

Spring 5-5-2020

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Determinants of Compliance with Protectionist Policies
for Human Trafficking Victims

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May 2020

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Abstract

The international community has joined together in an effort to combat human trafficking. Utilizing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, commonly known as the Palermo Protocols, the focus of combatant efforts has been tailored to fit three categories: prosecution, prevention, and protection. Because the attention of several countries appears to be primarily devoted to prosecution, protection often falls victim to indifference, leaving victims without the care that they need to readjust to daily life. While the three components are supposedly equal in weight, this inequality is apparent in several countries through their anti-trafficking efforts. In this paper, I examine why some states offer greater levels of commitment to the protection component of the Palermo Protocols on human trafficking than others by examining a possible interactive effect between domestic and international factors. While the interaction was not found to be statistically significant, international factors measured by a state's level of international involvement as well as the domestic factor considering the presence of strict immigration policies provide a greater understanding of the topic as a whole and guidance for future research endeavors.

Introduction

Today, one of the issues plaguing every country is human trafficking. In 2018, the United States Polaris-operated hotline for human trafficking received reports of 10,949 cases (Polaris 2020). Because human trafficking is an underreported crime, it is likely that this number is only a mere fraction of the actual cases in the United States. This is just an example of one country; it is practically impossible to know how many cases actually exist in the world. During human trafficking, victims are removed from their homes and are trafficked into forced labor, sex trafficking, or organ extraction.

According to the International Labour Organization, commonly referred to as the ILO, there were an estimated 40.3 million individuals who were trafficked into a modern form of slavery. Of these 40.3 million individuals, about 62% were trafficked into forced labor, and the remaining 38% were trafficked into forced marriages. If the 62%, or 24.9 million people, who were trafficked into forced labor is broken down further, it is shown that 16 million were forced to work in the private sector, and 4.8 million were sexually exploited. To dig a little deeper into the characteristics of the victims, 58% of victims of forced labor in the private sector and in labor imposed by state authorities are women, and 99% of victims who are sexually exploited are also women (International Labour Organization 2017). To make matters worse, many perpetrators are known to the victim (Polaris 2020). Countries, such as China, that have a disproportionate number of female victims who are frequently trafficked to forcibly serve as mothers or brides are commonly identified as destination countries (CIA, 2015). Countries where the victims originate are referred to as source countries.

In the past few years, the international community has worked to alleviate this atrocity. To do so, they created the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, a three-prong plan that includes efforts to prosecute traffickers, prevent trafficking, and protect victims (OHCHR 2000). Prevention focuses on the efforts of a state to deter human trafficking through the use of training programs and the creation of laws against trafficking. Prosecution seeks to measure the country's attempt at locating and prosecuting traffickers. The last of the three and the focus of this paper, protection, looks at how states work to prevent the criminalization of victims, offer resources to help victims heal, and provide assistance to assist victims in their quest to regain some normalcy. Of the three, prosecution and prevention tend to be the primary focus of the majority of states (Cho, Dreher, and Neumayer 2014). Protection is often the recipient of the least attention and resources. While some countries understand the importance of protection and comply with this section of the international efforts, others fail to do so. Over time, this variation has failed to dissipate as many states continue to ignore the importance of protectionist policies. Why is it that some countries offer greater levels of commitment to the protection component of the Palermo Protocols on human trafficking than others?

If a better understanding of this topic can be achieved, a plan of action to improve compliance and the devotion of resources for protectionist policies can be formed by the international community, including cooperation with non-governmental organizations (NGOs) and international organizations (IOs). In order to improve this understanding, an answer must be discovered to the previous question. Past literature on the matter focuses on the independent effects of various domestic factors or international factors on a state's willingness to comply with

protectionist policies. While both factors are essential components for answering this question, studying them independently creates a gap in the explanation. For instance, the study of domestic factors omits the influence of international pressures while focusing solely on international factors fails to account for the domestic cost analysis that impacts decisions. For this reason, this paper seeks to answer the earlier question by looking at two overarching factors acting jointly as an interactive variable contributing to enhanced protection. The first is domestic factors as determined by immigration policies, and the second is international factors illustrated by a country's involvement in the international community.

To test this theory, I use information from the KOF Swiss Economic Institute, World Population Policies created by the United Nations Department of Economic and Social Affairs, and Cho's 3-P Index (Cho 2015a; Department of Economic and Social Affairs 2015; Gygli, Haelg, and Sturm 2018). To analyze these data, I utilize an ordinary least squared (OLS) regression model to predict variations in protection scores.

In analyzing the results from this model, I failed to find support for the theory that the level of international involvement and domestic factors as shown through immigration policies are conjunctively determinants of protection compliance. The presence of strict international policies had no impact on the effect of international involvement in determining compliance. Furthermore, the presence of strict immigration policies was found to be insignificant. While this is true, the significance of the variable pertaining to international involvement provides insight into the power of the international community to influence compliance decisions. In terms of domestic factors, these findings did not rule out their involvement completely. While immigration policies were not related to compliance, the analysis showed that a different factor,

the control over corruption, may provide a new path for evaluating compliance decisions in the future.

I structure the remainder of the paper in the following way. First, I outline the relevant literature on human trafficking, particularly emphasizing scholarship on variations in types of human trafficking policies and in the proposed theoretical explanations for these variations. Then, I outline my theory as to the relationship between domestic immigration policies and the state's political involvement in the international community, looking at an interactive effect between these two elements. The following section will disclose the method of estimation utilized as well as a detailed description of the analyzed variables. Next, the results of the model will be discussed followed by a discussion of the results in relation to the overall research question and theory. Finally, I offer concluding thoughts on how this empirical analysis can help further the understanding of compliance with protection efforts related to human trafficking and how future research can expand on this understanding.

Explaining Protection Compliance: Four Views

Over the years, the issue of human trafficking has posed a growing threat to the world's population, especially for Southeast Asia and Central Africa (United Nations 2019; U.S. Department of State 2018). Having grown substantially in profitability, the industry reached a profit level of around \$150 billion in 2014 (International Labour Organization 2014). Since then, this number has likely grown as human trafficking does not appear to have slowed its pace. Governments around the globe have worked to find ways of combating this practice, and several scholars have worked diligently to create indices to measure the efforts of these states.

One index, utilized by the United States (U.S.) Department of State, is the tier system that classifies each state into one of three tiers based on their combatting efforts (U.S. Department of State 2019). While this report makes it possible to see distinctly which states outperform the rest, this index fails to break down the score into the different components of compliance, which will be detailed later. Instead of focusing on the specific areas where states excel and where states need to devote more attention, the Trafficking in Persons (TIP) reports offer only a generalized ranking based on the overall score. This score makes it possible for two states to receive that same score while having different levels of commitment to various components of anti-trafficking efforts (Cho 2015c).

To resolve this inconsistency, Cho, Dreher, and Neumayer (2014) constructed an index consisting of three components based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children created by the United Nations, commonly known as the Palermo Protocol. This Protocol displayed an international attempt to resolve this global concern, and it disaggregates the components into three categories: prevention, prosecution, and protection (OHCHR 2000). Following suit, the previously mentioned scholars modeled their index in the same three-component categorization. Although it is noted that all three components are essential to a successful anti-trafficking effort, many states focus primarily on the prosecution component and largely ignore protection (Cho, Dreher, and Neumayer 2014). Protection, in this sense, focuses on a state's efforts to ensure that victims are not prosecuted as criminals and are not required to engage in self-identification as proof of being a victim, to provide legal assistance during legal proceedings, to provide residence permits and basic housing, to ensure that proper medical care is provided, and to provide all resources

needed to help the victim be able to get back to a sense of normalcy (Cho, Dreher, and Neumayer 2014, 434)

While state leaders are major contributors to this inequality, it cannot be said that outside influences from international actors did not assist them in moving in such a direction. Advice on ways to combat trafficking from the international community and international anti-trafficking policies have largely prioritized the need to prosecute traffickers at all costs (Siddharth 2011); such suggestions omit the needs of victims. Following the international emphasis on prosecution, some countries link the protection of victims with their willingness to aid in the investigations of law enforcement (Brunovskis 2013; Davy 2016; Pearson 2002). For instance, human trafficking victims in Belgium and the Netherlands receive entirely different levels of protection depending on whether or not they aid an investigation, regardless of whether or not it is in their best interest to do so. Refusing to offer assistance can result in deportation as an illegal immigrant; however, agreeing to help can result in an extended stay in the country, medical services, legal aid, counseling, financial help, and language courses (Pearson 2002, 57). Despite their similar practices, even these countries differ in their protection score as the Netherlands score two points lower than Belgium, showing the presence of significant variation of protection even among countries with great similarities (Cho 2015a). While many countries similarly ignore the necessity of the protection component of the UN Protocol, other states work to comply, leaving the question of why certain states contribute greater resources to the protection component than others.

When a state has failed to meet its international promises, other states often view this as a sign of deviance. The appearance is that the violating state ratified the treaty without any

intention of complying. With this in mind, states are less likely to trust them in future agreements, resulting in the deviant state's removal from future negotiations. The looming threat of such consequences can be an effective tool for pressuring ratifying states to comply with the protection component of the Protocol. An example of such a threat working to encourage compliance can be seen in Japan. In 2004, the annual TIP Report detailed the deportation of trafficking victims from the country by Japanese officials (U.S. Department of State 2004). Following the criticism from this report, the Japanese government responded by working to cease the criminalization of trafficking victims (U.S. Government Accountability Office 2006). It appears as though Japan was fearful of the consequences of such a report and, as a result, made an effort to help salvage their reputation in the international community and to offer greater protection for individuals within the state. Looking at the broader picture, overall compliance with human rights treaties has been increasing as the subject of the treaty becomes a greater international norm and noncompliance begins to cause greater damage to a country's reputation (Dreher, Gassebner, and Siemers 2010). If compliance with the protection component follows the pattern of other human rights treaties, this case is just the beginning of change.

The concept that a state's level of commitment to protectionist policies is a result of the international community's opinion showcases the impact that the expanding international community has on domestic policies. As the community continues to become more interdependent, this concept may become more applicable, but it still leaves a gap in explaining why some states with a lower number of international ties succeed in complying. While the above explanation details how large numbers of international ties can influence the actions of a state, it only applies to states that are active internationally. The reach of the international

community, however, is restricted by the state's ability to choose whether or not it will open itself up to the scrutiny of the community by becoming more involved internationally and gaining the accompanying responsibilities. Isolationist states that are quite indifferent about the opinion of the community are not likely to be so concerned about their reputation, minimizing the cost of noncompliance (Lipson 1991). This thought also seems to assume that states are willing to afford any cost in order to maintain a positive reputation. While it is possible that some states may go to great lengths to preserve their reputation, others may find that the benefit does not outweigh the cost.

The next approach to answering the question of compliance utilizes a rational-actor approach. This model suggests that states make decisions to comply or not based on their ability to maximize their benefits and minimize their costs, both tangible and intangible. Utilizing the expected cost to a state's reputation as detailed earlier in this section, scholars have found that states tend to act in a manner that gains them praise from the major international powers (Cho and Vadlamannati 2012). In order to achieve this goal, many states have focused on the components with the greatest benefit while foregoing commitment to the one with fewer benefits: namely, protection. The focus of the international community is to reduce the flow of human trafficking. As reduction is the main goal, it receives great attention from various countries because states may be able to improve their stance internationally if they can assist the community in this effort. Directly related to this goal, prevention and prosecution offer a more streamlined approach to meeting this demand (Cho and Vadlamannati 2012). Due to the greater benefit associated with these two components, protection is often excluded as it is a low-benefit and high-cost component.

To further diminish the importance of the protection component, the language in various policies, including the UN's Protocol, appears to provide great detail in the areas of prevention and prosecution while offering only vague details for protection. As numerous scholars looked into the efforts of Australia, Nigeria, and South Africa to combat human trafficking, they found that there was an issue in the UN's Protocol that may have contributed to poorer compliance with protection: the language used in the Protocol lacked compulsivity and remains unclear in its expectations (Bello 2018; Davy 2016; Olateru-Olagbegi and Ikpeme 2006). When deciding where protection needs to be applied, Olateru-Olagbegi and Ikpeme pointed out that the Protocol only indicated that it is to be applied in "appropriate cases" (2006, 12). Another scholar suggested that even the UN was aware of this shortcoming as they later began to offer additional materials to help guide protectionist efforts (Davy 2016). The suggestion that more attention was given to prevention and prosecution can lead to the assumption that these two areas are to be the main focus of the international community and possess the greatest benefits for states that comply with them. With this indication, rational states would be expected to devote fewer resources to a component that has an associated cost that is greater than its benefits, resulting in a lower level of compliance.

Through this approach, it can be seen that international pressure may not be the only determinant for compliance. In addition to its impact, this concept demonstrates the effect of domestic components in the decision-making process. It pushes the work beyond the international view and into a country-level approach. Despite this progress, this approach maintains a large assumption about the various national governments. It assumes that these governments are rational actors, but it is not feasible for the leaders to be perfectly rational in

their decisions. Truly rational actors make decisions based on complete information of the current situation and all possible outcomes and utilize this information to reap the greatest benefit for the lowest cost. As it is impossible for a person to know a hundred percent of the information, they do not meet the requirements of being a rational actor. They cannot see the future to know for certain that their decision will result in the greatest benefit, and it is possible to make a commitment where the true consequence of noncompliance is unknown (Simmons 2009). Whereas it may not be costly to ignore the protection component now, it may become so in the future as the norm of protecting victims grows, altering the cost-benefit analysis.

Continuing to look at domestic factors, the presence of laws pertaining to the legal status of prostitution has been seen to impact human trafficking levels and, more noteworthy for the scope of this paper, to inhibit any improvement of, or even worsen, compliance levels for protection (Cho 2015b). The foundation for this discussion is the economic aspect of human trafficking. Scholars initially studied the impact of legalized prostitution on the inflow of human trafficking. Utilizing the law of supply and demand, they concluded that countries with legalized prostitution were likely to increase demand and, as a result of this, increase supply. Alternatively, the heightened risk of continuing to participate in the market for prostitution where such acts were illegal drove both demand and supply down (Cho, Dreher, and Neumayer 2013). As a result, the level of inflow of human trafficking decreased, reducing the size of the market. A comparative case that illustrates this point can be found in the differences between Sweden and Germany in 2004. At this time, Germany had a population that was about ten times larger than that of Sweden, and the former country offered liberal prostitution policies while the latter maintained a stricter stance. Despite the size of the difference in population, the ILO estimated

that the number of human trafficking victims in Germany was approximately sixty-two times greater than that of Sweden, demonstrating the possible consequence of liberal prostitution policies (Cho, Dreher, and Neumeyer 2013; Danailova-Trainor and Belser 2006). Such economic logic and similar cases around the globe appeared to influence the stance of the U.S. government. In their annual TIP Report, the U.S. Department of State commented on the nation's view of prostitution by saying, "Prostitution is inherently harmful and dehumanizing and fuels trafficking in persons" (2007, 27).

Within the legalization debate, there are two competing views. One side views prostitution as a choice that people make to commercialize sex. With this view, they believe that the legalization of prostitution would provide a safer work environment for these individuals as the increase in the supply of workers would reduce the likelihood of a person being forced to continue in the industry or perform nonconsensual acts (Cho 2015b). The contrasting view sees prostitution as being a consequence of a patriarchal society; therefore, they believe that all women who are involved in prostitution are victims of this society (Cho 2015b). When it comes to the argument of legalizing prostitution, it is clear to see that the latter view favors the abolition of the practice and supports illegalizing prostitution. In reference to protection policies, Cho has found that the legalization of prostitution fails to have a positive impact on these policies and can make matters worse for victims in some societies, which may be the result of the logic of pro-legalization cultures (2015b). The abolitionist view categorizes all prostitutes, even those who are there illegally, as victims. As such, they require care and protection. The other argument for legalization views them as simply workers who have no need for protection outside of protection from prosecution due to their chosen career. Here, victims from other countries are

more likely to be treated as an illegal immigrant and must be prosecuted accordingly, resulting in low protection compliance.

Not only does this research show that legalization of prostitution can increase the inflow of human trafficking due to the increased demand for prostitution, but it also shows that legalization can detract from progress for the protection of victims and even decrease the current protection levels. This can aid policymakers in their decisions as it provides them with the insight that legalizing prostitution could negatively impact their efforts to combat human trafficking. It also helps scholars to see the impact that domestic policies can have on a global issue. The legalization of prostitution in one country can result in the trafficking of an individual in another country to meet the demand of the former. Even though this can contribute to policy decisions, the explanation behind this argument appears to isolate the discussion to two, opposing beliefs. This would assume that all countries are on one side or the other with nobody in between. While this adds simplicity to the concept, it fails to explain the connection between the two variables when the mindset of the country's leaders are not so distinctly on one side of the legalization debate.

The final approach for this section focuses on the effect of immigration policies on victim protection. On this topic, scholars have found that stricter immigration laws often result in the worsening of protection for human trafficking victims (Amahazion 2014; Amiel 2006). Behind this conclusion, there are two different explanations for this occurrence. One suggests that domestic concerns are the primary reason. Referring back to the earlier discussion on costs, there is a greater cost to protection compliance. Especially in regards to the state's immigration policies, compliance would require resources to alter existing policies (Cho and Vadlamannati

2012). While this may appear to be a minor expense, each action is likely to have its own set of consequences that will increase the primary cost. In this case, the consequences could be an increase in immigration. For states with low levels of immigration, this may not pose a great liability; however, states with high levels may find it difficult and costly to increase levels further, resulting in a lower willingness to weaken existing policies and a decreased amount of protection for the victims (Cho 2015b).

The second explanation with regards to immigration acknowledges the goal of the international community to reduce human trafficking. As states work to achieve the goal of reducing trafficking at home, they may choose to restrict immigration. Per the conclusion of Danailova-Trainor and Belser, stricter immigration policies can reduce trafficking (2006). It is believed that the stricter policies will allow for the removal of people from the country who are there illegally and may be participating in human trafficking. The other hope is that the heightened risk of crossing borders illegally once strict policies are enacted will deter traffickers from attempting to enter their country. This is a great contrast from what states fear may happen with lenient immigration policies. If states allow more immigration into their country, they may attract more people seeking a different country to reside in. This is not to suggest that the state is reluctant to help such individuals; they are more concerned about the safety of these individuals during their journey to the country. As they travel to their location, they become vulnerable to traffickers who may harm them along the way. In the end, the concern is that relaxed immigration policies will increase the number of human trafficking victims as it attracts a large group of people who will be more vulnerable to such horrors (Cho and Vadlamanatti 2012). As

a means to prevent such atrocities, states believe that their best choice is to strengthen their immigration laws.

While these strengthened policies may achieve the state's goal of reducing human trafficking, they may also worsen conditions for the victims who will likely receive less protection from the government. Often, the victims have nowhere to turn to for assistance; furthermore, many victims are aware that their families and communities are likely to ostracize them as they are now viewed as being impure. One victim from Myanmar who was trafficked around the age of forty-six was interviewed by Human Rights Watch, and she spoke about her concerns surrounding her return home to Kachin State. She stated that the Kachin society "looks down" on people who have sexual relations, consensual or forced, outside of marriage. As a victim, she was terrified of how her own society would treat her upon her return, and she was not the only one with such concerns (Human Rights Watch 2019). Due to this fear and the fact that many cannot afford to go anywhere else, it would be in their best interest to remain in the country without fear of deportation. Because of the stricter immigration policies that are being enacted, however, it is not likely that their interests will be protected. Because these trafficking victims are not often legal citizens of the country where they are trafficked, it is probable that they will also fall victim to the purge on illegal immigrants. Because of their status as illegal immigrants, they will likely be prosecuted as a criminal and be deported from the country, offering them no form of protection. As can be seen, the objective of prosecution through tougher immigration laws can reduce the protection of victims and treat them equally to their traffickers.

A major part of this approach is that it does not simply assume that all states fail to comply due to their domestic needs. It stretches past the self-interest approach to explain why those states that are actively seeking a solution to this problem regardless of the cost may choose to forgo compliance with the protection component of the Protocol. This provides insight on two different thoughts and how each one factors into the overall discussion on protection. One assumption that this approach does make, however, is that states are incapable of separating victims from other criminals. The assumption is that states will participate in mass deportation without first attempting to identify the victims. While this may be the case in some situations, this idea may be flawed for others where a genuine effort to protect victims from deportation is present. It also fails to demonstrate the impact of the entire international community on states' decisions. The refusal to reduce immigration policies and offer greater protection because of the risk of increasing human trafficking demonstrates the belief of some that prevention should be maintained even at the expense of protection, but other groups may offer contrasting views that the two objectives are equal and should be treated as such. This approach only looks at a portion of the international community while excluding the impact of the remaining groups.

While each approach has benefited the study of why some states commit to the protection component of the UN Protocol while others neglect it, two approaches appear to have the greatest impact: the number of international ties and the strictness of immigration policies. The first allows scholars to utilize knowledge on a factor that is likely to grow over time as the international community continues to become more connected, and the second helps show the considerations of both self-focused and international goal-oriented states. While these are both beneficial to the overall question, they still fall short on their own. The discussion on a state's

involvement internationally fails to acknowledge domestic factors that contribute to the compliance levels as well. The later discussion that demonstrates the impact of immigration laws on compliance neglects to account for the impact of the growing international norm of protection on states' compliance levels. Instead, it assumes that states will remain focused on the primary goal of decreasing human trafficking as suggested by the Protocol. Despite their individual shortcomings, I believe that both discussions can work together to create a new approach centered on the idea that it is a combination of international and domestic factors that impact a state's decision to comply.

Despite the reality that the international community is growing, a few states remain focused solely on their own self interest without regards for their international reputation. Because of this, the focus cannot be shifted solely onto the actions of the international community, but this is not to mean that its importance is not to be acknowledged. A new approach combining both domestic and international factors could add the domestic focus needed to improve the discussion of international involvement and show the impact of the entire international community on the protection policies of various countries. This would allow for a study to be performed on the actions of states that have numerous ties and strict immigration policies, providing a foundation that further efforts to improve protection compliance can work from.

Theory

As made evident by the wording of the UN Protocol, the original international push was to focus on decreasing the rate of human trafficking with the understanding that some attempt should be made to protect the victims. Victim protection, however, was not at the forefront of

this effort as much as prevention and prosecution were. The push from various groups for greater victim protection has led to the growth of a protectionist norm in the international community. It has grown to the point that the UN is now introducing informational resources on protection measures to help redirect the focus of states and to move protection to an equal position with its two counterparts, but some countries did not follow this direction, creating the question as to why some did and others did not (Brunovskis 2013, Davy 2016). Two main components will be evaluated in this study in association with this decision to comply or not: international influence and domestic cost factors.

This emergent norm has allowed the international community to have the ability to generate greater compliance from states. Following the pattern from other international treaties, especially human rights treaties, states begin to develop a reputation for themselves as they become more connected within the international community (Lipson 1991). Depending on the state's actions, this reputation can have great benefits or substantial consequences for states seeking to continue and grow their international involvement. For this reason, scholars have found that states with strong international ties are more likely to ensure the protection of victims by making sure that they are not criminalized and that they have the needed assistance (Amahazion 2014; Avdeyeva 2012; Finnemore and Sikkink 1998). When states ratify treaties, they are willingly tying their reputation to their promise to comply with the treaty's requirements (Lipson 1991). If they comply, their reputation remains intact. Failure to comply, however, can leave a lasting impression of being a deviant actor that will result in lasting consequences (Avdeyeva 2007). Such consequences are the exclusion from future negotiations and difficulty in future negotiations due to a history of noncompliance (Lipson 1991).

In addition to international costs, governments must also take domestic costs into consideration. Implementing new policies can require the use of various resources such as time and money. Once these policies are in place, there is often little desire to use further resources to alter them. For states that have implemented strict anti-immigration policies, whether it be for domestic reasons or as a means to decrease human trafficking, it can be costly to retract and issue new policies to replace the old (Cho and Vadlamannati 2012). They would be required to take time away from other issues, to create training programs to educate people on how to comply with the new policy, and to cover a variety of other costs. With these expenses, it would be irrational to make a decision to alter their policies for the benefit of protection, especially when there is a concern that it could jeopardize the success of prosecutorial efforts. As a result, states with strict immigration policies are not likely to receive a high rating for protection.

While each perspective discussed in the previous section has a role to play in its own right, they each leave some unanswered questions. The presence of international ties does not explain the impact of domestic costs, and the expense of altering immigration policies does not explain the effects of the international community on such decisions. They do, however, appear as though they could act as complements to each other. For instance, the presence or absence of strict immigration policies may affect how impactful international efforts are for encouraging greater protection, creating an interactive effect. The remaining piece of the puzzle is how countries act when their characteristics create contrasting costs. In this paper, the effects of complementary international and domestic costs, both for and against protection compliance, and the effects of contradictory costs will be covered in regards to their effect on the levels of

commitment. Associated with these factors, there are four main combinations and three primary outcomes as is shown in table 1.

Table 1: Theorized outcomes related to interactive variables

	Less Restrictive Immigration Policies	Restrictive Immigration Policies
High Level of Political Globalization	High Protection Compliance	Middle Protection Compliance
Low Level of Political Globalization	Middle Protection Compliance	Low Protection Compliance

For states with strong international ties and lenient immigration policies, it would be expected that they would have greater levels of commitment to protectionist policies. This commitment would originate from the analysis of the two levels of cost mentioned earlier. Domestically, policies are less restrictive, decreasing the rate of deportation and criminalization of victims. With this type of policy in place, there is not an additional cost needed to transform the legislation into something that would better ensure victim protection. On an international level, there is a cost present, but this penalizes states for noncompliance rather than adding an expense to comply. If countries fail to comply with protectionist policies, the consequences detailed previously would ensue.

On the other hand, benefits can result from upholding these policies. Protecting victims can demonstrate to the international community the state's willingness to cooperate with others and commit to various efforts. Such attention can boost a country's reputation and help them be more involved in negotiations and new treaties. In the end, states with several ties and lenient policies only have a cost if they fail to comply. If they decide to implement protectionist

policies, they are likely to find a reputational benefit attached to such actions, resulting in a rational decision that would likely result in a greater commitment to victim protection.

As a complete opposite of the situation detailed before, states with few or no international ties and strict immigration policies are likely to have lower protection compliance. Contrary to the earlier outcome of low domestic cost, countries in this situation would find that there is a domestic cost to alter their current policies toward immigration. Because strong immigration policies typically result in greater amounts of deportation, including the deportation of victims, they are not conducive to greater protection (Amahazion 2014). This means that compliance would require a transformation of these policies that would result in more lenient policies or the improvement of practices for separating victims from illegal immigrants. This cost may deter countries from making such changes and from improving the protection of victims.

On an international level, there is no longer a cost of noncompliance that would offset the cost of domestic compliance nor is there any true benefit for compliance. If a state is not internationally active, it is unlikely that they care significantly about their international reputation (Lipson 1991). As reputational threats are what is frequently used to pressure states to comply, international pressure will be ineffective for states that are unbothered by such consequences. In this case, there are no consequences on an international or domestic scale for noncompliance. There is not a benefit for compliance, and the only cost would be to improve compliance domestically. As a result, states that are not well intertwined with the international community and that have strict immigration laws are more likely to choose to forgo compliance with protectionist policies as the result of their cost-benefit analysis.

With combined characteristics, some countries may find themselves in an area that does not fit into one of the two classifications above. It may be the case that a state has a mixture of the two factors and has numerous international ties while also having strict immigration policies, producing a medial level of compliance. Based on the previous discussion, there are international costs for noncompliance and domestic costs for compliance. The question remains as to whether international pressure will triumph with high compliance or domestic factors will lead to low protection for victims. A third option could lie somewhere in between.

For instance, countries may find that they have few to no international ties and lenient immigration policies. This scenario positions the country between the two extremes. Consequently, it would be anticipated that these states would see a middle level of compliance. Unlike internationally involved states, these states do not have a cost associated with noncompliance. With relaxed immigration policies, it is likely that they are criminalizing fewer victims than those with stringent policies, creating a greater level of compliance. What restricts this compliance from growing even more, however, is the lack of an international cost of noncompliance and the lack of an international benefit for complying. This leaves the state with no true incentive to provide greater protection for victims beyond what already exists in their domestic policies.

What could possibly drive this level to more of a middle point rather than a lower position is the prospect of becoming more involved in the international community. While a state may currently have few international ties, they may intend on becoming more internationally active in the future. As an effort to show the sincerity of their commitment, they could choose to demonstrate greater compliance with the protection component of the Protocol,

increasing compliance. While this may appear as though it should generate high levels of commitment, the fact that there is no immediate benefit will likely lead to the restriction of compliance, causing these states to display a medium level of compliance.

Finally, when a country immerses itself in the international community, it is not likely that they will turn away from their obligations. The reputational cost for noncompliance along with the benefits previously discussed would coerce a rational actor to act in a manner that protects victims in order to minimize costs and maximize benefits. On the domestic front, choosing to alter policies will be very costly, and deciding to make such changes could upset government officials and other citizens, possibly jeopardizing the stability of the country. In response to this cost, governments will likely decide to leave policies as they are, but this does not mean that efforts cannot be made to improve compliance with the protection component of the Protocol. Another avenue for compliance, such as providing training to law enforcement officers on how to tell the signs of a human trafficking victim, could be utilized by states to minimize this cost without failing to comply entirely. While this may not result in the same level of compliance as states with strong ties and lenient policies, it is probable that it will result in greater compliance than states with few ties and strict policies, placing them somewhere in between. In summary, it is expected that countries with numerous international ties and strict immigration policies will see improvement in commitment levels as a result of international pressure, but such improvement will be limited by the domestic costs.

Hypothesis: States that have high levels of engagement in the international community will offer greater protection to human trafficking victims and contribute greater resources to this endeavor, but this effect will be lower for states with strict immigration policies that will limit the influence of the international involvement on protection compliance.

Research Design

Previously, I theorized that a combination of international pressure and domestic costs alters the level of protection offered to human trafficking victims. Put plainly, the level of compliance with protectionist human trafficking policies is dependent upon a country's level of involvement in the international community and the cost of altering current domestic policies to better promote victim protection. The three main variables of focus are a state's degree of international involvement, their domestic legal policies, and their level of protection provided for victims of human trafficking.

For this study, the dependent variable will be the 2014 protection score for 179 countries provided by Cho's 3-P Index (2015a). This index evaluates each country's prosecutorial, preventive, and protectionist efforts, with an overall index score being the aggregate of all three components. For each factor, the scores range from one to five with one being the least compliant, and five indicating the greatest amount of compliance. Due to the nature of my theoretical argument, only protection efforts will be covered in the analysis. In order to measure the protection efforts, nine key elements of a legitimate protection effort are examined: "no punishment of victims; imposing no self-identification in order to prove their status as a victim; assistance for legal proceedings; the provision of residence permits; basic services for housing; medical care; job training; assistance for rehabilitation; assistance for repatriation" (Cho, Dreher, and Neumayer 2014, 434). A score of one indicates that a country is making "no effort" to offer protection, and a score of five indicates that a state is making a "very strong effort" to protect victims (*ibid*).

As mentioned in an earlier section, Cho's index offers a more detailed look at the efforts of a country to protect victims than the United States Department of State's tier system. The tier system only offers an overall glance at countries' anti-human trafficking efforts instead of a disaggregated measurement that would allow for a closer examination of the various components that make up such efforts. In order to focus on a specific factor, readers must utilize a qualitative analysis of the country within the reports. Unlike this measurement, Cho's index offers a quantitative measurement of three different components, allowing for a more in-depth evaluation of each country's efforts to protect victims. The 3-P Index utilized the US Department of State's Annual Trafficking in Persons report and Global Reports on Trafficking in Persons by the United Nations Office on Drugs and Crime (UNODC) to evaluate each state's performance (Cho, Dreher, and Neumayer 2014). While utilizing data from the US Department of State may incorporate a slight bias into the index, this bias is controlled by the inclusion of the UNODC's reports that incorporates an international perspective. This creates a source of information that is free from the domestic biases found within a U.S. agency.

For my independent variable measuring a country's level of international involvement, I use the 2013 KOF political globalization score, which is one of three component parts of the KOF measure of globalization. This measure will allow for the evaluation of each country's international involvement. This score considers the number of embassies in a state, the amount of personnel contributed to UN peacekeeping missions, the number of international NGOs the state is associated with, the number of IOs the state is a part of, and the number of partners a state has in investment treaties (Gygli, Haelg, and Sturm 2018). Based on these six components,

each country is scored on a scale from one to one hundred. A score of one is indicative of no international involvement, and a score of 100 indicates the greatest amount of involvement.

Because international involvement can take different forms, it is necessary to utilize a measurement that does not focus solely on one type of involvement. For example, a state may not be part of many NGOs, but they may still be a member of several IOs. If the involvement with NGOs was the only thing that was measured, it is likely that this example country would have been overlooked in the study. Due to such a possibility, the KOF score was selected to ensure that all forms of international activity were accounted for. This data also provides coverage of the greatest number of countries, creating a fairly decent sample of 189 countries to study. This helps to prevent bias toward one specific type of country and allows for more fitting inferences to be made about the greater population.

To operationalize the independent variable evaluating a country's domestic legal policies, I look at the stringency of its immigration policies. As discussed previously, a state with strict immigration policies is likely to criminalize a greater number of victims than a country with lenient policies (Amahazion 2014). Because of this, such states would need to alter their immigration policies to be more lenient in order to offer greater protection to victims. Such costs associated with these alterations are likely to deter the country from making an effort to comply with protectionist policies. To measure this variable, I use the 2013 World Population Policies Database created by the population division of the United Nations Department of Economic and Social Affairs (UNDESA). These data cover 196 countries with available data (Department of Economic and Social Affairs 2015). Other data sources were considered, but many excluded countries that were not members of the Organisation for Economic Cooperation and

Development (OECD). Because OECD members tend to be more economically developed than non-members, utilizing data that only consists of OECD countries would bias the results as the varying characteristics of the entire population would not be accurately represented. Because of this, the data from UNDESA was selected.

This report classifies policies into three categories based on their intended effects on immigration: “lower”, “maintain”, or “raise”. There are two other groups that are often collapsed into one category: “no intervention” and “no policy” (Department of Economic and Social Affairs 2015). To quantify this data, the variable was dichotomized to indicate whether or not the country employed strict immigration policies. States aiming to maintain or raise immigration were coded as a zero as well as states that did not interfere with immigration or had no existing policies. As these states were not attempting to impose restrictions to immigration, they are classified as not having strict policies. Contrary to these countries, the remaining states that were intending to lower immigration were coded as a one, indicating restrictive policies.

In addition to examining the relationship of these variables to my dependent variable independently, I also consider the possibility of an interactive effect. As my theory states, a state’s level of compliance is not solely reliant upon one of these variables. Instead, it is the two variables in conjunction to each other that cause an impact. The effect of one is dependent on the presence of the other. To measure this, the two independent variables detailed above will be interacted. The interaction variable is the product of the dichotomous immigration variable and the continuous KOF political globalization score. By doing this, it can be seen whether the presence of one influences the effect of the other. In the scope of this paper, the interaction will

show whether or not the presence of strict immigration policies will impact the effect of international involvement on a state's protection score.

Following the independent variables, I also include three control variables: polity score, gross domestic product (GDP) per capita, and corruption. Identified by the investigations of other scholars, these controls were selected to control for the various factors that have been found to impact a country's decision to offer protection to victims or not. By controlling for these various factors, an isolated assessment of the independent variables' effect on protection can be conducted.

The use of the 2013 polity score from the Integrated Network for Societal Conflict Research (2019) allows for the control of the effect that a state's level of democratization can have on protectionist policies. More democratic countries are likely to offer greater protection to victims as a failure to do so would risk the realization of political consequences in the next election. This research will also utilize the measurement of GDP per capita for the year 2013 that is provided by the World Bank (2020). The economic position of a country can alter a state's capacity to offer protection. As this is not what this paper is intending to assess, it is important that such an impact is controlled for. To allow for a more normal distribution of the data, this variable was reformatted to be the natural log of GDP per capita. Finally, this study will control for a state's control of corruption. A country with a strong presence of corruption will not likely aim to ensure the protection of human trafficking victims as the primary focus is likely to be centered around the needs and wants of the individuals in charge of the country. Due to this, it is probable that corruption will have a negative effect on protection. To control for this effect, I included a control variable assessing the level of control that a state has on corruption as

measured by the World Governance Indicators (WGI) project in 2013 under the World Bank (Kaufmann and Kraay 2018).

To evaluate the effect of the interaction between the stringency of immigration policies and the KOF political globalization score on a state's protection score, a quasi-experiment at a country level using the data available from the years 2013 and 2014 was conducted. The dependent variable is lagged in order to account for the effect of the policies and events from 2013 on compliance decisions. While this dependent variable is only formed using a five-unit scale, it was treated as a continuous variable as there is a theoretically accepted, unified difference between each score on the scale. Because the theory suggests that a combination of contrasting costs will result in a middle-ground effect on protection, it would not be beneficial to dichotomize the dependent variable and run a logistic regression. If this variable was dichotomized, it would only indicate whether or not a country offered protection for victims. It would not show any midpoint; therefore, the dichotomization of the dependent variable would eliminate a core part of this theory. With this established, the data was evaluated using a linear regression model consisting of the continuous dependent variable, the two independent variables along with the interaction, and the three control variables.

Data Analysis

As mentioned previously, a linear regression model was utilized to analyze any existing relationships between the data. When running a regression model with all three independent variables and the control, I fail to find support for my central hypothesis. The results of this analysis are found in Model 1 of Table 2. Looking at Model 1 with the interaction, the first independent variable of the KOF political globalization score was found to be significant at the

99% confidence level. With a beta coefficient of 0.012, this indicates that, on average, a 0.012 increase in protection score will occur for every one unit change in the KOF score. Overall, this means that a state's compliance with protective human trafficking policies will increase as they develop more international ties and become more active in the international community. Failing to have a p-value less than 0.05, the dichotomous immigration policy variable was not statistically significant. Following this, the interaction between the two variables also failed to reach significance. According to these findings, there is not an interactive effect that occurs between the KOF score and the presence of strict immigration policies. Furthermore, immigration policies on their own also have no effect on the protection score of countries. While these findings may not speak to the reasonings behind compliance, the significant KOF score does provide insight into this topic on its own and warrants further attention, as will be discussed later.

Of the three control variables, only corruption was statistically significant. The p-value of the logged GDP control was 0.889. With a p-value so close to 1.00, it appears the GDP is not systematically related to the protection score. Polity, despite having a much lower p-value, was similarly insignificant. Unlike these two controls, the WGI corruption score variable was statistically significant at the 95% confidence level and had a beta coefficient of 0.242. This denotes a 0.242 unit increase in protection score, on average, for every one unit change in the corruption score. This means that as a state gains greater control over corruption, its protection score will improve. Finally, when all variables are at a value of zero, the average protection score for a state will be 1.810. Overall, this model explains about 23.7% of the variation in state protection scores.

Table 2: Regression Results for Protection Score with Controls

Variables	Protection Score	
	(1)	(2)
Interaction	-0.003 (0.009)	
KOF Political Globalization Score	0.012*** (.004)	0.013*** (.004)
Strict Immigration Policies	-0.414 (0.690)	-0.186 (0.163)
Polity Score	0.017 (0.012)	0.017 (0.012)
GDP Per Capita (logged)	-0.009 (0.066)	-0.012 (0.017)
WGI Corruption Score	0.242** (0.098)	0.244** (0.098)
Constant	1.810*** (0.582)	1.792*** (0.577)
Observations	196	196
Adjusted R ²	.237	.242

* p<.10, ** p<.05, *** p<.01

Standard error in parentheses

After running a regression model with the interaction, another model was run without the interaction variable. This model would allow for an analysis of the KOF score and the strictness of the immigration policies to be conducted without any interference from the interaction. No variable saw a change in the level of significance compared to what was previously detailed, but a few had different beta coefficients as shown in Model 2 of Table 2. The beta coefficient for the KOF score is now 0.013, indicating that a one unit increase in the score will result in a 0.013 unit increase in a state's protection score on average. The beta coefficient for the WGI corruption score also changed. Without the interaction, there will be a 0.244 unit change on average in the protection score for every one unit change in the WGI score. Because the interaction was found to be insignificant in the first model, the true value for the WGI score is better depicted in this second model and will be discussed in greater detail in the following sections. For this model, the average protection score will be 1.792 when all other variables have a value of zero. This model explains 24.2% of variation of the protection score.

Discussion

In this piece, I theorized that an interactive effect between international and domestic conditions affected a country's willingness to comply with protectionist human trafficking policies. However, based on my empirical analysis, I fail to find support for this hypothesis. This indicates that the number of international ties intertwined with the stringency of immigration policies does not systematically impact the level of protection that a state offers to victims. Furthermore, and based on the results from the model without the inclusions of the interaction, the fact that a state has strict immigration policies, or does not have strict policies, bears no effect on a country's protectionist policies. With the control of corruption and the KOF

political globalization score showing as significant, however, it is not entirely out of the question that domestic and international factors may impact compliance.

The idea that immigration is an indicator of a country's willingness or capability to change is rooted in the ideas of mentality and cost. Countries with strict immigration policies are thought to be focused on the idea that protectionist policies are subordinate to prosecutorial and preventive policies. These states follow the mentality that the issue of human trafficking is better resolved by increasing efforts aimed at furthering prosecution, including criminalizing all who are in the country illegally regardless of their victim status. With this thought process, these leaders are not as likely to ensure that protection is offered to victims as leaders who see protection as being equivalent in importance to its two counterparts. The concept of cost is demonstrated in the resources required, both tangible and intangible, to alter the domestic policies and practice to be more compliant with protectionist policies. States with strict policies, as discussed earlier in the paper, have a greater cost to comply as they have more alterations to complete in order to boost compliance, decreasing the likelihood that these states will offer protection. When the interaction failed to be significant, the test was conducted again with all variables except the interaction. The data can be seen in Model 2 of Table 2.

With this new data, immigration remained insignificant while political globalization and control of corruption remained significant. This finding led to the thought that perhaps domestic factors should not be looked at in terms of mentality but instead should be looked at in terms of capacity. Cost remains a factor as there is a cost to alter anything or to provide anything. More importantly, however, is the ability to afford that cost. While immigration looked at the willingness to assume such expenses, control of corruption looks at the ability. If a state cannot

manage to control the corruption within its borders, it is improbable that it has the capacity to extend resources to other areas such as victim protection. Furthermore, corruption is likely to lead to a more favorable situation for the leaders than for the average citizen. More resources will probably be spent ensuring the welfare, protection, and luxury of those in charge, leaving little to provide for the remaining people. This variable shows that domestic factors are still involved in compliance, but the data from this variable were not tested in conjunction with international factors and can therefore not be used to support the overall theory. Perhaps this idea can be tested in future research.

While domestic factors remain in a state of uncertainty, international factors, as measured by the KOF political globalization score, showed to be significant in both models. Beyond significance, the international involvement has a positive relationship with that country's protection efforts. As a country becomes more involved in the international community and opens itself up to the pressures of compliance that come along with it, they are more likely to comply with protectionist policies, which are now starting to receive greater international attention. On the other side of the spectrum, states with few international ties are less likely to adhere to such policies as they have not allowed themselves to be vulnerable to such scrutiny. Connecting this back to the control of corruption, states that are involved in the international community and who fail to adequately control corruption within their borders may attract greater attention and face heightened international scrutiny as a result, pressuring them further to make particular changes and offer greater compliance. As one factor has the potential to impact the effects of the other, the two together continue to indicate the possibility of domestic and international factors having an interactive effect on compliance.

In summary, the overall theory is not supported by the data. Immigration failed to be a significant variable and therefore has no systematic relationship with protection scores. While the insignificance of the interaction in this research was similarly insignificant, future research that focuses on domestic factors as a product of capacity rather than mentality may find different results. Furthermore, the international community has changed greatly since the years that were included in my empirical analysis. Newer data could also bear a different outcome, and analyzing a larger period of time could help adjust for the spuriousness that may be present in the data at any moment. In the end, the two significant variables demonstrate the importance of both domestic factors and international factors as separate entities, but it cannot be concluded based on this study that protection is a result of the two in relation to one another. The value of one cannot be said to impact the effect of the other.

Conclusion

In this piece, I address a current gap in the human trafficking literature. Specifically, I address the variation in protectionist human trafficking policies. Previous research has predominantly centered around the idea that it is either domestic factors or international factors that independently impact the provision of protection to victims. Rather than following this and focusing on one factor individually, my theory instead emphasizes the interactive effect of both levels. With the level of connections in the international community continuing to grow today, it is necessary to include international pressure as a leading factor, but the theory would be incomplete without addressing the domestic costs that drive the decisions of the government. Although I fail to find support for my empirical analysis, further studies should explore the reasoning for variation in protectionist policies.

For human trafficking victims, protection is an element in the task of regaining a sense of normalcy. Without being afforded the necessary protections, these victims risk being prosecuted as an illegal immigrant by the country where they were trafficked. Protection policies help law enforcement officers ensure that victims do not suffer further by being criminalized for something that they had no choice in. Furthermore, such policies assist victims by offering medical attention to help them recover physically, support to help them recover mentally, shelter to offer protection, and job training to help return to an everyday lifestyle. While all of these factors are essential to the recovery of victims, many states focus solely on prosecution without granting much consideration to protection. Prosecution does help to punish traffickers and deter trafficking in the future, helping individuals stay safe from becoming a victim of trafficking, but it does nothing for those who have already suffered from the reality of human trafficking. If states decide to forgo their responsibility to protect victims, they condemn the victims to suffer further in their quest to simply regain a sense of normalcy.

To help improve protectionist policies around the world, leaders must first understand what factors are involved in the decision to comply or not. If these factors are uncovered, they can be utilized to encourage compliance from country leaders. For instance, the impact of international pressure was discussed in several pieces of literature, as mentioned earlier, that referenced its power to impose reputational costs. Members of the international community can apply such pressure to states that fail to meet the international standard of protection, threatening their reputation. While the international community does not have a true means of enforcement, these pressures can prove to be quite effective. Encouraging greater compliance can help victims receive the assistance that they so desperately need.

Ultimately, these pressures can help reduce the gap between rights in principle and rights in practice. States are very quick to try to acquire a strong position within the international community. One way to improve their position is to reap the benefits that result from showing the initiative to ratify treaties concerning major, global issues such as human trafficking. While the community perceives such ratification as a promise to aid in the battle to end trafficking, the truth is that this ratification is nothing more than a trivial gesture intended to obtain a greater position for themselves. To help identify states that are likely posing as a supporter while offering no resources, the international factors as well as domestic factors that encourage compliance must be discovered. It is the combination of the two that will offer an avenue for the identification of those who are likely to join in on the fight to resolve this salient issue and further inspire them to provide greater protection.

In the future, it could be intriguing to utilize a time-series empirical analysis. This study concludes that international factors are important in determining compliance, but the international community has not always had such a strong influence over the actions of countries. Before the rise of this influence, the question could be asked again as to what influenced compliance. Considering the fact that international factors have been removed in this instance, this would have to be a domestic factor. While immigration has been found to be insignificant, the discussion surrounding corruption from a previous section could be a start for this new investigation. By finding the factor that mattered before the international community grew in power, insight could be provided into what else may impact the decisions of countries today. This factor in conjunction with international pressures can create a full picture of what drives protection compliance. This would continue to follow the theory that domestic policies

and structures can influence the effect that international factors have on compliance. What remains to be discovered is the domestic factor that influences the decisions of government leaders. If these factors are discovered, a safer environment, characterized by greater protection, can be provided for human trafficking victims.

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