthermore, it assures that corruption is minimal and that even the most vulnerable persons have a voice in civil society (OECD, 2001).

The UNDP and OECD conceptualizations of governance and good governance are in line with those of the World Bank Governance Matters Project 1996-2008, which

defines governance as “consisting of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them” (World Bank, 2009). The World Bank further specifies that governance consists of six dimensions including: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of corruption. Each of the six dimensions of governance as defined by the World Bank are listed below:

1. Voice and Accountability : the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.
2. Political Stability and Absence of Violence/Terrorism: the likelihood that the government will be destabilized by unconstitutional or violent means, including terrorism.
3. Government Effectiveness: the quality of public services, the capacity of the civil service and its independence from political pressures; and the quality of policy formulation.
4. Regulatory Quality: the ability of the government to provide sound policies and regulations that enable and promote private sector development.

5. Rule of Law: the extent to which agents have confidence in and abide by the rules of society, including the quality of contract enforcement and property rights, the police, and the courts, as well as the likelihood of crime and violence.

6. Control of Corruption: the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests, (World Bank, 2009).

The World Bank’s definition of governance is the accepted definition of governance for this analysis. Good governance for the purposes of this research study is simply considered to be effective governance as indicated by the implementation of each of the six dimensions of governance by a nation. Good governance is not to be confused with democracy as no relationship between governance and democracy is established or explored in this paper. The next section of this study will provide a brief history of international, regional and national anti-human trafficking measures carried out by various members of the international community.

History of Anti-Human Trafficking Measures

Human trafficking is not a new phenomenon. The global trade in persons has its origins in what is often referred to as “the oldest profession,” prostitution, and in the “white slave trade” (Henriques, 1963). Laws to address trafficking in persons date back to the medieval period where those found to be traffickers of people were exiled and brothel owners using trafficked women were executed (Henriques, 1963). In fact, the current Trafficking in Persons Protocol is the result of the development of a series of international anti-trafficking laws that began at the start of the 20th century. In 1904,

world leaders developed the International Agreement for the Suppression of “White Slave Traffic,” to address the specific issue of the trafficking of women for sexual exploitation (United Nations, 2009). The law called on nations to be vigilant of trafficking and to assist victims with services including repatriation. The International Convention for the Suppression of “White Slave Traffic” of 1910, called on nations to punish traffickers and develop laws criminalizing trafficking and specifying the punishment of the traffickers (United Nations, 2009).

The League of Nations first international action against trafficking was the 1921 International Convention for the Suppression of Traffic in Women and Children (League of Nations, 1921). This convention called for both the protection of victims and the punishment of traffickers and began to address the travel and migration aspects of human trafficking (League of Nations, 1921). In 1933, the League of Nations continued its efforts with the International Convention on the Suppression of Traffic in Women of Full Age, which sought to encourage nations to further develop anti-human trafficking legislation and to ensure that suitable punishments were established (League of Nations, 1933). This convention furthermore encouraged information sharing between nations on trafficking cases. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, of 1949, was the first United Nations anti-human trafficking instrument (United Nations, 1949). It incorporated the provisions of the previous international anti-trafficking measures into one legal instrument resulting in a detailed convention that further emphasized international cooperation, but maintained its focus on women and children as the primary victims of trafficking. In 1975, the UN

Convention on the Elimination of All Forms of Discrimination against Women, like the previous legal instruments, called on states to take appropriate measures including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (United Nations, 1975). The 1989 United Nations Convention on the Rights of the Child demanded that states take all necessary actions; national, regional and international, to prevent the trafficking of children (United Nations, 1989).

The majority, if not all of the anti-human trafficking measures listed above focused on trafficking for sexual exploitation and considered women and children as the primary victims. It was not until the development of the United Nations Convention against Transnational Organized Crime in 2000, and its two protocols; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, that trafficking for labor exploitation was included in anti-human trafficking law discourse (United Nations, 2000). Labor exploitation until the development of the Trafficking Protocol, had been addressed in a number of international laws relating more to the issues of slavery and migrant labor. Among those laws including sections on forced labor were the League of Nations Slavery Convention of September 1926, which was designed to secure the abolition of all forms slavery including forced labor and of the slave trade; ILO Convention 29 of 1930 on Forced Labor, which sought to suppress the use of forced or compulsory labor in all its forms and ILO Convention 105 of 1957 on the Abolition of Forced Labor (League of Nations, 1926; ILO, 1930; ILO, 1957). Additionally adopted was the United Nations Supplementary Convention on the Abolition of Slavery, the Slave

Trade, and Institutions and Practices Similar to Slavery of 1956, which was designed to intensify national as well as international efforts towards the abolition of slavery, the slave trade and institutions and practices similar to slavery (United Nations, 1956).

Laws addressing both forced labor and migration included ILO Convention 143 of 1975 concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment and the International Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families (MWC) of 1990 (ILO, 1975; United Nations, 1990). Measures addressing the forced labor aspect with specific regard to children included the ILO Worst Forms of Child Labour Convention 182 of 1999 and Recommendation No. 190 concerning the prohibition and immediate action on the elimination of the worst forms of child labor (ILO, 1999). Also developed was the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000, which prohibits and condemns the sale of children, child prostitution and child pornography (United Nations, 2000). Additional international legal instruments that include segments against trafficking in persons include the Universal Declaration of Human Rights of 1948, as well as the International Covenant on Civil and Political Rights of 1966 (King, 2009).

At the regional level, the European Union (EU), which now consists of 27 democratic European member states, developed the Council Framework Decision on combating trafficking in human beings adopted by the Council of the European Union in 2002. The Framework's purpose was to ensure that "the trafficking in persons be addressed not only through individual action by each member state but by a

comprehensive approach in which the definition of constituent elements of criminal law common to all member states, including effective, proportionate and dissuasive sanctions, forms an integral part” (European Union, 2002). A second measure developed by the European Union was the EU Council Directive on residence permits for victims of trafficking adopted in 2004, which allowed for the issuing of residence permits to victims of trafficking who cooperate with authorities in trafficking cases (European Union, 2004). The Council of Europe (CoE), consisting of 47 European member states including the 27 EU states, seeking to promote democratic principles throughout Europe based on the European Convention on Human Rights, is also responsible for the development of several regional anti-human trafficking measures. The CoE Parliamentary Assembly enacted Council of Europe Recommendation 1325 of 1997 on traffic in women and forced prostitution in Council of Europe member states; Recommendation 1467 of 2000 on clandestine immigration and the fight against traffickers and Recommendation 1523 of 2001 on Domestic Slavery (CoE, 1997; CoE, 2000; CoE, 2001). Also enacted by the Council of Europe was Recommendation 1526 of 2001 on a campaign against trafficking in minors to put a stop to the East European route: the example of Moldova; Resolution 1307 of 2002 on sexual exploitation of children: zero tolerance and Recommendation 1545 of 2002 on a campaign against trafficking in women (CoE, 2001; CoE, 2002). These recommendations called for the criminalization of trafficking and slavery by member states, assistance to victims and education on the dangers of working abroad. Additional measures of the CoE Parliamentary Assembly included Recommendation 1610 of 2003 on migration connected with trafficking in women and prostitution;

Recommendation 1611 of 2003 on trafficking in organs in Europe and Recommendation 1663 of 2004 on domestic slavery: servitude, au pairs and mail-order brides (CoE, 2003; CoE 2004). The Council of Europe Committee of Ministers also developed Recommendation No. R (91) 11 of the Committee of Ministers to member States concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults of September 1991; Recommendation No. R (2000) 11 of the Committee of Ministers to member States on action against trafficking in human beings for the purpose of sexual exploitation of May 2000 and Recommendation 16 (2001) on the Protection of Children against Sexual Exploitation of October 2001 (CoE, 1991; CoE, 2000, CoE, 2001). The most recent regional anti-human trafficking measure implemented by the Council of Europe is the Council of Europe Convention on Action against Trafficking in Human Beings of 2005, which will be explained in detail in the review of current anti-human trafficking measures.

Along with the European Union and the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) has also developed some regional anti-human trafficking measures over the past few years. OSCE measures include the Permanent Council Decision No. 557: OSCE Action Plan to Combat Trafficking in Human Beings of 2003; Permanent Council Decision No. 685, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the special needs of child victims of trafficking for protection and assistance of 2005; and the Decision on Combating Trafficking in Human Beings for Labour Exploitation of November 2007 (OSCE, 2003; OSCE, 2005; OSCE, 2007). The OSCE measures were designed to

promote regional cooperation and to assist State parties with the implementation of the proposed multidimensional approaches to combating trafficking in persons (OSCE, 2003). There are numerous other regional anti-trafficking measures throughout the world, however, for the purposes of this study only those measures relevant to the region of study, Eastern Europe and the Former Soviet Union were included.

As for national anti-human trafficking measures, a variety of efforts have been carried out by many nations. Such efforts include the creation of action plans and task forces as well as the development of national laws against trafficking in persons. In respect to national anti-human trafficking laws, some 61 nations worldwide have passed some form of anti-human trafficking specific legislation according to the United Nations Inter-Agency Project on Human Trafficking (UNAIP, 2009). Only six nations in the Eastern European and Former Soviet Union regions have passed a law specifically designed to combat human trafficking. Based on the UNAIP information, Romania with Law No. 678/2001, (2001), is the one Eastern European nation to pass official anti-human trafficking legislation. Former Soviet Union nations that have passed anti-human trafficking laws include: Azerbaijan, Law on the Fight Against Trafficking in Persons (2005); Georgia, Law on the Fight Against Trafficking in Persons (2006); Kyrgyz Republic: Law on Prevention and Combating Trafficking in Persons (2005), and Turkmenistan, Law on the Battle Against Trafficking in Persons (2007). The majority of Eastern European and Former Soviet Union Nations have merely incorporated bans on human trafficking and punishments for offenders into current criminal or penal codes designed to address related issues such as kidnapping, slavery or prostitution

(LexisNexis, 2008). None of the Eastern European or FSU laws has been recognized as particularly noteworthy or effective. The most well known national anti-human trafficking measure is the United States Trafficking Victims Protection Act (TVPA) of 2000, amended in 2008, which has a provision for imposing unilateral sanctions on those nations that fail to carry out minimum standards for combating human trafficking. The TVPA will be discussed in more detail in the overview and analysis of current anti-human trafficking measures presented in the following section.

Overview and Analysis of Current Anti-Human Trafficking Measures

There are at present three main internationally recognized anti-human trafficking measures: 1) the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime; 2) the United States Trafficking Victims Protection Act (TVPA) of 2000, amended in 2008; and 3) the Council of Europe Convention on Action against Trafficking in Human Beings. With the enactment of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking in Persons Protocol) in 2000, the United Nations brought the tragedy of 21st century slavery to the attention of the world and laid the foundation for international action on human trafficking (United Nations, 2000). The focus of the protocol was to address a “global challenge with a global response” by emphasizing a comprehensive international approach in the countries of origin, transit and destination (Annan, 2000). The UN Trafficking in Persons Protocol includes measures to prevent

trafficking, punish traffickers and protect trafficking victims. The Protocol places particular emphasis on human trafficking offenses that are transnational in nature and involve organized criminal groups but applies to domestic trafficking as well. Specifically the Protocol calls on each State Party to adopt legislative and other measures to criminalize intentional human trafficking offenses, attempts to commit a human trafficking offense, participation as an accomplice in an offense, or the organizing or directing of other persons to commit a human trafficking offense (United Nations, 2000).

To address the human rights dimension of the fight against trafficking, the Trafficking Protocol calls on each State Party to develop a number of domestic laws to protect the privacy of victims, and to assist them in understanding the legal process and criminal proceedings (United Nations, 2000). Additionally, the Protocol calls on states to implement domestic measures to provide for the recuperation of victims through the provision of various social services including housing, counseling, medical and employment assistance (United Nations, 2000). Furthermore, the State Parties are to provide for the physical safety of trafficking victims while at the same time creating legal measures offering victims chance to be compensated for damage suffered (United Nations, 2000). Along with the above measures, the Trafficking Protocol lays out specific requirements for states regarding the repatriation of victims of trafficking and it also specifies methods of prevention and cooperation to be employed by State Parties. According to the Protocol, states are to conduct research, educate the public, cooperate with non-governmental organizations, and address poverty and other social and economic issues (United Nations, 2000). In addition, states are to improve information exchange

and capabilities amongst their law enforcement agencies while at the same time improving measures to prevent and detect human trafficking at national borders (United Nations, 2000).

While the Trafficking Protocol is generally a helpful anti-human trafficking instrument, one weakness lies in the fact that it is an optional protocol with no enforcing mechanism. The nations of the UN may choose to take measures to combat human trafficking, or they may not, with no penalty for choosing the latter. Moreover, those nations that do choose to sign the protocol may never ratify it, or if they do, they may never comply with the United Nation's calls to action because there is nothing to hold them accountable. Another weakness of the Trafficking in Persons Protocol is despite the fact that it is considered multidimensional, in that it addresses human trafficking both from a criminal justice and a human rights perspective, the reality is that it is more of a criminal justice focused anti-human trafficking tool. Gallagher (2006) supports the view that the Trafficking Protocol is a crucial multidimensional instrument; however, she agrees that its main emphasis is on the criminal justice aspects of trafficking. Specifically Gallagher argues that in the Trafficking Protocol, mandatory obligations are few and relate only to criminalization; investigation and prosecution; cooperation between national law enforcement agencies; border controls; and sanctions on commercial carriers (Gallagher, 2006). In relation to victims, Gallagher states that the Protocol contains several important provisions but very little in the way of hard obligation. Furthermore, Gallagher claims that while States Parties are enjoined to provide victims with protection, support and remedies they are not required to do so

(Gallagher, 2006). Gallagher does not specifically propose any suggestions for what should be mandated by the Trafficking Protocol, but she states that it should at best be viewed as establishing minimum standards for victim support and protection (Gallagher, 2006).

The major drawback of the Trafficking in Persons Protocol, for the purposes of this study, however, is the failure of the Protocol to take into consideration the variance between nations' levels of governance consisting of various aspects including the rule of law, government effectiveness and control of corruption, etc. The Trafficking Protocol's "one size fits all approach" to combating human trafficking ignores this and instead assumes that each recommendation is a viable option for every nation, when this may not be the case. Nations have different levels of governance or government capability, which is why putting the initial burden of this global problem in the hands of individual states is so problematic.

Following the UN Trafficking Protocol, the United State's Trafficking Victims Protection Act (TVPA) of 2000 is perhaps the second most frequently mentioned anti-human trafficking policy. The TVPA was the first comprehensive federal law to address human trafficking (Polaris Project, 2008). The law focuses on the international aspect of human trafficking and like the United Nations protocol, promotes prevention of the trade, protection of victims and prosecution of traffickers, namely through the efforts of countries of origin, transit and destination along with international organizations. As a national instrument, the TVPA proposes minimum standards for the elimination of trafficking in persons, which are applicable to the governments of countries of origin,

transit or destination for a significant number of victims of severe forms of human trafficking (TVPA, 2000). The TVPA further requires that each year, the U.S. Department of State prepare country reports on each of these nations' anti-human trafficking efforts.

An assessment of government efforts towards prevention, protection and prosecution, including cooperation with other governments and the nation's overall stance towards combating human trafficking is collected through the efforts of Department of State personnel, national governments, non-governmental organizations and human rights organizations (TVPA, 2000). The information is then used by the United States in their annual Trafficking in Persons Report, to rank countries efforts to combat human trafficking. Those countries that do not meet the minimum standards for the elimination of trafficking are exposed in the report and according to the provisions of the TVPA, the United States president has the option of imposing unilateral sanctions on non-humanitarian, non-trade related assistance, for those nations that failed to comply or are not making an effort to comply with the minimum standards (TVPA, 2000). While the TVPA appears to take a nation's capacity to obtain and report data on their progress into account, the TVPA still seems to presume, like the UN Trafficking Protocol, that all countries are currently capable of tackling the issue of human trafficking on the same level, particularly through the carrying out of successful and effective legal actions, which vary greatly from nation to nation. In addition, the TVPA seems to put much more emphasis on the prosecution of traffickers and less emphasis on protection of victims and

prevention, leaving root causes of human trafficking such as social and economic deficiencies relatively unaddressed.

The most recently developed major anti-human trafficking policy is the Council of Europe's Convention on Action against Trafficking in Human Beings. The Convention on Action against Trafficking in Human Beings was adopted in 2005 and the Convention recently entered into force on in February 2008. The Convention places a great deal of emphasis on human rights and though it does call for parties to develop legislation, the drafting of laws is not the main focus of the Convention as it is in the Trafficking Protocol. In fact, one of the main goals of the development of the Council of Europe Convention was for it to be an improvement upon the weaknesses of the UN Trafficking Protocol and to raise the standard for international anti-human trafficking legal instruments (CoE, 2005). Along with a more comprehensive anti-trafficking framework, the Convention on Action against Trafficking in Human Beings provides for a monitoring mechanism. However, unlike the unilateral and subjective monitoring mechanism of the United States, GRETA, the Group of Experts on Trafficking in Human Beings was designed to be a diverse non-biased mechanism for compliance made up of multinational elected members with multidisciplinary expertise in the various aspects of human trafficking (CoE, 2005). The GRETA monitoring mechanism which initiated its first evaluation round in February 2010, consists of evaluations of reports of parties' efforts to comply with the CoE Convention and it will allegedly require non-compliant nations to step up their actions though there is no specific mention as yet, of how this will be achieved (CoE, 2010). While the Council of Europe Convention on Action against

Trafficking in Human Beings appears to be the most comprehensive and well developed multidimensional approach to date, like the UN Trafficking Protocol and the TVPA, it too proposes a “one sized fits all” approach to combating human trafficking. This approach fails to address the basic fact that different nations have different levels of governance and may not be equally capable of implementing anti-human trafficking measures. The role of governance in fighting human trafficking is left unaddressed not only by existing international and regional anti-human trafficking measures but also by human trafficking research. A brief overview of the current state of human trafficking research is presented in the following chapter.

Chapter 3

RESEARCH ON HUMAN TRAFFICKING: CHALLENGES, CAUSES AND SOLUTIONS

The research on human trafficking has experienced moderate growth over the past ten years despite a general lack of reliable statistical data that has resulted in a limited number of empirical studies on various aspects of this form of modern day slavery (Laczko and Gramegna 2003). The lack of empirical study is mainly attributed to the hidden nature of human trafficking or the fact that it operates in the “shadow economy” just as the trafficking of illicit weapons and drugs (Tyldum and Brunoskis, 2005). Additionally, despite a few attempts at the international, regional and national levels, there is still not a fully functional, reliable and comprehensive database for tracking all international victims or instances of human trafficking. The absence of empirical data has resulted in an abundance of qualitative research on the topic with the focus of the majority of the research being on determining the causes of human trafficking and the best means for successfully eradicating it.

There are many proposed driving forces human trafficking. Among the most frequently mentioned causes of human trafficking are poverty and unemployment, government instability, lack of political will, corruption, demand for male gratification, and the continued marginalization of women in contemporary society. Rathgeber (2002) attributes human trafficking to poor economic and social conditions, particularly among vulnerable groups including women of the Former Soviet States and South Eastern Europe (Rathgeber 2002, Zhang and Pineda 2008). Malarek (2003) credits the scourge of

human trafficking to the prevalence of organized crime and its' power over the ordinary man (Malarek, 2003). Zhang and Pineda (2008) argue that corruption is a fundamental cause of human trafficking and Bales (2005) believes that corruption is the most significant indicator of human trafficking in relation to other factors (Bales, 2005, Zhang and Pineda, 2008). Still others, including Miko (2003) blame globalization or the stretching of social, political and economic activities across frontiers for the prevalence of the trafficking in persons (Miko, 2003, Held 1999). In fact, the aforementioned driving forces have been amplified by the spread of globalization, which has had a devastating impact on many developing regions and many nations of Eastern Europe and the Former Soviet Union and has caused human trafficking to continue to thrive at an alarming rate.

As the proposed causes for human trafficking are many, the policy prescriptions for curing the scourge of human trafficking are vast, though generally the research can be divided into three camps. The criminal justice approach focuses on the demand side of human trafficking with emphasis on the punishment of traffickers, while the human rights approach focuses on the supply side of human trafficking with emphasis on root causes of human trafficking. The multidimensional approach addresses both demand and supply sides of human trafficking. Those that favor a criminal justice approach to human trafficking are regional law enforcement entities such as Europol and some national governments, while Non-Governmental Organizations (NGOs) such as Human Rights Watch and other organizations, which focus on human rights or the rights of women and children, typically promote the human rights approach to combating human trafficking.

Those who advocate a multidimensional approach to human trafficking, which involves addressing the issue from both a human rights and a criminal justice perspective, include international organizations such as the United Nations, and regional organizations like the European Union and the Council of Europe. Academic researchers fall into all three camps.

Among those that support the criminal justice approach to combating human trafficking, Larsson (2005) argues that effective law enforcement activity and cooperation is the most effective means for eradicating human trafficking. Larson draws his conclusions from the caseload of victims of trafficking that have been provided with direct assistance by the International Organization for Migration in Belarus and the Ukraine (Larsson, 2005). Other proposed criminal justice approaches to combating human trafficking include the legalization of prostitution by various national governments. The Belgian government legalized prostitution as a move to “wrest prostitution from the control of organized criminals and bring in some lost tax revenue” (Bilefsky, 2005). By making prostitution legal, the government believes it can regulate it and make it less profitable for traffickers. Taking a slightly different approach, the Swedish government believes that addressing the demand side of human trafficking through the prohibition of the purchasing of sexual services will reduce human trafficking by making it more risky for both consumers and traffickers (Ekberg, 2004). Along similar lines, Kara (2009) proposes that the most effective measures to eradicate human trafficking, specifically sex trafficking are those that reduce the aggregate demand for sex slaves by slave owners and consumers through an attack on the immense profitability of

the sex trafficking enterprise (Kara, 2009). His method requires governments, international organizations and NGOs to enact harsher penalties and punishments for traffickers, thereby increasing the risk of running a human trafficking operation. He suggests current tactics employed against drug trafficking as a model and proposes the development of an extra-governmental abolitionist task force to drive global action along with an international slavery and trafficking inspection force to conduct investigations (Kara, 2009).

As for those who promote a human rights based approach to combating human trafficking, Van Hook, Gjermene and Haxhiymeri (2006) claim that efforts to prevent human trafficking require social work partnerships to address legal, economic and family issues and provide services to traumatized victims. At a deeper level, Heyzer (2002) argues that the marginalization of women caused by globalization is fuel for human trafficking and that a gender responsive and human rights based approach to human trafficking is essential (Heyzer, 2002). Specifically Heyzer claims that violations of human rights are both a cause and a consequence of trafficking and the empowerment of women, socially and economically, particularly in those societies that oppress women, will aid in the prevention of human trafficking (Heyzer, 2002). Hayes (2004) also claims that the empowerment of women and emphasis on the protection and implementation of women's rights is crucial to the fight against trafficking, noting that empowered women are less desirable to traffickers (Hayes, 2004). Gallagher (2001) also advocates a human rights approach to fighting trafficking by addressing the root causes of migration including poverty and violence (Gallagher, 2001). Chuang (2006) further emphasizes a

human rights approach arguing that the legal approach is not enough and that the problem of human trafficking can only truly be eradicated when the root causes such as poverty, unemployment, discrimination and other factors are addressed by nations and the international community (Chuang, 2006).

Among researchers that use a multidimensional approach to address human trafficking is Van Impe (2000) who argues that there is no easy or one-dimensional solution to human trafficking due to its inherent complexity. Specifically Van Impe posits that a legal approach relying solely on one type of legislation is too narrow and an effective strategy should combine punitive measures with protection of human rights, migration controls and the elimination of the root causes of irregular migration. Such efforts, he argues, must be facilitated by countries of origin, transit and destination (Van Impe, 2000). Saari (2006) shares the need for cooperation and a multidimensional approach particularly amongst European Union nations and calls for an approach that combines migration management, economic and social assistance, border and law enforcement cooperation and the development of legal instruments and common standards (Saari, 2006). Farr (2005) favors a multidimensional approach that addresses both the immediate needs and long-term changes. Immediate needs include the criminalization of human trafficking and the protection of victims, while long term efforts address root causes such as “global and national inequities in income, employment and other social resources; globalization policies; and patriarchal structures that facilitate the exploitation and discrimination against women,” (Farr, 2005). Konrad (2006) and van

den Anker (2006) echo the arguments of Farr, emphasizing a comprehensive and multi-pronged approach involving both short and long-term solutions.

Others promoting the multidimensional approach include Kligman and Limoncelli, (2005) who argue that trafficking in persons can only be combated effectively through a focus on both the demand side of human trafficking; addressing organized crime, corruption and profitability and the supply side, where poverty is a driving force. Malarek (2004) too argues that the most successful means of fighting trafficking is through addressing both demand and supply at a global and national level. Malarek claims that the most important means for fighting trafficking is full enforcement of anti-trafficking laws at the global level and particularly at the national level among countries of origin; in addition to addressing the economic and social conditions that drive people to leave their homelands in search of work (Malarek, 2004).

While it is clear that there are numerous proposed multidimensional means for combating human trafficking, there has been relatively no research on the role of governance as a multidimensional approach to combat human trafficking. In fact, the only research on governance and combating human trafficking that was identified through this study was that of Freisendorf. Freisendorf (2007) promotes a “security governance” method to combating human trafficking consisting of five approaches: legal measures, prosecution, protection, prevention in countries of origin, and prevention in countries of destination (Freisendorf, 2007). Freisendorf claims that while sex trafficking would continue even if counter-efforts found a balance between prosecution, protection, and prevention, a better governance system within and across nations would reduce

trafficking. He also claims that to be successful, governance must be more preventive by focusing on the root causes of trafficking.

As for related research on the relationship between the governance and anti-human trafficking efforts, Bales (2005) touched on the importance of several indicators of governance including the rule of law and control of corruption in the fight against human trafficking, though he did not consider the role of governance as a whole (Bales, 2005, 2009, Zhang, and Pineda, 2008). Nevertheless, Zhang and Pineda's study of corruption as a causal factor in human trafficking provides valuable insight into the importance of government action and indirectly the role of governance in combating human trafficking. Zhang and Pineda argue that “the socio-cultural circumstances that permit and sustain not only the initial deception and subsequent enslavement of prospective victims may have more to do with government ineptitude (lack of governance) or downright corruption” (Zhang and Pineda, 2008). Based on this claim they hypothesize that corruption is a stronger causal factor for human trafficking than poverty. Using a regression analysis, Zhang and Pineda conclude that a lack of government transparency, official ineptitude, and collusion are likely to facilitate and enable human trafficking to a greater extent than poverty related factors and that any effort to curb human trafficking must address its relationship with the regulatory environment (Zhang and Pineda, 2008). These claims help to demonstrate the need for further examination of the relationship between governance and anti-human trafficking efforts.

The question to be examined in this research paper is whether in order to successfully eradicate human trafficking, the effort must first involve the establishment of

good governance in those nations where it is lacking. The following analysis seeks to build upon the work of Zhang and Pineda by examining governance rather than corruption as a causal factor in relation to the extent of anti-human trafficking efforts implemented by a nation. There are two hypotheses that will be tested:

Hypothesis 1: Nations with higher levels of governance implement a greater extent of anti-human trafficking measures than nations with lower levels of governance.

Hypothesis 2: Nations with higher levels of governance are more likely to cooperate with the international community in the effort to combat human trafficking than nations with lower levels of governance.

Examination of the above hypotheses will reveal the role that governance level plays in the ability of a nation to effectively combat human trafficking, if any. If governance is found to play a significant role in a nation's ability to combat human trafficking this could have serious implications for the success of current anti-human trafficking measures, which do not take the disparity governance levels between nations into account. Specifically this may result in the need for the revision of current anti-human trafficking policies and the development of new international and regional anti-human trafficking measures that take into account the differences in government capabilities between nations and emphasize the importance of various aspects of governance including the rule of law, control of corruption, government effectiveness, voice and accountability, political stability and regulatory quality and thereby focus on the root causes of human trafficking. Furthermore, the investigation of governance level in relation to a nation's likelihood of cooperating with the international community to

combat human trafficking may have implications for several theories of international relations including regime theory, neoliberal institutionalist theory and constructivist theory. It may also serve as a test of the existence and acceptance of an anti-human trafficking norm and provide insight into the role of norms in the international community as a whole. The methodology for the study is presented below in Chapter 4.

Chapter 4

METHODOLOGY

The study will focus specifically on the relationship between governance and anti-human trafficking efforts among the nations of Eastern Europe and the Former Soviet Union (FSU) as these regions have been found by the United Nations to be among the main regions of origin of human trafficking in the world (UNODC, 2009). Human trafficking in these regions became particularly prevalent following the collapse of the Soviet Union in 1991 (Malarek, 2003). As democracy and free market ideals spread throughout the republics of the former Communist empire, the result was widespread government instability and economic collapse in the Former Soviet States with ripple effects throughout the Eastern European region (Malarek, 2003). Weak governments and flight of capital, coupled with the failure of the former Soviet social safety nets resulted in increased poverty, rampant corruption and a decline in security and equality in the Former Soviet States (Malarek, 2003). Unemployment in the Former Soviet Union reached record levels with 80 percent of women without jobs, and resulted in an overall marginalization of women throughout the former Soviet Union, which many nations in the Former Soviet and Eastern European regions are still struggling to overcome (Malarek, 2003). Additionally, it has been reported by the UN that in light of the current global economic circumstances, human trafficking in these nations consisting of a number of emerging democracies, republics and several authoritarian regimes is continuing to grow at an alarming rate (United Nations, 2009). If an effective means for combating human trafficking in these diverse and highly affected regions is identified, it

may lead to the significant reduction of human trafficking in other regions and at the global level. As indicated previously, those nations considered to be part of Eastern Europe as defined in this study according to the World Bank Governance Matters Project are: Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Kosovo, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia and Slovenia (World Bank, 2009). The Former Soviet Union (FSU) nations include Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan (World Bank, 2009). The relationship of governance level and anti-human trafficking efforts of all 29 nations in these regions will be explored.

As the study specifically seeks to determine how the level of governance of a nation affects the extent of anti-human trafficking measures implemented by a nation, the independent variable of this study is governance. Though governance is considered difficult to measure due to the subjective nature of the instruments used to evaluate it, the World Bank Governance Matters Project 1996-2008, has developed a means to measure governance, which takes into account standard error and includes highly transparent, specific and evolved methodology. The project, also referred to as the Worldwide Governance Indicators (WGI) Project, “covers 212 countries and territories, drawing together hundreds of variables from 35 different data sources to capture the views of tens of thousands of survey respondents worldwide, as well as thousands of experts in the private, NGO, and public sectors” (World Bank, 2009).

According to the World Bank Governance Matters Project 1996-2008, governance as defined previously, “consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them” (World Bank, 2009). The World Bank Governance Matters Project has identified six indicators of governance. These indicators as defined by the World Bank and as presented in the previous literature review are listed below:

1. Voice and Accountability (VA) : the extent to which a country’s citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media.
2. Political Stability and Absence of Violence/Terrorism (PS): the likelihood that the government will be destabilized by unconstitutional or violent means, including terrorism.
3. Government Effectiveness (GE): the quality of public services, the capacity of the civil service and its independence from political pressures; and the quality of policy formulation.
4. Regulatory Quality (RQ): the ability of the government to provide sound policies and regulations that enable and promote private sector development.

5. Rule of Law (RL): the extent to which agents have confidence in and abide by the rules of society, including the quality of contract enforcement and property rights, the police, and the courts, as well as the likelihood of crime and violence.

6. Control of Corruption (CC): the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as “capture” of the state by elites and private interests (World Bank, 2009). Good governance for the purposes of this research study is simply considered to be effective governance as indicated by the implementation of each of the six indicators of governance by a nation. For each nation, each of the six indicators is given a percentile rank for each year as determined by the World Bank Worldwide Governance Indicators project. The highest level of governance is indicated as 90% to 100% while the lowest level of governance is indicated by 0% to 15%. This analysis will utilize the quantitative governance data from the World Bank to establish a base level of governance for each nation under study. The governance level of a nation will be established by taking the average of the six governance indicators for each of the years 2002, 2004, and 2008.

The dependent variable for the first hypothesis of this study is the extent of anti-human trafficking efforts implemented by a nation. Anti-human trafficking efforts include those actions carried out by a country with the intention to prevent human trafficking, protect human trafficking victims or punish perpetrators of human trafficking. The extent of anti-human trafficking efforts is being examined rather than the success of anti-human trafficking efforts due to the difficulty involved in determining whether such efforts have been successful. The success of anti-human trafficking efforts is particularly

hard to determine due to the hidden nature of the trade and the fact that the exact number of victims and traffickers at any given time is unknown. The extent of anti-human trafficking efforts is not easy to measure either; however, the U.S. Department of State has attempted to do so through its yearly Trafficking in Persons (TIP) Reports. In fact, the U.S. Department of State claims that its' Trafficking in Persons Reports are the most comprehensive worldwide reports on governments' efforts to combat severe forms of trafficking in persons (U.S. Department of State, 2009). As such, the U.S. Department of State Trafficking in Persons Reports for 2003, 2005, and 2009 will be used for the determination of the extent of human trafficking measures implemented by each nation for each of the years 2002, 2004 and 2008 respectively.

The Trafficking in Persons Reports place all reporting nations in one of four tiers based on their level of compliance with the United States Trafficking Victims Protection Act of 2000, which proposes minimum standards for the elimination of trafficking in persons. The minimum standards as defined in the TVPA are listed below:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons (U.S. Department of State, 2009)

Tier 1 nations are those that have carried out anti-human trafficking measures according to the minimum standards of the TVPA. Those nations in Tier 2 have taken steps to comply but are not in full compliance and they are continuing with their efforts to comply. The Tier 2 Watch List classification was first reported in 2004 and includes nations that have taken some measures, but may not have made progress from the previous year and do not fully comply, or the nations may have a high or increasing number of trafficking victims. Tier 3 nations are those nations that do not fully comply with the minimum standards of the TVPA and do not appear to be taking steps to do so. Tier 3 nations are subject to non-trade and non-humanitarian aid related sanctions by the U.S. government. As tier rank is a measure of a nation's compliance the TVPA's proposed minimum requirements for the combating of human trafficking, it can also be used as general indicator of a nation's level of effort to combat trafficking as it specifically focuses on government and legislative actions (U.S. Department of State, 2009). For the purposes of simplification of the data and as done by Zhang and Pineda, the tier rankings used in this study will be reordered so that Tier 2 Watch list nations are represented in the data as Tier 3 nations and Tier 3 nations will be represented in the data as Tier 4 nations. As there was no Tier 2 Watch List classification for the 2002 TIP data, the available tier ranks for 2002 will be Tier 1, Tier 2 and Tier 4 (classified by TIP report as Tier 3). For the 2004 and 2008 data the tier rankings will be Tier 1, Tier 2, Tier 3

(classified by TIP report as Tier 2 Watch List) and Tier 4 (classified by TIP report as Tier 3).

It is important to note that though the Trafficking in Persons reports do provide a measure of the extent of anti-human trafficking efforts, the tier rankings used in the reports have faced criticism from the international community. First off, the method used to determine tier rank is not very extensive or clear and the data used to determine the tier ranking is not included in any of the TIP reports. Additionally, researchers such as Miko (2003) have claimed that some of the tier rankings in the first few TIP reports seemed a bit perplexing and may have been influenced by U.S. interests. As the rankings are determined by the U.S. Department of State, it is likely that there is some inherent bias in the tier rankings based on the political interests of the United States. For instance, it may not be in the U.S. interest to rank one of its allies in the lowest tier rank for political or economic reasons. Also, Zhang and Pineda have indicated that some U.S. politicians have used the tier system to tie foreign aid to efforts to combat human trafficking (Zhang and Pineda, 2008). As the TIP reports and tier rankings are the result of a U.S. national law, some bias is to be expected. Nevertheless, the TIP reports seem to have improved over time, and there is nothing that stands out as particularly odd amongst the recent rankings. Even amongst U.S. allies, the tier rankings seem plausible. At present the Trafficking in Persons Report tier rankings offer a suitable measure of the extent of global anti-human trafficking efforts and have proved useful other studies such as Zhang and Pineda's peer-reviewed study on *Corruption as a Causal Factor in Human Trafficking*. As the TIP reports will be used in a similar manner in the current study, they

should prove to be useful once again. The method of analysis for the first hypothesis is described below.

The examination of the first hypothesis that, nations with a higher level of governance will implement a greater extent of anti-human trafficking efforts than nations with lower levels of governance, begins with the establishment of the governance levels for each of the Eastern Europeans and FSU nations using the World Bank Governance Matters data on governance indicators. The governance levels of each nation will be established using the average of the six governance indicators for each of the twenty-nine nations. Governance levels for each nation will be recorded for the years 2002, 2004, and 2008. Once the governance levels for each nation for each year have been established, the data on the extent of anti-human trafficking efforts will be recorded. This will involve the review of country tier rankings in the U.S. Department of State Trafficking in Persons Reports for 2003, 2005 and 2009 as these reports actually report on trafficking measures from the year prior to their publication. The tier rank of each nation for each of the three years under study will be recorded. Once all of the data on the anti-human trafficking measures for each nation has been recorded, the analysis will proceed to investigate the levels of governance of the nations in relation to the extent of anti-human trafficking measures carried out by each nation. For a more thorough analysis of the data, the mean governance level of all nations in each tier rank for each year will be determined and the mean governance levels for each tier will be compared across tiers for each year. Also, a correlation analysis of tier rank to governance level as well as to each of the six governance indicators will be carried out for each year.

In order to test the generalizability of the claim, global tier rankings in relation to governance levels for 2008 will be examined. The mean governance levels of all nations in each tier will be determined and then be compared across tiers and a correlation analysis of tier ranking to governance level as well as to the six governance indicators will be conducted at the global level. The relationship of governance and anti-human trafficking efforts will be analyzed across nations and across time. Special cases will be explored in further detail. The analysis should demonstrate a positive relationship between governance levels and the extent of anti-human trafficking efforts.

The second hypothesis to be examined is whether nations with higher levels of governance are more likely to cooperate with the international community in the effort to eradicate human trafficking than nations with lower levels of governance. As with the first hypothesis, the independent variable is governance while the dependent variable is a nation's likelihood of cooperating with the international community in international anti-human trafficking efforts. This dependent variable will be measured by evaluating the number of anti-human trafficking treaties ratified by each Eastern European and FSU nation. In order to test the second hypothesis, the established average governance levels for 2008 will be used to rank the Eastern European and FSU nations in order from highest to lowest level of governance. The number of relevant anti-human trafficking treaties ratified by each nation will then be recorded and the relationship between governance level and the number of treaties ratified will be evaluated. As the second hypothesis is that nations with higher levels of governance are more likely to cooperate with the international community than nations with lower levels of governance, the analysis

should reveal that nations with higher levels of governance have ratified more international anti-human trafficking treaties than those with lower levels of governance. The presentation of the data and the analysis is carried out in the following chapter.

Chapter 5

DATA ANALYSIS AND FINDINGS

The first hypothesis to be examined is that countries with higher levels of governance implement a greater extent of anti-human trafficking measures than nations with lower levels of governance. To test this hypothesis governance levels were established for each Eastern European and Former Soviet Union nation for which there was governance data according to the World Bank Governance Matters Project. The level of governance is indicated as a percentile ranking from zero to 100, with 100 being the highest level of governance and zero being the lowest level of governance. As the Governance Matters study consists of six indicators of governance, the average of the six indicators was taken to determine the governance level for each nation for the years 2002, 2004 and 2008. The nations were then ordered from highest to lowest level of governance. The Trafficking in Persons Report tier rankings were recorded as available for each country for each of the corresponding years. The available governance and tier rank data for each Eastern European and Former Soviet Union nation for each year under study is found in the tables below.

As indicated in the methods section, Tier 1 nations are those that have carried out anti-human trafficking measures according to the minimum standards of the TVPA. Tier 2 nations have taken steps to comply but are not in full compliance and they are continuing with their efforts to comply. Tier 2 Watch List nations have taken some measures but may not have made progress from the previous year and do not fully comply. Tier 3 nations are those nations that do not fully comply with the minimum

standards of the TVPA and do not appear to be taking steps to do so. For the purposes of simplification of the data, the tier rankings used in this study are reordered so that Tier 2 Watch list nations are represented in the data as Tier 3 nations and Tier 3 nations are represented in the data as Tier 4 nations.

Table 1. 2002 Tier Rankings by Governance Level

<i>Country</i>	<i>Governance Level Percentile Rank (0-100)</i>	<i>Tier Rank (1-4*)</i>
1. HUNGARY	82.0	2
2. SLOVENIA	81.6	2
3. ESTONIA	78.7	2
4. CZECH REPUBLIC	77.6	1
5. LITHUANIA	72.7	1
6. POLAND	70.8	1
7. LATVIA	70.2	2
8. SLOVAKIA	69.7	2
9. BULGARIA	60.6	2
10. CROATIA	60.5	2
11. ROMANIA	53.0	2
12. ARMENIA	37.6	2
13. MACEDONIA	34.2	1
14. RUSSIA	32.2	2
15. MOLDOVA	32.0	2
16. ALBANIA	31.9	2
17. BOSNIA-HERZEGOVINA	30.7	4
18. SERBIA-MONTENEGRO	29.3	2
19. KYRGYZSTAN	27.9	2
20. UKRAINE	27.1	2
21. KOSOVO	23.1	N/A
22. KAZAKHSTAN	22.0	4
23. AZERBAIJAN	19.7	N/A
24. GEORGIA	16.9	4
25. BELARUS	16.8	2
26. TAJIKISTAN	10.6	2
27. TURKMENISTAN	9.9	N/A
28. UZBEKISTAN	9.2	4

*The ranking of nations in Tier 2 Watch List (reordered to Tier 3) did not begin until 2004.

Table 1 includes the governance levels of the Eastern European and FSU nations and their respective tier rankings for 2002. Based on the data in Table 1, it is immediately observable that there is not a perfectly correlated relationship between governance level and tier rank such that those nations with the best tier rank also have the highest levels of governance. Among the nations with the top ten governance levels of 2002, the first three, Hungary 82%, Slovenia 81.6%, and Estonia 78.7% implemented some anti-human trafficking measures, while the Czech Republic 77.6%, Lithuania 72.7% and Poland 70.8%, with the fourth, fifth and sixth highest levels of governance, fully complied with the minimum standards of the Trafficking Victims Protection Act. Only three out of the ten nations with the highest levels of governance fully complied with the minimum standards of the TVPA earning the Tier 1 rank. Among nations in the mid range of governance, most nations implemented some anti-human trafficking measures. The exceptions were Macedonia, ranked thirteenth in governance level at 34.2%, which fully complied with the minimum TVPA standards, and Bosnia-Herzegovina, ranked 19th in governance level at 30.7%, which did not attempt to carry out anti-trafficking efforts to comply with the TVPA minimum standards. Strangely, the low end of the governance level range was split between nations ranked Tier 2 and Tier 4. Those nations that did not implement sufficient anti-human trafficking efforts included Kazakhstan, Georgia, and Uzbekistan, with governance levels of 22%, 16.9%, and 9.2% respectively. Belarus and Tajikistan with the fourth and fifth lowest levels of governance at 16.8% and 10.6% respectively, managed to implement some of the minimum anti-human trafficking efforts specified by the TVPA. As for the remainder of

the data in Table 1, tier rankings for Azerbaijan and Turkmenistan were not carried out in 2002 due to lack of information on and from the two nations. Additionally, neither Kosovo nor Montenegro received a tier ranking in 2002 as neither was yet considered a sovereign nation. Also, of note is the fact that the tier rankings for Uzbekistan and Georgia were upgraded in September of 2003, through presidential directive by U.S. President George W. Bush. The 2002 tier rankings are further complicated by the fact that the Tier 2 watch list ranking was not developed until 2004 so some nations ranked in either Tier 2 or Tier 4 for 2002 could have been considered Tier 2 watch list nations under current TIP report standards. Unfortunately, for the sake of comparison, there is no way to know which rankings, if any, would have been different. Additionally, as the 2002 report was only the third TIP report ever carried out, perhaps the method for determining tier rank may still have been in development. As the descriptive statistics above do not reveal much of a trend, Table 2 below compares the means of the governance levels for each of the nations ranked Tier 1, Tier 2, and Tier 4 respectively. There were no nations ranked Tier 3 in 2002. The standard deviation from the mean for the nations within each tier rank is included in the table along with the number of nations, N, included in each tier.

Table 2. 2002 Tier Rankings by Mean Governance Level

<i>Tier Rank</i>	<i>Mean Governance Level Percentile Rank (0-100)</i>	<i>Std. Deviation</i>	<i>N</i>
Tier 1	63.8	19.9	4
Tier 2	47.2	23.7	17
Tier 4	19.7	9.0	4

The Table 2 data indicates that in 2002 nations with higher levels of governance carry out a greater extent of anti-human trafficking measures than nations with lower levels of governance. The data shows that Tier 1 nations have the highest mean level of governance, 63.8%, while those ranked Tier 4 have the lowest mean level of governance, 19.7%. This trend provides preliminary support to the first hypothesis. There is however, a fairly large standard deviation for average levels of governance for Tier 1 and Tier 2 in 2002. The standard deviation in Tier 1 rankings is accounted for by the fact that the 2002 TIP report ranked Macedonia, a nation with a governance level of 34.2% in Tier 1, while all of the other nations ranked Tier 1 had governance levels of 70% and above. Tier 2 ranked nations had the highest standard deviation for the 2002 data at 23.7. The higher standard deviation for this tier could be the result of the lack of the Tier 2 Watch List ranking resulting in a greater number of nations being ranked Tier 2. Nations ranked in Tier 4 had both the lowest levels of governance on average and lowest standard deviation at 9.0. Further evidence of the correlation of governance level and each of the six governance indicators to tier rank for 2002 is presented below in Table 3.

Table 3. 2002 Correlation of Tier Rank to Governance Level and Indicators

	<i>Average Governance</i>	<i>Voice & Accountability</i>	<i>Political Stability</i>	<i>Government Effectiveness</i>	<i>Regulatory Quality</i>	<i>Rule of Law</i>	<i>Control of Corruptn.</i>
r	-0.53	-0.50	-0.42	-0.58	-0.56	-0.52	-0.48
R ²	.28	.25	.17	.34	.31	.27	.22

Table 3 indicates the level of correlation of tier rank to average governance level and each of the six governance indicators. The correlation figures are negative because tier rankings use a lower number, Tier 1, for the highest tier rank and a higher number, Tier 4, for the lowest tier rank, while governance levels are the highest at 100% and the lowest at zero. The data thus shows an inverse relationship between the tier rank and governance level and indicates a strong correlation between governance level and the extent of anti-human trafficking measures implemented. For 2002, the average governance level shows a correlation with tier rank of $r = -.53$. Amongst the six indicators of governance, tier rank has a large correlation to government effectiveness at $r = -0.58$. Also showing a large correlation to tier rank is regulatory quality ($r = -.56$), rule of law ($r = -.52$) and voice and accountability ($r = -.5$). Control of corruption and political stability both show medium levels of correlation, with correlation coefficients of $r < -.5$. Political stability shows the lowest level of correlation of the indicators for 2002 at $r = -.42$. Taking the square of the correlation coefficient to get the coefficient of determination shows that $R^2 = 28\%$ of the variation in the dependent variable, tier rank, is explained by the independent variable, governance. For the 2002 data, the greatest amount of variation in tier rank was explained by government effectiveness ($R^2 = 34\%$), followed by regulatory quality ($R^2 = 31\%$), rule of law ($R^2 = 27\%$), voice and accountability ($R^2 = 25\%$), control of corruption ($R^2 = 22\%$) and political stability ($R^2 = 17\%$).

Table 4. 2004 Tier Rankings by Governance Level

<i>Country</i>	<i>Governance Level Percentile Rank (0-100)</i>	<i>Tier Rank (1-4)</i>
1. SLOVENIA	81.1	2
2. ESTONIA	79.9	2
3. HUNGARY	77.7	2
4. CZECH REPUBLIC	72.0	1
5. LITHUANIA	71.9	1
6. SLOVAKIA	69.4	3
7. LATVIA	68.7	2
8. POLAND	65.2	1
9. CROATIA	62.8	2
10. BULGARIA	58.3	2
11. ROMANIA	51.9	2
12. MACEDONIA	40.3	2
13. ARMENIA	38.7	3
14. BOSNIA-HERZEGOVINA	37.6	2
15. SERBIA-MONTENEGRO	34.3	2
16. RUSSIA	31.8	3
17. GEORGIA	31.3	2
18. ALBANIA	30.6	2
19. UKRAINE	29.8	3
20. MOLDOVA	25.9	2
21. KYRGYZSTAN	23.9	2
22. KAZAKHSTAN	23.4	2
23. AZERBAIJAN	19.0	3
24. BELARUS	14.2	2
25. TAJIKISTAN	11.9	2
26. TURKMENISTAN	7.8	N/A
27. UZBEKISTAN	7.5	3
28. KOSOVO	N/A	N/A

Based simply on the Table 4 figures, the tier rankings for 2004 appear even less correlated to governance levels than the 2002 rankings. Among the Eastern European and FSU nations with the top ten governance levels, six nations implemented some anti-human trafficking measures and received a ranking of Tier 2, while only three nations, Czech Republic 72%, Lithuania 71.9% and Poland 65.2% fully complied with the

minimum standards of the TVPA and were ranked Tier 1. Slovakia with the sixth highest level of governance at 69.4% was ranked Tier 3 indicating that it while it conducted some anti-human trafficking efforts in the previous years; it has not made further attempts to implement additional anti-human trafficking efforts. The majority of nations with mid range levels of governance carried out some anti-human trafficking measures and were thus ranked in Tier 2, with the exceptions of Armenia 38.7%, Russia 31.8% and the Ukraine 29.8%, which were ranked Tier 3 due to their failure to implement additional anti-human trafficking measures. Among those nations with the worst levels of governance, only two, Azerbaijan 19% and Uzbekistan 7.5%, failed to conduct additional efforts and were ranked Tier 3. Turkmenistan, Kosovo, and Montenegro were not assigned tier rankings during this time as information was lacking on Turkmenistan while Kosovo and Montenegro were not yet recognized as individual nations. As the descriptive data for 2004 also does not reveal much in the way of any trends, we refer to Table 5 below, which compares the means governance levels for each of the nations, ranked Tier 1, Tier 2, and Tier 3 respectively. There were no Eastern European or FSU ranked in Tier 4 in 2004 for failure to attempt to comply with the minimum standards of the TVPA.

Table 5. 2004 Tier Rankings by Mean Governance Level

<i>Tier Rank</i>	<i>Mean Governance Level Percentile Rank (0-100)</i>	<i>Std. Deviation</i>	<i>N</i>
Tier 1	69.7	3.92	3
Tier 2	44.3	23.2	17
Tier 3	32.7	21.0	6

A cursory look at the data in Table 5 shows the same trend seen in Table 2.

Nations with a higher mean level of governance have a better tier rank than nations with lower mean levels of governance, thereby indicating that nations with higher levels of governance carry out a greater extent of anti-human trafficking measures. Tier 1 nations have a mean governance level of 69.7%, Tier 2 nations have a mean governance level of 44.3%, and Tier 3 nations have the lowest mean governance level at 32.7%. The standard deviation for the 2004 data is the least for nations ranked in Tier 1. This differs from the 2002 standard deviation data, which was the lowest for Tier 4 nations. The standard deviation for governance levels for Tier 2 in 2004 at 23.2 is slightly less than the 2002 standard deviation data. Tier 3 nations in 2004 had a fairly large standard deviation of 21.0. Tier 2 nations again showed the greatest standard deviation, likely because the majority of nations were ranked in Tier 2. Nevertheless, it does appear that governance has explanatory power in the 2004 data. The correlation data for 2004 is included in Table 6 below.

Table 6. 2004 Correlation of Tier Rank to Governance Level and Indicators

	<i>Average Governance</i>	<i>Voice & Accountability</i>	<i>Political Stability</i>	<i>Government Effectiveness</i>	<i>Regulatory Quality</i>	<i>Rule of Law</i>	<i>Control of Corruptn.</i>
r	-.43	-0.44	-0.44	-0.37	-0.37	-0.43	-0.42
R ²	.18	.19	.19	.14	.14	.18	.18

The correlation coefficients for average governance and the six governance indicators provide evidence of a medium to large correlation between governance levels and tier rank for 2004. Average governance, with a correlation of $r = -.43$, is weaker than

the correlation of $r = -.53$ found in 2002. Also, the correlation of tier rank to the various governance indicators is somewhat different. In 2002 tier rank was most closely correlated to government effectiveness ($r = -.58$), and least correlated to political stability ($r = -.42$). In the 2004 data, tier rank shows the highest correlation to voice and accountability ($r = -.44$) and political stability ($r = -.44$) and the lowest level of correlation to regulatory quality ($r = -.37$) and government effectiveness ($r = -.37$). Due to the medium level of correlation, the amount of variation in tier rank explained by governance level for 2004 was $R^2 = 18\%$. Rule of law and control of corruption also accounted for $R^2 = 18\%$ of the variation in tier rank, while voice and accountability and political stability accounted for $R^2 = 19\%$ and government effectiveness and regulatory quality explained $R^2 = 14\%$ of variance in tier rank. A look at the 2008 data may reveal additional trends. The data for 2008 is presented in Table 7.

Table 7. 2008 Tier Rankings by Governance Level

<i>Country</i>	<i>Governance Level Percentile Rank (0-100)</i>	<i>Tier Rank (1-4)</i>
1. ESTONIA	81.7	2
2. SLOVENIA	81.1	1
3. CZECH REPUBLIC	78.2	1
4. HUNGARY	76.0	2
5. SLOVAKIA	75.2	2
6. LITHUANIA	72.0	1
7. POLAND	70.2	1
8. LATVIA	70.0	3
9. CROATIA	63.3	1
10. BULGARIA	60.0	2
11. ROMANIA	57.3	2
12. MONTENEGRO	55.9	3
13. MACEDONIA	49.5	1
14. GEORGIA	46.9	1
15. SERBIA	45.4	2

16. ALBANIA	45.0	2
17. ARMENIA	44.2	2
18. BOSNIA - HERZEGOVINA	41.3	2
19. UKRAINE	37.0	3
20. MOLDOVA	35.8	3
21. KAZAKHSTAN	33.6	2
22. KOSOVO	30.8	2
23. RUSSIA	26.1	3
24. AZERBAIJAN	25.8	3
25. KYRGYZSTAN	23.1	2
26. BELARUS	21.7	2
27. TAJIKISTAN	15.2	3
28. TURKMENISTAN	13.3	3
29. UZBEKISTAN	12.3	3

The 2008 data appears to be the most robust at first glance with five out of the ten nations with the highest levels of governance having fully implemented the minimum standards for anti-human trafficking efforts as specified by the TVPA. Four other nations among those with the highest governance levels; Estonia 81.7%, Hungary 76%, Slovakia 75.2% and Bulgaria 60% implemented some anti-human trafficking measures and were ranked Tier 2, while Latvia with the eighth highest level of governance at 70% ,which did not implement any additional measures in the reporting period, was ranked Tier 3.

Among those nations in the middle range of governance, it does appear that most nations carried out some anti-human trafficking efforts; however, there are two nations; Georgia and Macedonia with governance levels of 46.9% and 49.5%, which implemented enough anti-human trafficking measures to be in full compliance with the minimum standards of the TVPA and earn the Tier 1 rank. Montenegro with the twelfth highest governance ranking of the Eastern European and FSU nations at 55.9% did not implement additional measures and was ranked Tier 3. The ranking of Ukraine in Tier 3 with a governance

level of 37% is somewhat interesting since despite the fact that the Ukraine experienced a seven percent increase in governance level from 2004 to 2008 it maintained a Tier 3 rank. At the bottom end of the spectrum, two countries, Belarus and Kyrgyzstan, with the fifth and fourth lowest levels of governance of 21.7% and 23.1% respectively, carried out some anti-trafficking measures and were ranked as Tier 2. The three nations with the lowest levels of governance, Tajikistan 15.2%, Turkmenistan 13.3%, and Uzbekistan 12.3% did not conduct any additional anti-trafficking efforts during the reporting period and were ranked Tier 3. None of the Eastern European or FSU nations, despite the many dismal levels of governance, earned a Tier 4 rank for failure to attempt to comply with the minimum standards of the TVPA in 2008. An alternative view of the 2008 data is presented below in Table 8.

Table 8. 2008 Tier Rankings by Mean Governance Level

<i>Tier Rank</i>	<i>Mean Governance Level Percentile Rank (0-100)</i>	<i>Std. Deviation</i>	<i>N</i>
Tier 1	65.9	13.4	7
Tier 2	48.9	19.9	13
Tier 3	32.4	19.8	9

The Table 8 data indicates that there is a correlation between governance level and tier rank such that tier rank improves with the level of governance. As in Table 2 and Table 5, Tier 1 nations have the highest mean governance level at 65.9% followed by Tier 2 nations at 42.9% while Tier 3 nations have the lowest mean governance level at 32.4%. This trend indicates that governance as the predictor variable has explanatory power. The relationship between governance and tier rank for 2008 is the most

pronounced for countries ranked in Tier 1 as they have the highest governance levels on average, at 65.9%, and the lowest standard deviation of all tier rankings at 13.4.

Nevertheless, the standard deviation for Tier 1 nations is still high. As for Tier 2 and Tier 3 ranked nations, the level of standard deviation of governance is even more pronounced at 19.9 and 19.8 respectively. A closer look at the relationship between average governance levels, each of the six governance indicators and tier rank for the 2008 data can be found in Table 9.

Table 9. 2008 Correlation of Tier Rank to Governance Level and Indicators

	<i>Average Governance</i>	<i>Voice & Accountability</i>	<i>Political Stability</i>	<i>Government Effectiveness</i>	<i>Regulatory Quality</i>	<i>Rule of Law</i>	<i>Control of Corruptn.</i>
r	-0.58	-0.53	-0.39	-0.57	-0.57	-0.52	-0.62
R ²	0.33	0.28	0.15	0.32	0.32	0.27	0.38

The figures above demonstrate that tier rank has a large correlation to average governance level with a correlation coefficient of $r = -.58$. Among the individual indicators of governance, control of corruption has the highest level of correlation at $r = -.62$, which is a very strong correlation to tier rank. Government effectiveness, regulatory quality, voice and accountability, and rule of law also show a large correlation to tier rank with correlation coefficients all above the $r = -.5$ level. Of all the indicators for 2008, political stability shows the weakest correlation at $r = -.39$ which is still a medium level of correlation. The amount of variation accounted for by governance level for the 2008 data is $R^2 = 33\%$. In looking at each of the governance indicators

individually, control of corruption appears to be the most influential governance indicator explaining $R^2 = 38\%$ of the variance in tier rank. Regulatory quality accounts for $R^2 = 32\%$ of variance in tier rank while government effectiveness accounts for $R^2 = 32\%$, voice and accountability ($R^2 = 28\%$), rule of law ($R^2 = 27\%$), and political stability and absence of violence ($R^2 = 15\%$). An analysis of the data over time is presented below.

Across time, the data for tier rankings by governance level for each individual nation does not appear to show much support for a relationship between governance level and tier rank. Those nations with the highest individual levels of governance were not all ranked Tier 1 and those nations with the lowest individual levels of governance were not all ranked Tier 4 or Tier 3. Furthermore, those nations ranked Tier 2 were not all in the middle range of governance levels. It was not until the mean governance levels of the nations in each tier rank were examined that a correlation between tier rank and governance could be seen.

For each of the years 2002, 2004 and 2008 the data showing tier rank by mean governance level indicated that tier rank improved with the level of governance. Those nations with the highest mean level of governance were ranked Tier 1, while those with the lowest mean level of governance were ranked Tier 4 for the 2002 data and Tier 3 for the 2004 and 2008 data. The highest standard deviation from the mean governance level was always for those nations ranked in Tier 2, as more nations were ranked Tier 2 for each year than any other rank. Tier 1 and Tier 4 were equally used in 2002 as no nations were ranked Tier 3 since the Tier 2 Watch List rank (reordered to Tier 3 for the data) did not exist during that time period. In 2004 and 2008 Tier 3 was the second most

frequently used tier rank and Tier 1 was the least used rank. Interestingly, the standard deviation from mean governance level for Tier 1 nations was quite high in the 2002 data; however both the 2004 and 2008 data showed the lowest standard deviation from the mean for nations ranked Tier 1. At the same time, the 2002 data showed the lowest standard deviation for Tier 4 data. The 2004 and 2008 data showed Tier 3 nations as having the second highest standard deviation. The high standard deviations and the different trends displayed in the data across time may be attributable to the small N or number of countries ranked, variations in the method for determining tier rank over time or possibly the lack of availability of a Tier 3 rank in the 2002 data.

As for the correlation data, tier rank showed the greatest correlation to governance level in the 2008 data at $r = -.58$, followed by the 2002 data at $r = -.53$ and lastly the 2004 data at $r = -.43$. As for the individual indicators, the correlation of tier rank to each of the indicators varied across time, however, tier rank was most frequently and more strongly correlated to government effectiveness, rule of law, voice and accountability and regulatory quality possibly due to the fact that these indicators are among those more frequently emphasized in the U.S. conceptualization of democracy. The correlation between tier rank and control of corruption in the 2008 data at $r = -.62$ was the highest correlation of any of the indicators for any of the years. Overall, the regional data for each of the years 2002, 2004 and 2008 supported claim of the first hypothesis that, nations with higher levels of governance carry out a greater extent of anti-human trafficking efforts than nations with lower levels of governance. The data also revealed several interesting trends that have not yet been discussed.

First off, Croatia ranked Tier 2 for the years 2002 and 2004, moved to Tier 1 in 2008. The move to the Tier 1 rank coincided with an increase in governance level of .5% from 62.8% in 2004 to 63.3% in 2008, which is interesting considering that while Croatia's governance level increased 2.3% from 2002 to 2004 from 60.5% to 62.8%, the tier rank did not change. A review of the qualitative information from U.S. Department of State Trafficking in Persons Reports revealed that Croatia apparently first made its move to Tier 1 in 2007 when the number of convictions of traffickers from the previous year doubled and the number of suspended sentences decreased (TIP, 2008). Thus the change in tier rank in this instance seemed to be due in part to an increase in the rule of law, one of the indicators of governance in this study. Slovenia showed a similar trend also first moving into a Tier 1 rank in 2007 after being ranked Tier 2 for several years. While the quantitative data for Slovenia did not indicate an increase in governance level, the review of information in the TIP Reports showed the Slovenian government increased their law enforcement efforts beginning in 2007 and amended their criminal code to increase the maximum penalty for trafficking in 2008 (TIP, 2008). Additionally, the country reported an increase in the number of trafficking prosecutions and the number of identified and assisted victims increased (TIP, 2009). This further suggests that improvements in the rule of law, a pivotal aspect of governance, may have an influence in determination of tier rank. Providing further evidence of the influence of rule of law in the determination of tier rank is the fact that Latvia, with high governance level of 70% received a Tier 3 rank in 2008, while it was ranked Tier 2 in the years prior. The qualitative data in the 2009 TIP report revealed that Latvia's lower ranking was due to

the fact that its' efforts to investigate trafficking for sexual and labor exploitation declined, the number of prosecutions of traffickers decreased and several victims of trafficking were deported before their claims were fully investigated (TIP, 2009). Thus, the Tier 3 ranking was the result of a decrease of effective rule of law and even government effectiveness in Latvia.

While the above occurrences provide evidence of the importance of the role of the rule of law in tier rank determination, another important trend is revealed through the comparison of data across the years under study for the nation of Georgia. Both the governance level of Georgia along with its tier ranking rose consistently for each of the years reported. Georgia went from a dismal 15.5% governance level and Tier 4 ranking in 2002, to a 30.9% governance level and Tier 2 rank in 2004. In 2008, six years later, Georgia's governance level was a reported 46.9% and it was ranked in Tier 1. Georgia is now among only seven Eastern European and FSU nations with a Tier 1 ranking and it is the only FSU or Eastern European nation to have had both the worst and the best possible tier ranking, though U.S. President George Bush did upgrade Georgia's ranking from Tier 4 to Tier 2 in September of 2003 by Presidential directive (TIP, 2003). Even so, this trend implies that a thorough analysis of Georgia's anti-human trafficking efforts over time might in fact be a rather worthwhile study, as one could investigate whether Georgia's current tier rank is due to an increase in the extent of anti-human trafficking measures the nation has carried out over time, or if it is a result of its changed political relationship with the United States and the diplomatic goals of the U.S. Department of State. A cursory view of the qualitative data from the 2009 TIP report indicates that

Georgia first made its move to Tier 1 in 2006, namely due to its passing of its own national anti-trafficking legislation called the Law on the Fight Against Trafficking in Persons. Since then, however, the nation's efforts seem minimal at best with the most significant action in the 2009 report being an increase in victim assistance funding (TIP, 2006; TIP 2009). The 2008 global data relating governance level and the extent of anti-human trafficking efforts is presented below.

The 2008 global data on governance level and the extent of anti-human trafficking measures carried out by the 169 nations that were given a tier ranking in the 2009 TIP Report is provided in Table 10. Since the amount of global data is too large to include in the body of the paper it is included in its entirety in Appendix D.

Table 10. 2008 Global Tier Rankings by Mean Governance Level

<i>Tier Rank</i>	<i>Mean Governance Level Percentile Rank (0-100)</i>	<i>Std. Deviation</i>	<i>N</i>
Tier 1	79.2	20.2	28
Tier 2	50.6	22.1	75
Tier 3	33.0	19.5	51
Tier 4	26.1	17.5	15

The global data on tier rank in relation to mean governance level shows a relationship between tier rank and governance level such that tier rank improves with the level of governance of a nation. As governance levels descend so does the quality of tier rank, with countries with the highest mean governance level, 79.2% ranked as Tier 1 and countries with the lowest mean governance level, 26.1% ranked as Tier 4. This data adds further support to the earlier evidence that governance has explanatory power as a

predictor variable. As tier rank measures the extent of anti-human trafficking efforts of a nation, this table of global data corresponds to the tables presented for the Eastern European and FSU regions showing that on average, countries with higher levels of governance carry out a greater extent of anti-human trafficking efforts than nations with lower levels of governance. The correlation coefficients for tier rank to average governance level and the six indicators of governance for the global data are indicated below in Table 11.

Table 11. 2008 Global Correlation of Tier Rank to Governance Level and Indicators

	<i>Average Governance</i>	<i>Voice & Accountability</i>	<i>Political Stability</i>	<i>Government Effectiveness</i>	<i>Regulatory Quality</i>	<i>Rule of Law</i>	<i>Control of Corruptn.</i>
r	-0.60	-0.64	-0.46	-0.57	-0.62	-0.53	-0.53
R ²	.36	.41	.21	.32	.38	.28	.28

From the data in Table 11, it can be seen that tier rank is strongly correlated to average governance level at $r = -.60$. The amount of variation in tier rank explained by average governance level for the global data is $R^2 = 36\%$. This percentage variation accounted for by governance in the global closely matches the percentage variation found within the Eastern European and FSU regional data for 2008, though it is 2% greater. Amongst the governance indicators, at the global level, tier rank most highly correlated to voice and accountability ($r = -.64$), followed by regulatory quality ($r = -.62$), government effectiveness ($r = -.57$), rule of law and control of corruption both at ($r = -.53$) and lastly political stability at ($r = -.46$). Overall, there is a rather large correlation between tier

rank and voice and accountability, regulatory quality and government effectiveness.

There also a large correlation between tier rank and control of corruption, as well as rule of law. Only political stability shows a medium level of correlation for the global data.

The amount of variation in tier rank explained voice and accountability on a global level is $R^2 = 41\%$, which is the highest variation accounted for out of all of the data. The amount of variation in tier rank accounted for by regulatory quality is $R^2 = 38\%$. Twenty eight percent of variation in tier rank could be explained by both control of corruption and rule of law, while $R^2 = 32\%$ could be explained by government effectiveness and $R^2 = 21\%$ for political stability. Rule of law, government effectiveness, voice and accountability and regulatory quality, showed a large correlation with tier rank over time and at both the regional and global level.

The empirical analysis presented above suggests that the extent of anti-human trafficking measures implemented by a nation as reflected by its tier ranking in U.S. Department of State Trafficking in Persons Report is significantly correlated to the nation's level of governance at a level of $r > .5$. The results of the analysis provide general support to the initial hypothesis of this thesis, which is that nations with higher levels of governance implement a greater extent of anti-human trafficking efforts than nations with lower levels of governance. Additionally, the analysis revealed that the extent of anti-human trafficking efforts conducted is more correlated to certain indicators of governance than others. Tier rank was largely correlated at $r > .5$ with government effectiveness, rule of law, voice and accountability and regulatory quality indicating that additional research on the relation of these individual indicators to the extent of anti-

trafficking efforts is warranted. Based on the wealth of evidence demonstrating the influence of governance level on the extent of anti-human trafficking measures carried out by nations, it is clear that additional research on the role of governance and the impact of the disparity in governance levels between nations in relation to their ability to effectively combat human trafficking is clearly needed.

The second hypothesis assumes that nations with higher levels of governance are more likely to cooperate with the international community in the effort to fight human trafficking than nations with lower levels of governance. To test this claim, the Eastern European and Former Soviet Union nations under study were ranked from the highest to the lowest level of governance based on the average of the World Governance Indicators for each nation for 2008. A list of the most relevant and recent international and regional conventions or treaties was then compiled and the ratification of each treaty by the nations under study were recorded. Those treaties deemed relevant were derived in part from the 2009 TIP Report and include the United Nations Organized Crime Convention of 2000, the UN Trafficking Protocol of 2000, the UN Protocol against the Smuggling of Migrants of 2000, ILO Convention 182 of 1999 and the UN Optional Protocol to the Convention on the Rights of the Child of 2000. The relevant treaty information is contained in Table 12 below. The “total ratified” column of the table indicates the total number of relevant treaties ratified by each nation out of five treaties.

Table 12. International Treaty Ratifications by Governance Level

<i>Country</i>	<i>Gov. Level 2008</i>	<i>Org. Crime Conv. 2000</i>	<i>Trafficking Protocol 2000</i>	<i>Protocol against the Smuggling of Migrants 2000</i>	<i>ILO Conv. 182, 1999</i>	<i>Optional Protocol to the Conv. on the Rights of the Child 2000</i>	<i>Total Ratified</i>
ESTONIA	81.7	X	X	X	X	X	5
SLOVENIA	81.1	X	X	X	X	X	5
CZECH REPUBLIC	78.2				X		1
HUNGARY	76.0	X	X	X	X	X	5
SLOVAKIA	75.2	X	X	X	X	X	5
LITHUANIA	72.0	X	X	X	X	X	5
POLAND	70.2	X	X	X	X	X	5
LATVIA	70.0	X	X	X	X	X	5
CROATIA	63.3	X	X	X	X	X	5
BULGARIA	60	X	X	X	X	X	5
ROMANIA	57.3	X	X	X	X	X	5
MONTENEGRO	55.9	X	X	X	X	X	5
MACEDONIA	49.5	X	X	X	X	X	5
GEORGIA	46.9	X	X	X	X	X	5
SERBIA	45.4	X	X	X	X	X	5
ALBANIA	45	X	X	X	X	X	5
ARMENIA	44.2	X	X	X	X	X	5
BOSNIA - HERZEGOVINA	41.3	X	X	X	X	X	5
UKRAINE	37	X	X	X	X	X	5
MOLDOVA	35.8	X	X	X	X	X	5
KAZAKHSTAN	33.6	X	X	X	X	X	5
KOSOVO	30.8						
RUSSIA	26.1	X	X	X	X		4
AZERBAIJAN	25.8	X	X	X	X	X	5
KYRGYZSTAN	23.1	X	X	X	X	X	5
BELARUS	21.7	X	X	X	X	X	5
TAJIKISTAN	15.2	X	X	X	X	X	5
TURKMENISTAN	13.3	X	X	X		X	4
UZBEKISTAN	12.3	X	X		X	X	4

*Kosovo is not included in the table due to a lack of available data and its recent transition into statehood.

The Table 12 data clearly does not reflect any correlation between governance level and the number of treaties ratified. Instead, the data demonstrates that most nations, regardless of their level of governance, are likely to cooperate with the international community in the effort to combat human trafficking. The majority of Eastern European

and FSU nations have ratified all five of the anti-human trafficking related agreements indicating the acceptance of an international norm against human trafficking. Another notable trend in the data is the fact that the Czech Republic, with a 2008 governance level of 77.3% and a Tier Ranking of 1, has failed to ratify all but one of the international anti-trafficking instruments; that being ILO Convention 182 on the worst forms of child labor. The Czech Republic has signed the other treaties but has not yet ratified them and there is no apparent explanation for the lack of ratification. Another observation is that Uzbekistan is the only nation of those under study that has yet to ratify the Protocol against the Smuggling of Migrants, while Turkmenistan has yet to ratify ILO Convention 182. In addition, neither Russia nor the Czech Republic has ratified the Optional Protocol on the Rights of the Child, which pertains specifically to child prostitution and the trafficking, and exploitation of children.

The lack of correlation in the data indicates that either there is not a meaningful relationship between governance level and the likelihood of cooperation with the international community on anti-human trafficking efforts or that another measure for the likelihood of cooperation should be developed. The data further implies that perhaps the existence of an international norm against human trafficking has made it so all nations want to take action or at least want to appear to take action against human trafficking no matter what their level of governance. Unfortunately, while it is uplifting that so many Eastern European and FSU nations appear willing to cooperate with the international community in regards to anti-human trafficking efforts, and that a commonly accepted norm against human trafficking does exist, there is no real way to measure whether or not

each nation actually complies with or desires to comply with any of their international obligations. None of the United Nations instruments have a monitoring mechanism and the UN continues in its practice of failing to enforce anything. The Trafficking in Persons Report tier rankings are one unilateral attempt to hold states accountable, but not one country that has failed to meet the minimum TVPA standards and been given the lowest tier rank has ever been sanctioned by the United States. The CoE Convention was created to have a monitoring mechanism but GRETA, as it is called is still in the final development stages. Unfortunately, it is very easy for nations to accept international agreements though they lack the ability or the political will to actually carry them out.

Regardless of whether or not the intentions of the nations are honest, the data in Table 12 does not support the second hypothesis that nations with higher levels of governance are more likely to cooperate with the international community in the effort to combat human trafficking than nations with low levels of governance. The data instead demonstrates that nations in Eastern Europe and the FSU are willing to ratify international anti-human trafficking treaties regardless of their level of governance, thereby adding some elementary support to the neoliberal institutionalist claim that international institutions such as the United Nations can facilitate and increase cooperation between states (Jackson and Sorensen, 2006). The idea that nations want to be seen in the international community as activists against human trafficking, regardless of whether they are actually taking concrete steps to combat it, is also evidence in support of regime theory, and specifically the concept that regimes, defined as “principles, norms, rules, and decision-making procedures around which actors expectations converge in a

given issue-area,” do matter (Krasner, 1983). The fact that national policy is in effect being influenced by a social issue like human trafficking also adds support to the constructivist theory of international relations which posits that states actions are based on socially constructed norms, ideas and beliefs rather than on the neorealist concepts of anarchy, sovereignty and security (Finnemore, 1996). Specifically, acceptance of an anti-human trafficking norm indicates that despite the fact that it may not be in the state’s interest to commit to the obligations of international anti-human trafficking laws, which require prevention of trafficking, punishment of traffickers and protection of victims, states are doing so or at least they are trying to appear to be doing so through the ratification of international anti-human trafficking agreements.

Chapter 6

SUMMARY, CONCLUSION AND IMPLICATIONS

Human trafficking, which involves the forced transfer of persons for sexual or labor exploitation, is a tragic and complex issue that has spread to nearly all parts of the world (United Nations, 2000). Driven by numerous factors including poverty, unemployment, organized crime, corruption, and male gratification, and fueled by globalization; human trafficking is flourishing even during the current global economic crisis. The low risk profits that can be made by the human trafficking networks are staggering and the supply of victims is seemingly endless. The extent of the global trade in people is particularly alarming in regions such as Eastern Europe and the Former Soviet Union where government structures are weak and levels of poverty and unemployment are high.

Thus far, attempts by the international community to combat the scourge of human trafficking have had limited success. The major international efforts of the United Nations, United States and Council of Europe place the initial burden of addressing human trafficking in the hands of individual nations that lack the fundamental governmental capabilities or level of governance necessary to effectively implement anti-human trafficking efforts. As so many of the root causes of human trafficking including poverty and corruption are intrinsically linked to the very foundations of governance in a nation, this study sought to examine the theory that an effective means for combating human trafficking is through the fundamental establishment of good governance in those nations where it is lacking. It was hypothesized that those nations with higher levels of

governance implement a greater extent of anti-human trafficking efforts than nations with lower levels of governance. It was further hypothesized that nations with higher levels of governance would be more likely to cooperate with the international community in the effort to eradicate human trafficking than nations with lower levels of governance. In order to test the validity of the first claim, an empirical analysis of the extent of anti-human trafficking measures carried out by a nation, represented in the study by the nations tier rank in the U.S. Department of State Trafficking in Persons Report, in relation to each nation's level of governance, was conducted. The second claim was tested by examining the number of international anti-human trafficking treaties ratified by each nation relative to its level of governance. The study focused on the twenty-nine nations of Eastern Europe and the Former Soviet Union as the highest numbers of both human trafficking victims and traffickers come from these regions.

The examination of the first hypothesis, which included an analysis of tier ranking by governance level for the Eastern European and Former Soviet nations for the years 2002, 2004 and 2008, revealed that there is strong correlation between tier ranking or the extent of anti-human trafficking efforts carried out and governance level. The data showed an inverse correlation such that as the level of governance increased, tier rank decreased. The data supported the claim that nations with higher levels of governance implement more anti-human trafficking efforts than nations with lower levels of governance. Of the three years considered, the correlation between tier rank and governance level was the highest in the year 2008 at $r = -.58$, possibly due to improvements in information gathering and reporting over time.

In order to demonstrate that the correlation of tier rank and governance levels was transferable to other nations outside of the Eastern European and Former Soviet Union regions, an analysis of tier ranking by governance level for all nations assigned a tier ranking in 2008 was conducted. The global correlation results supported the regional correlation results indicating a strong level of correlation between tier rank or the extent of anti-human trafficking measures implemented by a nation and governance level such that $r = -.6$. The results of both the regional and global analysis indicate that there is a strong relationship between tier rank and governance level such that nations with higher levels of governance are more likely to conduct more anti-human trafficking efforts than nations with lower levels of governance.

While the aim of this study was to bring to light the importance of the role of governance as a whole in relation to anti-human trafficking efforts, the study also highlighted the potential of several specific aspects of governance including the rule of law, government effectiveness, voice and accountability, regulatory quality, control of corruption and political stability. Analysis of the individual governance indicators showed that some indicators of governance were more correlated to the extent of anti-human trafficking measures than others. Over time, tier rank had a strong correlation to rule of law, government effectiveness, regulatory quality and voice and accountability. The regional data showed the strongest correlation to corruption but only for the year 2008. In fact, the level of correlation between tier rank and control of corruption in this study at $r = -.62$, was greater than the level of correlation between corruption level and tier rank found by Zhang and Pineda in their 2008 study of *Corruption as a Causal*

Factor of Human Trafficking, in which they related the Transparency International Corruption Perception Index ranking to tier rank and got a correlation of $r = -.44$ using 2005 TIP Report data. Even if the standard deviation is taken into account, the correlation of corruption to tier rank in this study supports the claims of Zhang and Pineda as well as that of Bales who has posited that the level of corruption is the greatest indicator of the extent of human trafficking in a nation (Bales 2005).

The examination of the second hypothesis, which compared the number of anti-human trafficking treaties ratified by a nation in relation to the nation's level of governance, indicated that most nations despite their level of governance are likely to cooperate with the international community in international anti-human trafficking efforts. In fact, the majority of Eastern European and FSU nations, regardless of their level of governance, ratified nearly all relevant international anti-human trafficking treaties. Despite the fact that nearly all of the Eastern European and FSU nations ratified all of the relevant international anti-human trafficking treaties, the continued prevalence of human trafficking in these regions points to the fact that while these nations have ratified the treaties, they have not necessarily implemented their provisions. The failure to implement the various treaty provisions is likely because many of the nations do not possess the fundamental level of governance necessary to do so. Regardless of the implementation of the various treaty obligations, the fact that the majority of Eastern European and FSU nations have ratified the majority of international anti-human trafficking measures is evidence of the existence and acceptance of an international anti-human trafficking norm. The widespread acceptance of this norm in the anarchic

international system provides some base support for neoliberal institutionalist theory as well as regime theory. Moreover, the fact that national policies have been influenced by the development of anti-human trafficking norms, ideals and beliefs lends support to the constructivist theory of international relations as well.

It can be concluded from the findings of the above study, that governance defined previously as “the traditions and institutions by which authority in a country is exercised, including the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them,” is crucial in the fight against human trafficking (World Bank, 2009). The study has provided evidence that when a nation is able to serve its people effectively and honestly while providing justice, freedom, security and economic opportunity, the root causes that drive human trafficking begin to disappear, and overall efforts to tackle human trafficking increase. The international community would be wise to incorporate an approach that specifically seeks to address discrepancies in governance levels across nations. Though concerns over state sovereignty may come into play, a concerted international effort to improve governance levels across the board is crucial to a successful fight against human trafficking. As long as huge disparities in governance levels remain, and those nations with the worst trafficking problems and lowest levels of governance are left to fend for themselves, international and regional anti-human trafficking efforts will continue to have limited, if any success.

The study of the relationship between governance level and the extent of anti-human trafficking efforts implemented by a nation, as conducted above, provides some insight into the roles of international norms and international organizations. Moreover, the study provides rudimentary support to several theories of international relations including neoliberal institutionalism, regime theory and constructivist theory. The majority of nations from the Eastern European and Former Soviet Union regions have ratified the majority of relevant international anti-human trafficking treaties, regardless of their level of governance, which is evidence of the existence and acceptance of an international anti-human trafficking norm. The notion that most nations want to support or appear to support the implementation of measures against human trafficking is important in several ways. First, it implies that nations may be willing to forgo their own interests in order to combat a larger social issue. In ratifying the relevant international treaties, the various nations accepted obligations imposed by an international organization thereby indicating a role for international organizations and providing elementary support to concepts put forth by both neoliberal institutionalists and constructivists, that state actors are not the sole significant actors in the international system. The high level of anti-human trafficking treaty ratification further indicates that rather than acting from neorealist focus on sovereignty, power and security, nations instead may chose to cooperate for the greater good of the entire international community. This lends basic support to the neoliberal institutionalist belief that cooperation is possible in an anarchic system and the notion that international organizations such as the United Nations can facilitate and increase cooperation between

states (Axelrod and Keohane, 1993; Jackson and Sorensen, 2006). Moreover, the idea that nations want to be seen in the international community as activists against human trafficking, regardless of whether they are actually taking concrete steps to combat it, is evidence in support of regime theory and specifically the concept that regimes, as defined by Krasner (1983), do matter, at least in the case of anti-human trafficking. Furthermore, the fact that national policy is in effect being influenced by a social issue like human trafficking also adds some support to the constructivist theory of international relations which posits that states actions are based on socially constructed norms, ideas and beliefs rather than on the neorealist concepts of anarchy, sovereignty and security (Finnemore, 1996). Specifically, acceptance of anti-human trafficking norms indicates that despite the fact that it may not be in the state interest to commit to the obligations of international anti-human trafficking laws, which require prevention of trafficking, punishment of traffickers and protection of victims, states are doing so or at least they are trying to appear to be doing so through the ratification of international anti-human trafficking agreements.

Along with its contributions international relations theory, the study brings to light the need for effective monitoring and enforcement mechanisms for international laws in order to hold nations accountable for their actions. While many nations have ratified the majority of international anti-human trafficking treaties, the fact that human trafficking continues to thrive at an alarming rate is evidence that the obligations of the various anti-trafficking treaties are not being met by a number of nations. Perhaps the application of the GRETA monitoring mechanism to be employed by the Council of

Europe will serve as a model for additional international legal monitoring mechanisms but its application and success remains to be seen. However, the continued existence of human trafficking, despite the development of many significant international treaties highlights the fact that the existence and enforcement of legal obligations for signing a treaty are essential in order for organizations such as the United Nations survive and maintain credibility.

Overall, the five main contributions to future research that can be drawn from this analysis are: 1) that states are not the only influential actors in the international system; 2) norms and regimes matter; 3) the strength of the norm depends upon the intentions and actions of the state and non state actors that appear to support the norm; 4) international treaties and actions against social ills can only truly succeed with a monitoring and enforcement mechanism in place; and 5) in order to effectively address human trafficking, the international community must first acknowledge and address the disparity in levels of governance between nations, as those nations with a higher levels of governance on average implement greater extent of anti-human trafficking efforts than nations with lower levels of governance. Those nations with the lowest levels of governance and the worst trafficking problems should not be expected to successfully fend for themselves.

APPENDICES

APPENDIX A

2002 Tier Rankings by Governance Level with Governance Indicator Data

<i>Country</i>	<i>GA</i>	<i>VA</i>	<i>PS</i>	<i>GE</i>	<i>RQ</i>	<i>RL</i>	<i>CC</i>	<i>Tier Rank</i>
HUNGARY	82.0	87	84.6	82.5	86.3	77.6	73.8	2
SLOVENIA	81.6	83.7	88.5	79.6	75.6	81.4	80.6	2
ESTONIA	78.7	80.8	79.8	76.3	89.3	70.5	75.7	2
CZECH REPUBLIC	77.6	78.8	82.2	80.6	83.9	71.9	68	1
LITHUANIA	72.7	73.6	78.8	73	83.4	63.8	63.6	1
POLAND	70.8	81.7	68.3	70.6	70.2	67.6	66.5	1
LATVIA	70.2	73.1	75.5	72.5	77.1	63.3	59.7	2
SLOVAKIA	69.7	76.9	72.6	69.2	76.6	62.4	60.7	2
BULGARIA	60.6	65.4	60.6	60.7	68.3	52.9	55.8	2
CROATIA	60.5	63	53.4	66.8	62.4	54.8	62.6	2
ROMANIA	53.0	61.1	56.7	54	53.7	47.6	44.7	2
ARMENIA	37.6	32.2	21.2	51.2	51.2	37.1	32.5	2
MACEDONIA	34.2	41.3	18.3	37	45.4	33.3	30.1	1
RUSSIA	32.2	38.9	28.4	46.9	37.1	21	20.9	2
MOLDOVA	32.0	33.2	42.3	30.8	36.6	29.5	19.4	2
ALBANIA	31.9	45.7	27.4	32.2	43.4	19.5	23.3	2
BOSNIA-HERZEGOVINA	30.7	43.3	26.9	12.8	29.8	29	42.2	4
SERBIA-MONTENEGRO	29.3	44.7	23.1	31.3	26.8	20.5	29.1	2
KYRGYZSTAN	27.9	20.2	17.3	28.4	46.8	28.6	26.2	2
UKRAINE	27.1	31.7	38.5	26.1	25.9	22.4	18	2
KOSOVO	23.1	23.1	N/A	N/A	N/A	N/A	N/A	N/A
KAZAKHSTAN	22.0	16.8	48.1	17.5	20.5	18.1	10.7	4
AZERBAIJAN	19.7	22.6	15.4	18.5	24.4	21.9	15.5	N/A
GEORGIA	16.9	34.1	10.6	23.2	19.5	7.6	6.3	4
BELARUS	16.8	10.6	45.2	10.9	3.9	8.6	21.4	2
TAJIKISTAN	10.6	13	12	8.5	8.8	9.5	11.7	2
TURKMENISTAN	9.9	1.4	33.7	6.2	2	11	5.3	N/A
UZBEKISTAN	9.2	3.8	14.9	10	5.9	5.7	14.6	4
HUNGARY	82.0	87	84.6	82.5	86.3	77.6	73.8	2

APPENDIX B

2004 Tier Rankings by Governance Level with Governance Indicator Data

<i>Country</i>	<i>GA</i>	<i>VA</i>	<i>PS</i>	<i>GE</i>	<i>RQ</i>	<i>RL</i>	<i>CC</i>	<i>Tier Rank</i>
SLOVENIA	81.1	80.6	83.7	79.6	78	81	83.5	2
ESTONIA	79.9	75.7	74	81.5	88.3	77.1	83	2
HUNGARY	77.7	73.8	76.4	78.7	82.9	79.5	74.8	2
CZECH REPUBLIC	72.0	68	68.3	78.2	79.5	70.5	67.5	1
LITHUANIA	71.9	63.6	74.5	75.8	83.9	66.7	67	1
SLOVAKIA	69.4	60.7	63.5	75.4	82	64.3	70.4	3
LATVIA	68.7	59.7	71.6	73.9	79	65.2	62.6	2
POLAND	65.2	66.5	55.8	70.6	74.1	63.3	60.7	1
CROATIA	62.8	62.6	58.2	71.1	67.8	57.1	60.2	2
BULGARIA	58.3	55.8	49.5	60.7	72.2	51.9	59.7	2
ROMANIA	51.9	44.7	51	57.3	60.5	48.6	49	2
MACEDONIA	40.3	30.1	16.3	54.5	50.7	47.6	42.7	2
ARMENIA	38.7	32.7	28.4	52.1	55.6	34.8	28.6	3
BOSNIA-HERZEGOVINA	37.6	42.2	28.8	31.3	44.9	33.3	45.1	2
SERBIA-MONTENEGRO	34.3	29.1	20.7	49.8	35.1	29	42.2	2
RUSSIA	31.8	31.3	17.8	47.4	47.3	21.4	25.7	3
GEORGIA	31.3	42.8	16.8	40.3	31.7	24.8	31.1	2
ALBANIA	30.6	23.3	23.6	41.7	48.8	20	26.2	2
UKRAINE	29.8	28.8	34.6	32.2	37.1	26.2	19.9	3
MOLDOVA	25.9	29.3	30.8	19.9	28.3	31.9	15	2
KYRGYZSTAN	23.9	19.7	14.9	27.5	42	23.8	15.5	2
KAZAKHSTAN	23.4	17.3	41.8	26.5	27.3	16.2	11.2	2
AZERBAIJAN	19.0	21.2	11.1	20.9	26.3	22.9	11.7	3
BELARUS	14.2	9.1	38.5	8.1	6.3	9	14.1	2
TAJIKISTAN	11.9	12	9.6	11.4	13.7	14.8	9.7	2
TURKMENISTAN	7.8	1	25.5	7.6	2	6.2	4.4	N/A
UZBEKISTAN	7.5	3.4	8.2	12.3	3.9	6.7	10.7	3
KOSOVO	N/A	N/A	N/A	N/A	N/A	17.1	17	N/A

APPENDIX C

2008 Tier Rankings by Governance Level with Governance Indicator Data

<i>Country</i>	<i>GA</i>	<i>VA</i>	<i>PS</i>	<i>GE</i>	<i>RQ</i>	<i>RL</i>	<i>CC</i>	<i>Tier Rank</i>
ESTONIA	81.7	83.2	67.0	84.4	91.8	84.7	79.2	2
SLOVENIA	81.1	81.7	84.7	82.9	75.4	82.3	79.7	1
CZECH REPUBLIC	78.2	82.2	78.9	82.5	82.1	77.0	66.7	1
HUNGARY	76.0	78.4	67.9	73.0	87.9	76.1	72.5	2
SLOVAKIA	75.2	75.0	78.5	77.3	84.5	67.0	68.6	2
LITHUANIA	72.0	72.1	72.2	71.6	85.0	67.5	63.3	1
POLAND	70.2	72.6	73.7	68.2	73.9	65.1	67.6	1
LATVIA	70.0	73.1	59.3	70.1	81.2	71.3	64.7	3
CROATIA	63.3	60.1	66.5	69.7	66.7	55.0	61.8	1
BULGARIA	60.0	65.9	58.9	58.3	73.4	51.0	52.2	2
ROMANIA	57.3	59.1	56.0	50.2	67.6	54.0	57.0	2
MONTENEGRO	55.9	56.3	68.9	56.9	52.2	53.1	47.8	3
MACEDONIA	49.5	53.4	34.0	50.7	58.5	45.5	54.6	1
GEORGIA	46.9	40.4	16.3	61.6	68.6	44.0	50.7	1
SERBIA	45.4	54.8	28.2	47.9	47.3	41.1	53.1	2
ALBANIA	45.0	51.4	45.5	44.5	57.0	32.5	39.1	2
ARMENIA	44.2	28.8	44.5	52.6	61.8	42.6	34.8	2
BOSNIA - HERZEGOVINA	41.3	48.6	25.8	35.1	48.8	43.5	45.9	2
UKRAINE	37.0	47.1	44.0	32.7	39.1	31.1	28.0	3
MOLDOVA	35.8	38.9	32.1	24.0	47.8	40.7	31.0	3
KAZAKHSTAN	33.6	18.8	64.1	38.9	39.6	23.9	16.4	2
KOSOVO	30.8	29.8	22.0	18.5	54.1	30.1	30.0	2
RUSSIA	26.1	21.6	23.9	45.0	31.4	19.6	15.0	3
AZERBAIJAN	25.8	13.5	28.7	30.8	42.5	25.4	14.0	3
KYRGYZSTAN	23.1	26.4	22.5	26.5	42.0	8.1	13.0	2
BELARUS	21.7	7.2	60.8	11.8	10.1	16.7	23.7	2
TAJKISTAN	15.2	10.1	21.1	16.6	16.4	12.4	14.5	3
TURKMENISTAN	13.3	1.4	53.1	10.9	2.4	7.2	4.8	3
UZBEKISTAN	12.3	1.9	18.2	27.0	5.8	10.0	11.1	3

APPENDIX D

2008 Global Tier Rankings by Governance Level with Governance Indicator Data

<i>Country</i>	<i>GA</i>	<i>VA</i>	<i>PS</i>	<i>GE</i>	<i>RQ</i>	<i>RL</i>	<i>CC</i>	<i>Tier Rank</i>
FINLAND	97	97	97	98	94	98	100	1
LUXEMBOURG	96	99	100	92	96	96	95	1
SWITZERLAND	96	97	94	99	95	97	97	1
NORWAY	96	100	97	98	89	100	95	1
SWEDEN	96	100	88	99	96	98	98	1
DENMARK	96	98	82	100	99	100	99	1
NEW ZEALAND	95	98	89	95	97	97	98	1
AUSTRIA	95	94	96	94	94	99	94	1
AUSTRALIA	94	94	85	97	98	95	96	1
NETHERLANDS	94	99	80	96	97	95	97	1
CANADA	94	96	84	97	95	96	96	1
ICELAND	94	96	94	91	84	99	99	2
IRELAND	93	95	89	92	99	94	92	2
GERMANY	92	93	86	93	91	93	93	1
UNITED KINGDOM	89	92	66	94	98	92	93	1
MALTA	88	89	95	86	86	91	82	2
HONG KONG	88	61	86	95	100	91	94	2
BELGIUM	87	95	69	89	92	89	90	1
SINGAPORE	87	35	96	100	100	94	100	2
FRANCE	86	90	67	90	87	90	91	1
JAPAN	84	76	79	89	86	89	86	2
PORTUGAL	84	88	84	82	84	84	83	2
BAHAMAS	84	87	73	83	80	87	91	2
CHILE	83	77	66	85	93	88	87	2
ESTONIA	82	83	67	84	92	85	79	2
SLOVENIA	81	82	85	83	75	82	80	1
CYPRUS	80	78	65	85	87	84	83	2
NETHERLANDS ANTILLES	79	63	92	76	76	79	87	3
CZECH REPUBLIC	78	82	79	82	82	77	67	1
SPAIN	78	87	43	80	88	85	85	1
ST. VINCENT AND THE GRENADINES	76	85	74	75	64	78	81	3
HUNGARY	76	78	68	73	88	76	72	2
SLOVAKIA	75	75	78	77	85	67	69	2
MAURITIUS	75	74	76	71	79	79	72	1
TAIWAN	75	69	72	79	82	74	73	2
ANTIGUA AND BARBUDA	74	63	77	67	69	83	87	2
BOTSWANA	72	62	81	73	67	69	80	2
LITHUANIA	72	72	72	72	85	67	63	1

URUGUAY	72	81	75	69	55	66	84	2
KOREA, SOUTH	71	65	60	86	73	74	70	1
POLAND	70	73	74	68	74	65	68	1
LATVIA	70	73	59	70	81	71	65	3
QATAR	70	25	83	74	72	78	85	3
ISRAEL	68	68	11	88	86	78	79	2
GREECE	68	74	57	71	75	73	61	2
COSTA RICA	68	77	65	66	66	63	70	2
BRUNEI	68	20	93	80	76	67	71	2
ITALY	68	76	60	66	79	62	62	1
NAMIBIA	67	64	81	65	56	60	73	2
MACAO	66	52	62	81	80	63	58	2
UNITED ARAB EMIRATES	66	21	73	78	68	72	82	3
OMAN	64	17	80	67	72	75	74	2
CROATIA	63	60	67	70	67	55	62	1
SOUTH AFRICA	63	68	42	75	71	56	65	2
BULGARIA	60	66	59	58	73	51	52	2
PALAU	59	90	90	35	23	70	47	2
MALAYSIA	59	32	50	84	60	65	63	4
PANAMA	58	65	49	61	71	50	54	2
KUWAIT	58	33	61	60	54	71	71	4
TRINIDAD AND TOBAGO	58	62	48	64	71	49	53	2
BAHRAIN	57	24	36	68	78	69	69	3
ROMANIA	57	59	56	50	68	54	57	2
MICRONESIA	56	83	89	32	29	62	42	3
MONTENEGRO	56	56	69	57	52	53	48	3
GHANA	54	60	47	52	55	52	57	3
JORDAN	53	27	33	64	63	64	68	2
BRAZIL	53	61	38	55	58	46	58	2
TUNISIA	50	12	54	65	56	59	57	3
TURKEY	50	42	22	63	59	56	60	2
BELIZE	50	70	54	41	38	50	48	3
JAMAICA	50	66	35	58	64	39	36	2
MACEDONIA	49	53	34	51	58	45	55	1
SURINAME	49	63	51	55	26	44	56	2
EL SALVADOR	48	50	48	50	61	31	51	2
GEORGIA	47	40	16	62	69	44	51	1
MEXICO	47	50	24	61	65	30	50	2
INDIA	46	59	17	54	47	56	44	3
LESOTHO	46	50	43	46	29	47	60	3
SERBIA	45	55	28	48	47	41	53	2
SAUDI ARABIA	45	5	31	56	57	60	61	4
ALBANIA	45	51	45	45	57	33	39	2
ARMENIA	44	29	44	53	62	43	35	2
BENIN	44	58	57	36	36	34	42	2

MOROCCO	44	28	29	52	53	52	49	2
THAILAND	43	32	13	59	60	54	43	2
SENEGAL	43	43	37	51	44	46	39	3
COLOMBIA	42	39	8	60	59	38	50	1
DOMINICAN REPUBLIC	42	52	49	42	46	33	32	3
PERU	42	49	19	46	62	26	49	2
TANZANIA	42	45	45	39	38	48	36	2
MONGOLIA	42	55	58	27	43	35	32	2
ARGENTINA	41	57	42	49	28	32	40	3
BOSNIA-HERZEGOVINA	41	49	26	35	49	44	46	2
ZAMBIA	41	46	55	29	41	39	37	2
MADAGASCAR	41	44	30	33	42	40	55	2
MOZAMBIQUE	41	48	56	43	35	28	34	2
MALAWI	40	42	46	30	39	47	34	2
MALDIVES	40	36	39	44	37	49	33	2
SRI LANKA	39	34	3	47	44	55	54	3
MALI	39	57	36	22	41	43	38	3
CHINA	39	6	33	64	46	45	41	3
BURKINA FASO	39	37	39	28	43	42	45	2
RWANDA	38	13	37	48	33	38	59	2
GUYANA	38	54	26	49	32	28	37	3
PHILIPPINES	37	41	11	55	52	40	26	3
UKRAINE	37	47	44	33	39	31	28	3
MOLDOVA	36	39	32	24	48	41	31	3
INDONESIA	35	44	16	47	45	29	31	2
EGYPT	35	14	23	43	49	53	29	3
VIETNAM	35	7	56	45	32	42	25	2
SWAZILAND	34	14	52	30	31	36	44	4
GAMBIA	34	21	51	23	36	48	24	2
KAZAKHSTAN	34	19	64	39	40	24	16	2
UGANDA	33	33	19	36	50	37	23	2
FIJI	32	29	41	16	25	36	46	4
GUATEMALA	32	40	25	37	50	13	28	3
HONDURAS	32	38	33	34	45	21	21	2
KOSOVO	31	30	22	18	54	30	30	2
NICARAGUA	29	45	31	16	40	21	21	3
GABON	29	24	53	26	28	32	12	3
DJIBOUTI	29	16	38	14	22	35	45	3
KENYA	28	43	12	32	51	18	14	2
CUBA	28	3	46	36	3	22	56	4
LEBANON	27	36	4	31	48	26	20	3
RUSSIA	26	22	24	45	31	20	15	3
PAPUA NEW GUINEA	26	51	27	20	30	18	10	4
ALGERIA	26	18	13	37	21	27	41	3
LIBYA	25	2	63	18	18	29	22	3

NIGER	25	35	21	21	33	22	20	4
PARAGUAY	25	37	23	22	34	15	17	2
BOLIVIA	25	48	15	19	16	12	38	2
ETHIOPIA	23	11	6	40	20	33	30	2
KYRGYZSTAN	23	26	22	27	42	8	13	2
NEPAL	23	25	8	24	27	25	29	2
SIERRA LEONE	22	38	35	11	20	15	13	2
CAMBODIA	22	23	34	19	34	13	9	3
BELARUS	22	7	61	12	10	17	24	2
CAMEROON	21	18	28	20	26	17	19	3
PAKISTAN	21	19	1	26	35	19	25	3
MAURITANIA	21	23	18	15	30	16	22	4
ECUADOR	20	41	20	15	14	9	23	2
BANGLADESH	20	31	10	23	21	27	11	3
SYRIA	20	5	27	28	13	34	12	4
TIMOR-LESTE	19	53	14	12	6	11	19	2
LIBERIA	19	38	17	8	8	10	33	2
TOGO	19	16	40	4	15	23	15	2
NIGERIA	18	31	3	13	29	11	18	1
YEMEN	17	15	6	13	24	19	27	3
LAOS	17	6	44	18	10	20	6	2
IRAN	17	8	14	25	3	23	29	4
ANGOLA	15	17	30	14	17	8	6	3
TAJIKISTAN	15	10	21	17	16	12	14	3
BURUNDI	15	28	10	10	12	14	16	3
GUINEA-BISSAU	15	25	32	9	11	6	8	3
TURKMENISTAN	13	1	53	11	2	7	5	3
ERITREA	13	1	20	5	2	9	43	4
CONGO	13	15	25	8	12	11	8	3
VENEZUELA	13	30	12	17	5	3	9	3
UZBEKISTAN	12	2	18	27	6	10	11	3
EQUATORIAL GUINEA	10	3	40	4	7	7	2	3
CENTRAL AFRICAN REPUBLIC	10	20	7	3	9	5	18	3
COTE D'IVOIRE	9	13	5	7	17	4	7	3
GUINEA	7	10	5	6	14	2	4	3
IRAQ	6	12	0	6	15	1	3	3
CHAD	5	9	4	3	9	3	3	4
AFGHANISTAN	4	11	1	9	4	0	1	2
SUDAN	4	4	2	5	7	4	2	4
ZIMBABWE	4	8	9	2	1	1	4	4
CONGO DEM. REP	4	9	2	1	5	2	5	3

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