Global Anti-Sex Trafficking: State Variance in Implementation of Protectionist Policies

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ABSTRACT

Sex trafficking—a global issue involving a plethora of factors—has elicited persistent calls for its eradication. The early 2000s saw the international community establish a set of strategies to combat trafficking centered on protectionist, preventative, and prosecutorial methods. While the prosecutorial and preventative policies have been utilized most by states, protectionist measures for victims have been lacking. These discrepancies—which present human rights implications for victims—give rise to questions of why states may or may not implement protectionist policies. I propose that states' effective implementation of protectionist policies is influenced not only by their respect for human rights, but also by their capability to actually carry out policy. With a novel dataset covering 166 countries over the 2000–2009 period, and using Seo-Young Cho et al.'s Protection-Score Index as the dependent variable, a range of factors potentially influencing states' implementation of protectionist policy is assessed. Results show that states' implementation of protectionist policies is highly influenced by a state's world culture ties and its governance effectiveness, as well as other state-level political mechanisms. Of note, other factors considered important within previous studies, including female parliamentary participation and economic-based measures, such as GDP per capita or levels of global trade, are insignificant and illustrate little influence.

I. INTRODUCTION

Running rampant in the backstreet brothels of Southeast Asia, occurring in abundance across (in)famous red-light districts throughout continental Europe, and readily existing within the Americas, sex trafficking constitutes a truly global issue. Representing one branch emanating from the broader category of human trafficking, it is now seen as a violation of human rights and is illegal in many countries. It is believed that hundreds of thousands of individuals (typically women or children) are lured, kidnapped, or forced into sexual slavery annually.

At times, depressing economic conditions present individuals with little choice but to risk dignity, freedom, and, ultimately, their lives within the shadowy, underground realm of sex trafficking. Just as globalization is transplanetary and supraterritorial, so too is sex trafficking an international phenomenon, transcending regional and state borders.

As the extent and consequences of sex trafficking have become recognized internationally, significant developments regarding anti-sex trafficking have also occurred. In 2000, the international community adopted the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. 2001 saw the US State Department present its first annual Trafficking in Persons Report (TIP). These developments illustrated the first truly global campaign focused on anti-sex trafficking, and elicited several differing anti-sex trafficking approaches.

A main feature of the UN and the US State Department's respective anti-sex trafficking mechanisms was the construction of a multidimensional strategy to combat trafficking grounded on a three-pronged approach involving prosecution, prevention, and protection. Yet, even while the Trafficking Protocol and the annual TIP Reports offer guidelines for nations to prevent trafficking, protect victims, and punish traffickers, the actual implementation


of recommended policies by nations has been widely inconsistent. Both the general literature and recent analyses suggest that prosecution-based approaches have been overwhelmingly pursued to the detriment of preventive and protectionist policies. This is problematic and dangerous; strict prosecution approaches fail to take into account the rights or interests of victims and can instead compromise their protection and assistance needs.

In recognition of the international complexities and global dimensions of sex trafficking, it is both fitting and potentially fruitful to proceed with an analysis based on global, internationally-focused sociological theories. Accordingly, this study assesses international anti-sex trafficking approaches by employing world culture theory and considers the concept of governance effectiveness. Using states’ protection scores from Seo-Young Cho et al.’s innovative “3P Anti-Sex Trafficking Policy Index” as the dependent variable, the study focuses on the implementation of protectionist policies in 166 countries from 2000–2009. The analysis is guided by the question of what factors affect states’ use of protectionist anti-sex trafficking policies.

Analyzing patterns of use of protectionist policies should provide a clearer understanding of why protectionist approaches succeed or fail in certain states, while generating possible ways to instill more efficient methods to combat trafficking. Acknowledging that sex trafficking is multidimensional—thus requiring a broad anti-sex trafficking approach—this article contributes to the dialogue on policy improvements while shedding light on the continued neglect of victims. Finally, the article adds to the scholarly literature on sex trafficking, which as a topic has much anecdotal coverage but still lacks statistically based, systematic studies.

The article is structured as follows: Part II reviews the trafficking literature and outlines the gaps that the present study fills. Part III examines the theoretical arguments derived from world culture and governance effectiveness perspectives, showing their applicability to anti-sex trafficking. Part IV provides a description of the study design, data utilized, methods engaged, procedures of analysis, and final results. Part V discusses the implications of the results and offers suggestions for future research.

II. LITERATURE REVIEW

Until recently, analyses of sex trafficking have been non-statistical, based on inaccurate descriptive data, strictly regional in focus, or centered on narrative accounts of particular victims. At other times, the study of sex trafficking has relied heavily on theoretically based discussions where perspectives are grounded in the disciplines of women’s and gender studies (WGS) or law.

A. Criminal and Legal Studies

As an underground, clandestine criminal activity, sex trafficking lacks highly reliable statistics or verifiable data. Groups relevant to trafficking, such as illegal migrants and trafficking victims, are part of a “hidden” population, depriving researchers the opportunity to create representative samples or frames. These factors mean that the majority of work conducted on trafficking and combating trafficking has been theoretical or discussion based, with little in terms of statistical analyses.

Criminal and legal based perspectives on anti-sex trafficking describe the particular nuances of legislation and the paths of development for specific laws, while presenting commentary on the shortcomings or problems with such laws. Discussions suggest that even though international trafficking directives have called for the broad implementation of the three anti-sex trafficking dimensions (prosecution, protection, and prevention), in actuality there have been drastic inconsistencies in approaches undertaken by states. Critics contend that states implement the prosecution approach while neglecting protectionist or preventative approaches.
tential rationales for inconsistent implementation, legal analysts propose that the overwhelming use of the prosecution approach towards victims and traffickers alike is an outgrowth of states’ immigration policies and the focus on combating organized crime. Legal analysts describe how many states have implemented surveillance measures, tightened restrictions at borders as means of curtailing illegal migration and the movements of individuals or groups of people. An oft-utilized example of stricter immigration policy involves developments within the European Union (EU), where a traditional policy of essentially open borders, most famously through the Schengen Visa Schemes, was dramatically replaced after the cataclysmic collapse of communism. With a potential mass diffusion of migrants from Eastern to Western Europe searching for work, safety, or higher living standards; Western European states came to fear uncontrolled migration, cross-border crime, and breakdowns in law and order. Immigrants were also said to have placed a large burden on Western societies due to various circumstances, including social services and crime, which served to reinforce and contribute to more restrictive border and movement policies.

The legal literature also emphasizes that as states intensified controls, enacted new laws, and implemented new strategies to control the effects of migration (particularly unlawful immigration), traffickers and trafficking victims—often falling under the category of illegal migrants or unlawful residents—were increasingly prosecuted. Additionally, many European political parties exploited the illegal immigration theme, using the threats of “invasion” and “aliens” to justify utilizing highly repressive approaches or laws.

Thus, legal analysts generally conclude that the prosecution approach, characterized as firmly rooted in state security concerns about uncontrolled immigration, mass flows of undocumented individuals or groups, and maintaining the legitimacy of borders, has neglected to protect trafficking victims. Victims have been denied many forms of assistance and have lacked appropriate provisions for their various human rights and legal benefits.

B. Women’s and Gender Studies

Because sex trafficking is a crime perpetrated predominantly against women (with children also being a significant proportion of trafficking victims), anti-sex trafficking has remained a notable topic of discussion within the WGS field. Mirroring dialogue found within the legal studies fields, WGS-based discussions have also maligned the use of harsh prosecution approaches that usually neglect victims. While legal analysts assess laws and the lack of appropriate legislation or inconsistent implementation of policies, WGS-based discussions tend to delve into theoretical frames of inequality and systems of discrimination.

The literature proposes that one of the shortcomings of anti-sex trafficking emanates from the societal construction of victims and the belief that the ways society as a whole characterizes and approaches victims must be reassessed. Victims should be freed from all the restrictive, narrow labels they receive, which only serve to “pigeon-hole” them as undesirable others. Rather than view and categorize victims as illegal immigrants or migrants, sex workers, foreign workers, criminals, prostitutes, or social deviants undeserving of sympathy and complicit in their harrowing situations, victims should be first seen as human beings. Seeing and perceiving victims as human beings allows society to view them as individuals who should be afforded human rights and dignity. Thus, a reformulation of the ways victims are perceived can be an influential first step in anti-sex trafficking approaches offering victims more protections and respect.

The WGS framework also considers the widespread use of the prosecution approach as failing to sufficiently deal with the central, structural issues

22. Amiel, supra note 15; Berman, supra note 21, at 68.
26. Goodey, supra note 6, at 32.
28. Goodey, supra note 6, at 32.
that give rise to trafficking. Instead of stemming the problem, the prosecution and deportation of sex trafficking victims as illegal migrants or criminals can maintain or prolong cyclical patterns of trafficking. The deportation of trafficking victims basically returns and exposes these victims to the same precarious conditions and pressures that contributed to their initial trafficking experience (such as gender discrimination, societal inequality, political unrest, armed conflict, and scarce economic opportunities).

By focusing on the immigration and criminal policies that are an essential component of the prosecution approach, the WGS perspective suggests that vulnerable individuals are forced to search for other ways to cross borders or boundaries. Facing strict migratory laws, potential migrants are “pushed” toward traffickers who use various methods, networks, and connections to facilitate illegal travel and entry into countries. As the potential for apprehension increases, greater numbers of travelers entrust themselves to traffickers, paying high fees or incurring large debts that then lead to conditions of debt bondage, sexual slavery, and basic human exploitation.31

C. The Empirical Shift

Building upon contributions made by the fields of law and WGS, scholars have recently expanded discussions about anti-trafficking by conducting statistical analyses. Olga Avdeyeva investigated the conditions under which states initiate reforms and comply with international agreements to combat trafficking, focusing on factors of compliance with the UN Trafficking Protocol. Avdeyeva assessed a total of twenty-six countries in Eastern and Central Europe, as well as Central Asia, for the 2001–2007 period using data from the US State Department’s TIP Reports.32

Employing an Ordered Probit model,33 Avdeyeva investigated factors such as international status (in terms of membership in exclusive organizations, such as the EU), levels of foreign assistance, levels of democracy, amount of corruption, female representation in parliament, and economic development. Results revealed that state compliance depends on both domestic and international factors. Avdeyeva found that states with a larger number of female legislators in parliament have better compliance with the UN Trafficking Protocol.34 She also showed that state compliance with the UN Trafficking Protocol is a function of a state’s international status.35

As the first statistically based work on trafficking, Avdeyeva’s study enlightened the anti-trafficking literature and set the stage for future analyses. Because trafficking is a global issue, affecting all countries to some degree, her regionally-focused analysis using twenty-six post-communist countries serves as the proverbial “jumping-off” point for subsequent broader, internationally based studies. In 2011, a group of Europe-based scholars began to investigate the spread of trafficking policies internationally. Cho et al. looked at the effects of spatial dependence on trafficking policies by assessing 177 countries for the 2000-2009 period.36 They provided two main contributions to the anti-trafficking literature. First, they created a novel index (3P Index), which helped to more efficiently measure the effectiveness of anti-sex trafficking actions taken by governments.37 Second, they expanded the discussion of trafficking approaches through the use of an international focus; specifically, they considered whether countries operate in isolation when deciding on particular anti-trafficking approaches.38 Employing a Spatial Autoregressive Estimation Model, Cho et al. argued that trafficking approaches across countries are unlikely to be independent from each other. Instead, countries depend spatially on each other in their respective approaches.39

Spatial dependence, in regard to policy choices, has been instrumental for the literature on policy diffusion across countries.40 It exists “whenever the marginal utility of one unit of observation is affected by the decision-making of other units of observation.”41 Thus, spatial dependence is apparent when policies implemented in one state are influenced by the policies of other states. Theoretically, spatial dependence arises due to pressure, externalities, learning, and emulation effects.42 For anti-sex trafficking policies, spatial dependence is relevant because implementation is influenced by decisions made by other states; states can be influenced by pressure from one state on another (e.g., destination states pressuring origin states); some states will

31. Kelly, supra note 10, at 240-42.
33. Id. at 299.
34. Id.
35. Id. at 309.
experience externalities created by other states (e.g., strict policies in one state can lead traffic to another); and some states will want to learn from or emulate other states (e.g., laggard states follow efficient or moral leaders). Importantly, the strength of these influences will differ across countries, depending on how and to whom they are connected.

Giving consideration to factors such as state corruption, democracy, US aid, female political participation and female parliamentarians, international regime membership, bilateral trade, and contiguity, Cho et al. found strong evidence for spatial dependence in trafficking policies. In particular, choice of approach is subject to the external effects across contiguous countries as well as a state’s principal trading partners.43

Additionally, Cho et al.’s results support the notion that implementation and enforcement of the various approaches has been inconsistent, with some approaches better implemented than others.44 While the level of compliance in all three dimensions has improved since 2000, compliance with the prosecution approach was, on average, highest for all years and experienced the most significant improvement during the period. In contrast, governmental efforts to protect victims of sex trafficking have been the weakest. For every year assessed within the study (2000–2009), the worldwide average score of protection was lowest and demonstrated the slowest improvement over the time period covered.45

Building on the foundational groundwork of Avdeyeva and Cho et al., Cho and Krishna Vadlamannati offered the most recent statistical contribution to the trafficking literature.46 While Avdeyeva’s work is regionally focused, and Cho et al. assessed how countries come to choose one approach over another, Cho and Vadlamannati specifically analyzed the effects that ratification of the UN Trafficking Protocol had on state compliance. Their work provided a significant contribution to the implementation of the three respective trafficking approaches, as they delved into the potentially differentiated impacts of ratification of the Trafficking Protocol. Distinguishing between approaches is crucial given the different goals and costs of compliance of each. Cho and Vadlamannati argued that, due to the high costs of compliance, states strategically select those obligations that satisfy the major countries (such as the United States and other Organisation for Economic Co-operation and Development (OECD) countries) most efficiently, while having the least cost of domestic resistance. Since the UN Trafficking Protocol reflects the interests of major countries, and the prevention approach triggers the least domestic resistance and the lowest political costs to implement, ratification of the Protocol should lead to the strongest effect on compliance with the prevention approach.47

Using data on 147 countries for the 2000–2009 period, Cho and Vadlamannati ran pooled Time-Series Cross-Section regressions, with the 3P Index categories as their dependent variables. Consideration was also given to female parliamentary representation, levels of democracy and corruption, UN General Assembly voting, cultural proximity, and economic development. Results showed that ratification of the Protocol has the strongest effect on the prevention approach of a member state compared to the protection or prosecution approaches. Their results support theories of efficient compliance; that is, countries strategically comply with obligations of major treaties that ensure the highest appreciation from the major countries at the lowest possible cost.48

D. Moving Forward

While the aforementioned works have made tremendous contributions to trafficking literature, several areas require further consideration. First, recent empirical advances made by Avdeyeva, Cho and Vadlamannati, and Cho et al. offer analysis of immediate factors and recent effects (like how signing the UN Protocol in 2000 affects compliance in immediately subsequent years). In trying to analyze particular patterns of policy implementation and compliance, consideration should also be given to states’ longer-term histories and records in terms of compliance and fulfillment potential. For example, how a state’s record of signing other international human rights treaties affect the state’s implementation of the protectionist approach.

Second, although there is support for the notion that the protectionist approach is less-effectively implemented by states, there is limited understanding about the underlying factors that cause some states to strongly implement the protectionist approach and others to neglect it.

Cho and Vadlamannati’s findings suggest that the UN Protocol has been generally ineffective in protecting trafficking victims, leaving unanswered questions of variance between states’ effective implementation of the protection approach.49

Overall, previous works on sex trafficking have not probed the international, socio-economic, and cultural factors linked to trafficking, even though it is a global phenomenon. Also, consideration must be given to state-level

43. Id. at 4.
44. Id. at 9.
45. Id. at 10.
47. Id. at 250, 252, 256-62.
48. Id. at 250, 252.
49. Id. at 252.
political mechanisms because policy decisions are made by states. The present study fills these particular voids by addressing international, socio-political, and cultural factors—using both state-level and global theories—to assess states' implementation of protectionist policies.

III. THEORY

This section utilizes perspectives from international, comparative, and socio-political theories to analyze and explain potentially important factors in states' implementation of protectionist policies. It begins with a review of World Culture Theory and the concept of Government Effectiveness and Capacity, before describing their potential interaction effect. Afterward, a summary of data and an explanation of variables is presented.

A. World Culture Theory

World culture is pervasive and ever more ubiquitous. It is evident in large-scale global spectacles, basic travel, commerce, conflict, research, and even in ordinary daily activities, such as chess clubs or stamp-collecting groups. World culture's foundational importance to the concepts of international human rights and the protection of the individual is a relevant applicatory tool to better comprehend international anti-sex trafficking approaches. Specifically, world culture seeks to explain global changes—especially the diffusion of Western inspired state political, economic, and structural policies or practices—as the consequence of emerging global institutions, international organizations, and an increasingly common world culture following World War II. After first germinating in the nineteenth century, world culture's post-WWII period of accelerated growth was fueled by the dramatic increase in the activities of global civil society. Spreading outward from the West in a diffusionary process through international nongovernmental organizations (INGOs), international governmental organizations (IGOs), various sub-state entities, and individuals, ideas of state sovereignty, individual rights, modernization, and rational progress became increasingly valid and universally legitimated.

World culture creates norms and identities that are perceptible to various actors—individuals, states, organizations, etc.—embedded within the global arena. As a result, the norms and identities influence the actors' behaviors, actions, motivations, and goals. Since World War II, the expansion of international human rights has propounded a collection of norms and frames about the individual. The framing of the individual has evolved to now illustrate an increasing concern for, and elaboration of, the individual regarded as sacred and inviolable. These perspectives of the individual exhibit universalism and, in principle, accrue to all individuals, regardless of citizenship, residency, background, sex, age, religion, or race. Further, human rights have arisen to protect and defend human or individual agency.

In anti-sex trafficking approaches, world culture elicits direct parallels and shared notions. In particular, the protectionist approach—at times categorized as the victim-centered approach—focuses on the human rights, dignity, worth, and protection of the victim. The protectionist approach outlines many provisions and benefits that are to be extended to victims, such as allowing identified victims to remain in the country, work, or obtain services without fear of detention or deportation for lack of legal-entry status. Further, states are to safeguard the rights, dignity, and sanctity of victims, as well as family members in harm's way.

By collecting information on the membership in national chapters of INGOs, one captures states' general embeddedness in world society. The overarching world culture permeating within the global society provides recurrent emphasis on individual sacrality and humanity's inviolability. Thus,

52. Id.
54. John Boli & George Thomas, Constructing World Culture: International Non-Governmental Organizations since 1875 (1999).
57. Id.
58. Id.
62. TIP 2011, supra note 4.
understanding a state’s relationship to or association with world culture provides a relevant framework towards ascertaining the particular approach it may use, specifically its potential for the protectionist approach.

B. Governance Effectiveness and Capacity

The notion of governance effectiveness and capacity is gaining significance in international comparative analyses; thus, it is useful in understanding trafficking and the implementation of protectionist approaches. While it is universally recognized that states are responsible for the condition of human rights within their jurisdictions, not all states are able to prevent abuses or protect citizens. Simply put, states differ in terms of the efficiency of state structures, effectiveness of bureaucracy, competence of social structures, proficiency of institutions, and capacity of security, power, and wealth. Further, states vastly differ between the legitimacy of internal authority and enforcement structures, and degrees of public or private corruption.

There are parallels and shared characteristics between governance effectiveness and capacity and anti-sex trafficking approaches. First, the protectionist approach entails a wide range of activities and partnerships among the legal, judicial, enforcement, and civil spheres; requires implementation of anti-sex trafficking legislation; and calls for coordination of activities and measures amongst international, regional, national, and local anti-sex trafficking task forces. Additionally, the approach requires various levels of government and authority to create, coordinate, and utilize monitoring and reporting mechanisms, as well as establish professional training programs within schools, health facilities, and law enforcement structures to identify and enforce anti-trafficking. Finally, the approach calls for public awareness and education campaigns to educate civilians about trafficking through public service announcements, distribution of written information, and media avenues.

By assessing multiple states’ governance effectiveness and capacity, consider that not all states may effectively implement protectionist approaches. Thus, by examining the influence of state effectiveness and capacity, one may ascertain which states implement and utilize protectionist approaches.

C. Interaction Effect

Because the priorities of the protectionist approach are the human rights, dignity, worth, and protection of victims, states should extend specific provisions, benefits, and rights to victims. Further, the ability to implement the approach entails a range of activities and partnerships among efficiently run and effectively coordinated legal, judicial, enforcement, and civil spheres of a state. While states are responsible for human rights conditions and ensuring respect of civilians within its borders, not all states, despite good intentions, are able to protect or provide these rights. For states to effectively implement policy, a combination of human rights ideology and governance effectiveness is required. Thus, one could predict that countries that are more embedded and have higher levels of governance effectiveness will have higher protection scores than countries that are less embedded or have lower levels of governance effectiveness, while countries that are weakly embedded and have low levels of governance effectiveness will have the lowest scores. Figure 1 offers a visual illustration of this concept.

![Figure 1. Interaction of World Culture Ties and Governance Effectiveness](image)

D. Data and Explanation of Variables

The data set used in this article covers 166 countries for the years 2000 to 2009, excluding countries that experienced long periods of political

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65. Id.
66. TIP 2011, supra note 4, at 61.
67. Id.
68. Id. at 40.
69. Id. at 61.
70. Id. at 40.
71. Englehart, supra note 64, at 163.
or armed unrest during the time period (e.g., Iraq, Afghanistan, Somalia) and countries missing data for many of the indicators (e.g., Palau, Tonga). Data was also collected from the World Bank and the UN. Summaries of the dependent variable (protection index), general 3P Index, and relevant independent variables are addressed, and appendices I and II offer more information and descriptive statistics on all the variables.

E. Dependent Variable

1. Protection Approach

Coded analogously to the overall 3P Index, the dependent variable assesses governmental efforts to protect and assist trafficking victims. The nine prime requirements of the UN Trafficking Protocol evaluated are: (i) no punishment of victims; (ii) imposing no self-identification in order to prove status as a victim; (iii) assistance for legal proceedings; (iv) provision of residence permits; (v) basic services for housing; (vi) medical training; (vii) job training; (viii) assistance for rehabilitation; and (ix) assistance for repatriation. The first requirement, no punishment of victims, receives special consideration in Cho et al.’s evaluation because it represents a basic human right in anti-trafficking policy. The states are scored one through five, with a score of five given to states demonstrating very strong efforts in protecting victims; four to states with moderate efforts; three to states for limited efforts; two to states for weak efforts; and one to states that punish victims of sex trafficking.

2. 3P Index

The 3P Index, from which the dependent variable emanates, was created by Cho et al. using the annual US State Department’s TIP Reports and The UN Office on Drugs and Crime’s Global Report on Trafficking in Persons as sources for the coding procedure. While far from perfect, the sources remain the best available; both are globally recognized as extremely useful in expanding understandings about anti-trafficking. For example, the TIP Reports are called, “the world’s most comprehensive resource of governmental anti-human trafficking efforts” and are used “by international organizations, foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed.”

The 3P Index gathers data from the two sources to measure the implementation and effectiveness of state policies in fighting trafficking based on respective policy requirements prescribed by the US TIP Reports and UN Trafficking Protocol. Each category of the three dimensional trafficking paradigm—prosecution, protection, and prevention—is evaluated using a five-point scale; therefore, a score of five indicates best policy practice, while a score of one is indicative of the worst. The respective sub-indices are then aggregated to an overall index with an unweighted sum, so the overall index ranges from a score of three as the worst, to fifteen as the best. While the 3P Index provides an overall trafficking score, only scores for protection are used as the dependent variable. Separately analyzing the protection score effectively captures the human rights element of anti-sex trafficking as the primary concern of the protection approach is human rights provisions and benefits for victims.

F. Independent Variables

Anti-sex trafficking is complex and involves multidimensional international factors. The following list of variables considers the central concepts of states’ world culture ties and governance effectiveness, and also accounts for other significant elements to anti-sex trafficking.

1. World Culture Ties (Standardized)

Scholars identify INGOs as key carriers of world culture and discourse and primary conduits through which world society affects nations. Nations embedded in networks of international organizations tend to conform to global norms most rapidly, ... [and] this embeddedness [can be] measured by the number of membership ties to INGOs held by citizens of a given nation.” The total ties for a given state are standardized to attenuate for

72. UN Trafficking Protocol, supra note 63, arts. 6, 7, 8, at 43-45.
75. TIP 2011, supra note 4.
76. Cho et al., supra note 7, at 3.
77. Id., at 9.
skewedness. Here, data is from the Union of International Associations’ annually published Yearbook of International Organizations for years 2000–2009.

2. Governance Effectiveness

An important part of governance effectiveness involves the ability, competence, and “capacity of the government to effectively formulate and implement sound policies.” With scores ranging from around -2.5 (low) to around 2.5 (high), this variable captures states’ effectiveness and capacity by considering the quality of public services, civil service, and policy formulation and implementation, as well as the government’s credibility to commit to such policies. Data was collected from the Worldwide Governance Indicators (WGI) Dataset. However, this variable represents one component of the larger WGI project that uses perceptions-based governance data sources, such as surveys of firms and households and subjective assessments of a variety of commercial business information providers, nongovernmental organizations (NGOs), and other public-sector bodies, to assess states on various features.

3. Interaction Effect of Governance Effectiveness and World Culture Ties

Though it is universally accepted that states are responsible for human rights within their borders, not all states are capable of ensuring human rights or protecting victims. In addition to good intentions or articulating human rights rhetoric, states must possess the effectiveness and capacity to implement human rights policies. This variable is an interaction effect capturing the two-dimensional aspect of the product of states’ world culture ties and governance effectiveness for a given year.

G. Relevant Control Variables

Trafficking constitutes a complex, multidimensional international issue, often involving a wide range of factors. The following section presents a summary of relevant control variables that may influence protectionist policy implementation.

81. Id. at 2.
82. Id. at 4.
83. Id.
85. Full list of the 9 articles is found in Figure 5.
89. Data was collected from UNODC 2006, supra note 73, at 4. Additionally, the 2006 scores for each dimension were used as a proxy for 2001, 2005, and 2009 since that was the only available data.

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1. Expressed Adherence to Human Rights Regime

Building on Emily Hafner-Burton and Kiyoteru Tsutsui’s understanding of the six core human rights treaties, this variable measures how many of the nine main international human rights treaties and conventions a country has ratified for a given year. The nine main treaties include international articles relevant to trafficking and the movement of people. A score of zero indicates a country has not ratified any of the nine treaties or conventions for a given year, while a score of nine indicates it has ratified all nine treaties or conventions for a given year. The data was collected from the UN Treaty Collection.

2. Female Representation in Parliament

This variable assesses the share of female legislators in a country’s parliament as a percent per respective year. Previous works have examined how an increase in females elected to legislative branches of government may correspondingly increase the policies addressing issues concerning women.

With trafficking victims predominantly female, coupled with an increase in female representation in government, this variable may influence states’ protectionist policy implementation scores. Data for this variable was collected from the World Bank Indicators.

3. Trafficking Incidence Variables

Sex trafficking involves a complex interplay of origin, transit, and destination countries; thus, understanding which countries fall into what categories is essential. For example, origin countries may have less need to provide benefits for victims, while destination countries may face greater protectionist burdens. The variables of origin, transit, and destination are treated as control variables to assess a country’s incidence for each dimension. The variables are treated as controls so the models are not misspecified. Each variable is measured separately from one to five, with one representing very high incidences and five representing very low.

The incidence of origin variable captures the degree to which a country is considered an origin country for trafficking. Because origin countries send rather than receive victims of trafficking, origin countries may have less need to implement protection policies. The incidence of transit variable captures the degree to which a country is considered a country of transit for trafficking. Previous analyses have not shown an established pattern for this variable; accordingly, varying results are expected. Finally, the incidence of destination variable captures the degree to which a country is considered a country of destination for trafficking. Although it is understood that destination countries generally have a greater need to offer protections, recent analyses and literature show that states generally fail in implementing protections for victims.

4. Political System: Democratic-Autocratic Scale

Derived from the Polity IV Project, this variable codes the authority characteristics of states for purposes of comparative, quantitative analysis. Widely used in previous works assessing human rights practices, this measure is an additive scale/index of a number of component variables dealing with openness of and competition in executive recruitment, executive constraints, and the competitiveness of participation. Scores range from -10 to 10; -10 representing the least democratic or most autocratic states and 10 representing states with the most democratic political institutions.

5. Economic Factors

Internationally focused, comparative analyses must also include coverage of economic variables that may be influential. The GDP Per Capita (logged) and Trade Openness (logged), two variables consistently used within international comparative analyses, assess the extent that protectionist policies are influenced by states' economic factors. The former is calculated as gross domestic product per capita logged, measured in constant 2000 US dollars, and available from the USDA: ERS International Macroeconomic

90. Cho et al., supra note 7, at 27.
91. Id.
92. Id. at 10; Cho & Vadlamannati, supra note 46, at 256-62; Goodey, supra note 6, at 39.
95. Davenport & Armstrong, supra note 94, at 545.

IV. ANALYSIS

There are three stages of analysis, as this article assesses states' protectionist approaches for 2001, 2005, and 2009. This breakdown offers an understanding of potential changes or states' progress in learning how to deal with trafficking (as some countries may lag behind others initially). Further, because the global process of combating trafficking is still developing, results should be assessed over time and variability should be expected.

Table 1 shows results for the regression models for 2001, while Tables 2 and 3 show results for the 2005 and 2009 models respectively. Table 4 shows results for years 2005 and 2009 when carrying over the same group of countries from 2001.

In Table 1, each of models 1 through 5 uses the protection score as the dependent variable. Model 1 is quite basic, showing the results when including the three main explanatory variables—world culture ties (standardized), governance effectiveness, and the interaction of the two (the product of governance effectiveness multiplied by standardized world culture ties). With world culture ties and the interaction effect both being significant, Model 1 shows that the most salient factors in states' implementation of protectionist policies are states' ties to world society, as measured by membership in NGOs, and the interaction of world culture ties and governance effectiveness.

Model 2 retains the three main explanatory variables and includes the measure of incidence of destination for trafficking. In this model the interaction variable retains significance, the incidence of destination measure is also significant, yet a world culture tie is no longer significant. At this stage, states' interaction of world culture ties and governance effectiveness, as well as states' standing as trafficking destinations, are strong predictors of states' protectionist policy scores.

Model 3 retains the same variables as Model 2, while adding the variable regarding states' expressed adherence to the human rights regime. Results illustrate similarity with Model 2. The interaction effect and the incidence of destination variable remain significant, while the world culture ties and governance effectiveness variables are not, and the added variable—expressed adherence to the human rights regime—is significant. This model supports the main hypothesis that predicts that the interaction effect of world culture times and governance effectiveness influences states' implementation of
protectionist policy. The model also suggests that states' incidence of destination and expressed adherence to the human rights regime are additional important considerations.

Model 4 retains the three main explanatory variables, keeps the incidence destination measure, but substitutes the expressed adherence to human rights regime variable for the measure of states' democratic-autocratic leanings. This replacement offers insight into the influence of a country's political system separately from the expressed adherence variable. Results for Model 4 once more demonstrate the importance of the interaction effect—which is again significant—to protectionist policy implementation, while also illustrating that another consistent factor is states' incidence of destination (also significant).

The final model of 2001, Model 5, includes the three main explanatory variables and adds the incidence of destination measure, the expressed adherence to the human rights regime measure, and the democratic-autocratic leanings measure. Consistent with Models 1 through 4, the significant variables in Model 5 are the interaction effect, the incidence of destination, and states' expressed adherence to the human rights regime. The patterns that emerge within Models 1 through 5 provide strong support for the main hypothesis, suggesting that states' implementation of protectionist policy is influenced by the interaction effect of states' ties to world society and states' governance effectiveness. There is also support for the importance of states' democratic-political leanings. Taken together, these results illustrate the salience of states' political structure to protectionist policy implementation.

Yet, even with the illustrated importance of politically based variables, it is notable that results did not show support for another such variable: female legislators in parliament. In fact, results failed to show any relevant effects or offer significance for this variable. Additionally, economic based variables, often so important to international comparative analyses, failed to offer notable effects or significance. The study ran numerous models with both GDP per capita and trade openness variables but did not find much effect. Those results give further credence to the main hypothesis, which outlines the importance of the interaction effect, as well as the general notion of the importance of states' political structure to protectionist policy implementation. With a clear pattern emerging from results of 2001, the models of 2005 will now be assessed.

Using protection scores for 2005 as the dependent variable, Model 6 includes only the main explanatory variables—world culture ties, governance effectiveness, and the interaction of the two. As an initial assessment, Model 6 shows that a state's world culture ties, which was significant, is a strong predictor for its protectionist policy implementation.

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98. Results for this variable are not shown in the tables, but are available from the author.
99. Results for both variables are not shown in the tables, but are available from author.
In Model 7, the main explanatory variables are retained, while the expressed adherence to the human rights regime variable is also added. With the world culture ties, governance effectiveness, and expressed adherence variables all being significant, similar patterns emerge to those seen throughout Models 1 through 5. Specifically, Model 7 supports the idea that a state's political structure is an important predictor for its implementation of protectionist policy.

Model 8 retains the same structure as Model 7, except for replacing the expressed adherence variable with the measure of states' democratic-autocratic leanings. Yet again, world culture ties is a significant variable, while the measure of states' democratic-autocratic leanings was also significant. Throughout the models, results continue to support the importance of the political dimension to states' protectionist policy implementation.

Model 9—the final one for 2005—keeps the three main explanatory variables, while adding both the expressed adherence to the human rights regime and the state democratic-autocratic leanings variables. While both variables had significance when included separately in previous models, in Model 9 only the measure of states' democratic-autocratic leanings exhibited significance. While the main hypothesis—pointing to the importance of the interaction effect—was not explicitly supported in Model 9, results from Models 6 through 9 do offer continuity with patterns established in 2001's Models 1 through 5 and 2005's Models 6 through 8. Results for 2005's models indicate that, similar to the early period of international anti-sex trafficking in 2001, states' internal political mechanisms, their ties to world society, and their governance effectiveness greatly impact protectionist policy.

It is also notable that while for 2001 the incidence of destination variable showed consistent significance, for 2005 it exhibited no relevance. Additionally, even with 2005's results showing the importance of states' political structure for implementation of protectionist policies, the importance of female legislators in parliament was yet again not supported. Finally, the lack of relevance for economic-based variables, such as GDP per capita and trade openness, augments the importance of states' political structure to protectionist policy implementation.

Model 10 uses protection scores for 2009 as the dependent variable and includes the main explanatory variables—world culture ties, governance effectiveness, and the interaction of the two. Of the three, world culture ties is the only variable to show significance. For this basic model, results indicate that the most salient factor in protectionist policy implementation is a state's ties to world culture.

Building off the basic structure of Model 10, Model 11 retains the main explanatory variables and adds the measure of incidence of trafficking origin. World culture ties and the interaction effect variable were not significant, whereas governance effectiveness and the incidence of trafficking origin
variables were significant. While the incidence of origin variable is a new factor of consideration for implementation of protectionist policy, having shown no relevance in any previous models, the variable continues the established pattern of the importance of states' political structures. 

Model 12 keeps the same structure as Model 11, except for adding the measure of states' democratic-autocratic leanings to the model. The democratic-autocratic leanings measure and the measure of states' incidence of trafficking origin variable all being significant, the model repeats the theme of the importance of states' political structures. 

Overall, results for 2009 mimic patterns established within the models of 2001 and 2005 models. For 2009, states' internal political mechanisms, as well as a combination of their acceptance of world cultural ideals (e.g. human rights) and their effectiveness in carrying out obligations greatly impacts the implementation of protectionist policy. It is notable that while for 2001, the measure of origins showed significant and influence, for 2005 to measures of trafficking destination showed significant and influence. For 2009, the measure of origins showed significant and influence, while also illustrating the salience of factors such as states' political structures. 

Results across the three separate time periods (2001, 2005, and 2009) illustrate similarity and stability. The same factors continually exhibit influence.
verence and significance, though at times to slightly varied degrees. However, do these patterns remain if certain components are controlled? Specifically, the observations from time period to time period increase steadily; the final model for 2001 had 78 observations, 2005 had 140, and the 2009 final model had 116. Could the changing number of observations (countries within each analysis) mitigate the results obtained? To assess this, the study repeated final regression models for 2005 and 2009, but using only those countries used for the 2001 model. These models provide insight into whether results for 2005 or 2009 are due to time or the addition of more countries.

Table 4. 2001/2005/2009 Repeated Regression Models with Countries Held Constant

<table>
<thead>
<tr>
<th>Dependent Variable: Protection Score</th>
<th>2001</th>
<th>2005</th>
<th>2009</th>
</tr>
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<tbody>
<tr>
<td>World Culture Ties (standardized)</td>
<td>-0.170</td>
<td>0.115</td>
<td>-0.017</td>
</tr>
<tr>
<td>(0.190)</td>
<td>(0.18)</td>
<td>(0.21)</td>
<td></td>
</tr>
<tr>
<td>Governance Effectiveness</td>
<td>0.058</td>
<td>0.142</td>
<td>0.50</td>
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<tr>
<td>(0.156)</td>
<td>(0.173)</td>
<td>(0.183)</td>
<td></td>
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<tr>
<td>World Culture Ties (standardized) X</td>
<td>0.311</td>
<td>0.189</td>
<td>0.684</td>
</tr>
<tr>
<td>Governance Effectiveness</td>
<td>(0.092) *</td>
<td>(0.099)**</td>
<td>(0.168) *</td>
</tr>
<tr>
<td>UN Incidence of Origin Trafficking</td>
<td>0.028</td>
<td>0.009</td>
<td>0.054</td>
</tr>
<tr>
<td>Political System:</td>
<td>(0.019)</td>
<td>(0.009)</td>
<td>(0.023) *</td>
</tr>
<tr>
<td>Autocratic-Democratic</td>
<td>0.169</td>
<td>0.105</td>
<td>0.261</td>
</tr>
<tr>
<td>(0.066) *</td>
<td>(0.069)</td>
<td>(0.083) *</td>
<td></td>
</tr>
<tr>
<td>Human Rights Conventions Signings</td>
<td>0.359</td>
<td>0.3694</td>
<td>0.4627</td>
</tr>
<tr>
<td>UN Incidence of Destination</td>
<td>(0.093) *</td>
<td>0.3250</td>
<td>0.4031</td>
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<tr>
<td>Trafficking</td>
<td>0.5356</td>
<td>0.3694</td>
<td>0.4627</td>
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<tr>
<td>Adjusted-R²</td>
<td>78</td>
<td>77</td>
<td>61</td>
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</tbody>
</table>

* = p < 0.05  ** = p < 0.1

Table 4 presents results after carrying over the initial seventy-eight countries from the 2001 model to assess the 2005 and 2009 periods. This table shows similar patterns of significance and results to those found in Tables 1 through 3. There is continued salience of the main explanatory factors—states’ world culture ties, governance effectiveness, and their interaction—as well as a consistent influence of states’ expressed adherence to the human rights regime and states’ democratic-autocratic leanings. Table 4 shows that states’ political structures are good predictors of protectionist policy implementation, while also strongly suggesting that economic-based measures (GDP per capita or trade openness) possess little influence. Finally, it should be noted that there was slight variance in results between the original model and that using the carried over countries for 2005. However, this outcome may be due to the fact that the global anti-trafficking process is still unfolding and developing, and thus results should be expected to present some variance.

V. DISCUSSION

Since 2000, the international community has encouraged states to combat sex trafficking, particularly through a tri-dimensional strategy based on prevention and protection of victims and prosecution of perpetrators. This study aimed to identify which factors are important to the least fulfilled of the three approaches, namely protection. Results illustrate that it is important to realize that successfully implementing protectionist anti-sex trafficking policies requires not only the “will” to do so (in terms of state ties to world culture or human rights treaty signings), but also the ability to effectively implement policy (governance effectiveness). This concept was specifically exhibited by one of the main explanatory variables, the interaction effect of world culture ties and governance effectiveness. The interaction effect illustrates a positive and significant effect within almost all models tested, showing consistency for years 2001, 2005, and 2009, as well as the repeated models run with the same group of countries from 2001.

In addition, results show that several other factors retain importance in the implementation of protectionist anti-sex trafficking policies. Notably, the internal political mechanisms of states greatly influence the implementation of these policies. First, the two individual variables making up the interaction effect, world culture ties and governance effectiveness, both retain import to states’ internal political realms and both often exhibited significance within almost all models (although there was little consistency as to whether their respective effects were positive or negative). Second, the measures of states’ autocratic or democratic leanings and states’ expressed adherence to the human rights regime support the notion of the importance of the internal political realm. Within the final models for 2001, 2005, and 2009, as well as the repeated models, both measures were consistently positive and significant.

While the results generally support the importance of features of the political system to implementation of protectionist policies, it is striking that the percentage of female legislators in parliament failed to reach significance in almost all models tested. Previous literature has argued that more women in legislative branches of government translate into the articulation of policies addressing issues concerning women.100 Trafficking is a predominantly female-centered issue, and thus it was expected that this variable would be relevant to states’ implementation of protectionist policy. Its failure to show relevance suggests that it is the nature of a state’s political system, more than the people who compose it, that matters for protectionist policy implementation.

This study also finds evidence that implementation of protectionist anti-sex trafficking policies is not highly influenced by factors that previous literature and general international comparative theoretical perspectives point to as being significant. With variables such as trade openness and

100. Lovenduski, supra note 87, at 141; Trimble, supra note 87, at 120.
GDP per capita failing to show significance or notable effects, there is strong support for claims that anti-trafficking policy implementation is not an economic-based issue.

Finally, it should be noted that the effects of the UN measures of incidence (origin, destination, and transit) tended to fluctuate in terms of significance. The three measures offered interesting results, considering the fact that the literature often discusses them as important to control for in trafficking analyses. The incidence of transit variable failed to exhibit relevance for any of the models, and the measures of incidence of trafficking destination and origin changed positions for the 2001 and 2009 models. In the final 2001 model, the incidence of trafficking destination had a significant effect on protectionist policies implemented, while in the final 2009 model, incidence of trafficking origin was the significant measure. Both measures failed to offer significance or relevant effects for 2005. This pattern may be explained by suggestions that one could expect those countries experiencing an inflow of trafficking (destination countries) early on in the time period to be the first states to have to deal with trafficking in terms of implementation of policy. However, over time, and with a better understanding of the trafficking process, countries that may not have initially or directly experienced the negative outgrowths of trafficking (origin countries) would be pressured to also deal with the issue via implementation of policy.

VI. CONCLUSION

Sex trafficking is an international issue and is quite complex. This study illustrates that implementation of protectionist anti-sex trafficking policies is no different. In particular, understanding states’ implementation of protectionist policies requires understanding a specific interaction process. In addition to accepting the sacrality of the individual and respect for human rights (through world culture ties and human rights conventions signings), states must also demonstrate the ability to carry out good intentions through governance effectiveness. This article illustrates how states’ internal political mechanisms are important to protectionist policy implementation.

Representing one of the first systematic, statistical works on sex trafficking, this study may be important for policy makers, those interested in sex trafficking, and those studying the implementation of anti-sex trafficking policies. However, these results cover only the first decade of the contemporary global anti-trafficking campaign. Accordingly, future research should assess whether results remain consistent over a longer duration, as it is important to continue to analyze significant factors as the anti-trafficking process unfolds.

Also, future research could assess the effects of membership in gender-specific INGOs or human rights based INGOs, as this study’s world cul-


ture ties variable was a general-based measure and counted ties based on membership in general INGOs. Assessing world society embeddedness via membership in women’s organizations or human rights based organizations may potentially better capture states’ incorporation of international human rights or women’s rights ideals.

This study offers academic insight into an issue that continues to affect many people throughout the world. While the central scope of the study is to understand states’ implementation of protectionist policy, the underlying context is focused on victims. Hopefully the plight of victims will be both recognized and better addressed through increased coverage and more scholarly analysis of trafficking.

**Figure 2**

**Country List: 2001 (78 total)**

Albania

Austria

Bahrain

Bangladesh

Belgium

Benin

Brazil

Bulgaria

Burkina Faso

Cambodia

Cameroon

Canada

China

Costa Rica

Czech Republic

Dominican Republic

El Salvador

Equatorial Guinea

Estonia

Ethiopia

France

FYRO Macedonia

Gabon

Georgia

Germany

Ghana

Greece

Guatemala

Haiti

Honduras

Hungary

India

Indonesia

Iran

Israel

Italy

Ivory Coast (Cote d’Ivoire)

Japan

Kazakhstan

Kyrgyzstan

Laos

Latvia

Lithuania

Malaysia

Mali

Mexico

Moldova

Morocco

Myanmar (Burma)

Netherlands

Nigeria

Pakistan

Philippines

Poland

Portugal

Qatar

Romania

Russia

Saudi Arabia

Senegal

Singapore

Singapore

Slovenia

South Africa

South Korea

Spain

Sri Lanka

Sudan

Switzerland

Tajikistan

Tanzania

Thailand

Togo

Turkey

United Arab Emirates

Uganda

United Kingdom

Ukraine

Ukraine

Ukraine

Vietnam

2001 2007

2009 2010

2011 2014
### Figure 3. Country List: 2005 (140 total)

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### Figure 4. Country List: 2009 (116 total)

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### Appendix 1. Data Description and Sources

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<tr>
<th>Variable</th>
<th>Description</th>
<th>Source</th>
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<tbody>
<tr>
<td>Governance Effectiveness</td>
<td>Scores range from approximately -2.5 (worst) to 2.5 (best)</td>
<td>Kaufmann, Kraay, and Mastruzzi, (2010).</td>
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<tr>
<td>World Culture Ties (Standardized)</td>
<td>Total IGO+NGO memberships, standardized</td>
<td>UIA Yearbook, (2000–2009).</td>
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<td>Trade Openness (logged)</td>
<td>Foreign trade as a percentage of GDP, logged</td>
<td>Heston, Summers, and Aten, (2011).</td>
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<td>Political System: Autocratic-Democratic</td>
<td>Scores from +10 (strongly democratic) to -10 (strongly Autocratic)</td>
<td>Marshall, Gurr, and Jaggers, (2010).</td>
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<td>UN Incidence of Origin Trafficking</td>
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<td>UNODC, (2006).</td>
</tr>
<tr>
<td>UN Incidence of Destination Trafficking</td>
<td>Very High (5) to no inflow (0) of trafficking</td>
<td>UNODC, (2006).</td>
</tr>
<tr>
<td>UN Incidence of Transit Trafficking</td>
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<td>UNODC, (2006).</td>
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### Figure 5. Human Rights Treaty Signing Index (Articles comprising Index)

<table>
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<tr>
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<td>1948</td>
<td>UN Genocide Convention</td>
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<td>1950</td>
<td>UN Trafficking Convention</td>
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<td>UN Convention on Civil &amp; Political Rights</td>
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