The fight against Human Trafficking

Why do countries ratify, but not all comply with the Palermo Protocol?

By: Savanne Estourgie
Supervised by: Dr. Anna (J.M.) Van der Vleuten
Radboud University Nijmegen

Abstract

Countries and international organizations recognize human trafficking as a violation of human rights. Human trafficking is a global issue that affects many lives daily. The United Nations initiated the Palermo Protocol in 2000 as an international approach to combat human trafficking. Now, in 2016, 169 countries have ratified this document, but implementing legislation and taking action to combat human trafficking is no priority on the political agenda. Using a quantitative multilevel model we aimed to answer the question: *"Why do countries ratify, but not all comply with the Palermo Protocol?"* Using data from seven different sources, we constructed a dataset to test which domestic or international factors can best explain compliance with the Palermo Protocol. Results suggest that, taken the limitations of quantitative research design into account, institutions on the domestic level have a major impact on compliance with the Palermo Protocol. International factors such as being a member of an international regime or social learning appear to have no significant relationship with compliance with the Palermo Protocol.

Key words: compliance, anti-trafficking protocol, Palermo Protocol, United Nations, human trafficking, international relations

Preface

This master's thesis is a result of the research conducted during my master Political Science – International Relations at the Radboud Univeristy Nijmegen. The research is partly conducted during internships at the 'Centrum voor Vreemdelingen Identificatie en Mensenhandel' from the Police in Driebergen-Zeist and at the Consulate General for the Netherlands in San Francisco, California.

First of all, I would like to thank Dr. A. Van der Vleuten, Associate Professor at the Nijmegen School of Management, for supervising my research, listening to all my wild ideas, keeping me on track, as well as for her evening Skype sessions during the period I have spent in the United States. Furthermore, much gratitude goes to Dr. A. Lehr who helped me to survive the struggle of statistics. Although many discussions as well as changes of methods were necessary, he helped me to keep going and to stay confident.

I chose to graduate and do internships at the same time. I learnt the hard way that it is ambitious to keep everything going. But this extra year showed me insights in the organization of the police, as well as a very special experience abroad for which I am grateful. During those internships my thesis was not always my first priority, but thankfully my supervisor, Dr. A. Van der Vleuten, was always waiting around the corner to help me get through it.

I would like to thank all my classmates who were going through the same process and who were of great support in surviving the library day in day out. I much appreciated all the discussions about our thesis, teachers and struggles while writing it.

Finally, I would like to thank my parents for always listening to me, supporting me and believing in me. I would like to thank my friends for listening to my complaints, struggles and giving me a smile when it was much needed. And last but not least I would like to thank Martijn, not only for his love, but also for his computer skills when I managed to get completely caught in the labyrinth of excel datasets.

Savanne Estourgie, Nijmegen, March 2016

Contents

Abbreviations & Acronyms

ASEAN	Association of Southeast Asian Nations
AU	African Union
CBSS	Council of the Baltic Sea States
CIS	Commonwealth of Independent States
DV	Dependent Variable
EU	European Union
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings from the Council of Europe
HT	Human Trafficking
ILO	International Labor Organization
IO	International Organization
IR	International Relations
IV	Independent Variable
NGO(s)	Non-Governmental Organization(s)
UNDP	United Nations Development Programme
QCA	Qualitative Comparative Analysis
QFCHT	Qatar Foundation for Combating Human Trafficking
The Protocol	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
TPR	Trafficking in Persons Report
TVPA	Trafficking Victims Protection Act
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
US	United States of America

List of tables & Figures

Tables

Figures

x

Chapter 1 Introduction

1.1 General introduction

> *"In a small town in Russia, a girl named Samantha worked long shifts at a café. Every day, old drunken men came in and touched her on places she did not feel comfortable with. One day Andrej entered the café. After getting to know Samantha over a few weeks, he told her that there was a way to escape her miserable life in Russia. She could start working as a fashion model in the Netherlands. Samantha was obviously thrilled by this offer, though she also had her precautions, thus she would only go to the Netherlands if her friend Arielle could join her. For Andrej that was not a problem. After the long journey, Samantha and Arielle ended up in a small café. Within a few weeks, the girls were placed in an exploitive situation where they had to tolerate men touching their bodies multiple times a day. Because of the debts that Samantha and Arielle had to repay to Andrej for the trip, the girls were forced to stay. Since they were too scared to make Andrej mad they did not tell anyone about their situation. When Samantha became friends with a customer she had to deal with the consequences immediately. They day that Andrej discovered about Samantha's friendly relationship with a customer he nailed her breasts with a 25 centimeters nail into the wall and mutilated her for life."*

Unfortunately, this story, reconstructed from police reports in The Netherlands and written down in the book *Fatale Fuik* from detective Henk Werson, is not an isolated incident (Werson 2012). Human trafficking, sex-trafficking, or other kinds of forced prostitution are still taking place every day. To conceptualize the notion of human trafficking, the United Nations adheres to the following definition:

> *"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."*

In short, human trafficking is the act or practice of illegally transporting people from one country or area to another, characteristically for the purpose of forced labor or commercial sexual exploitation (Oxford Dictionary). The Parliamentary Assembly reports that human trafficking continues to grow on a massive scale (Groth 2013). It is one of the fastest growing forms of organized crime and the largest source of transnational crime profit (Groth 2013). Sex-trafficking alone generates $100 billion annually and is, as such responsible for the largest portion of the profit of human trafficking (Luscombe 2014). A report by the International Labor Organization (ILO) also suggests that virtually all countries are believed to be affected by the problem of human trafficking (that can be as country of origin, transit and/or

destination) (ILO 2014). It is yet unclear whether the growing numbers of human trafficking are due to increased crime or if it simply results from improved registration (Dettmeijer-Vermeulen et al. 2013).

1.2 The Palermo Protocol

The transnational problem (meaning that the problem of human trafficking crosses states' borders) of human trafficking on a worldwide scale is tackled by the creation of The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereinafter "the Palermo Protocol" or "The Protocol"). The Palermo Protocol is a supplement to the Convention Against Transnational Organized Crime. The Convention Against Transnational Organized crime is a treaty and thereby the Palermo Protocol as well. According to the UN, a treaty should at least meet the following criteria:

> *"First, it has to be a binding instrument, which means that the contracting parties intended to create legal rights and duties. Secondly, the instrument must be concluded by states or international organizations with treaty-making power. Thirdly, it has to be governed by international law. Finally, the engagement has to be in writing." (UN 1986).*

The ratification of The Protocol by 169 countries shows the willingness of states to act on the problem of human trafficking. In The Protocol, the countries declare that effective action to prevent and combat human trafficking requires a comprehensive international approach in the countries of origin, transit and destination (UN 2000). The intention of The Protocol was to create a framework to assist in defining what trafficking is, to prevent trafficking and to assist states in collaborating to end the problem of human trafficking (UN 2000).

The United Nations Office On Drugs and Crime (UNODC) has produced annual reports since 2010 under the name: UN Global Plan of Action to Combat Trafficking in Persons. The report in 2014 reported that more than 95% of the countries that have ratified the Protocol have legislation criminalizing human trafficking since the protocol to: *prevent, suppress, and punish trafficking in persons, especially women and children* under the UN convention against Transnational Organized Crime (UNODC 2014). Although this percentage sounds convincing, 2 billion people, more than one fourth of the world's, population are living in countries where trafficking is not criminalized as required by the UN trafficking in Persons Protocols (UNODC 2014). In case legislation is not in compliance with The Protocol, vast segments of the world's population may live without the protection and support that the victims of human trafficking have the right to obtain. Furthermore, there is the risk that offenders/traffickers are not being convicted, even in the case when they are arrested. In addition, collaboration with other states is more challenging because of the different approaches in combating human trafficking (Hathaway 2002). And even in the case when countries do have legislation enacted, implementation often falls short (Hathaway 2002). Konrad (2005) showed in the *Assessment of the United States Human Trafficking Situation and Anti-Trafficking Activities¸* for the

Organization for the Security and Co-operation in Europe, that there has not been much progression. There is movement but there is less evidence of results and demonstration of sustainable effectiveness than would be expected (Konrad 2005). Why would a country ratify the Palermo Protocol, but not change its legislation to comply with it? To answer this question, it is important to look at what a member state must do in order to comply with The Protocol and what factors will make a member state compliant.

The Palermo Protocol is not a human rights instrument to protect or give restitution to the victims of crime, but an instrument designed to facilitate cooperation between states to combat organized crime (Anderson & Adrijasevic 2008). Therefore, it is important that the focus is on programs to combat crime, instead of programs for victims. States have to strengthen their border controls and cooperate with their police enforcement to comply with the Palermo Protocol. The emphasis of the Palermo Protocol lies on the interception, punishment and prosecution of traffickers. In 2015 Cho showed that 2000 countries have demonstrated a relatively high level of commitment towards implementing prosecution policies. In addition, preventive efforts have improved. However, Cho (2015) also shows that many countries fail to provide proper protection for victims of human trafficking, thereby violating their (basic) human rights (Cho 2015). Despite the high level of commitment in the previous years, prosecution efforts have declined over the past few years. This may be caused by problems in enforcement of anti-trafficking legislation (Cho 2015). Although the focus of The Protocol is to combat organized crime, offering protection of victims is encouraged (Cho 2015).

The Palermo Protocol does not have an official tool to punish violators. This indicates that there are no costs imposed on non-compliers. As a result of the lack of punishment, states can be encouraged to ratify The Protocol for a window dressing purpose (Brooker 2000; Vreeland 2008). However, while the Palermo Protocol is not an official tool, non-compliance is not without consequences. For example, the United States presents an annual Trafficking In Persons Report where it evaluates states' compliance. They use a three tier-ranking system and according to the ranking of a state, penalties will follow from the United States when ranked as Tier 3 (Department of State 2014). Sanctions involve, for example, withholding or withdrawing from non-humanitarian, non-trade-related foreign assistance. In addition, countries with a Tier 3 ranking may not receive funding for government employees' participation in educational and cultural exchange programs (Department of state 2014).

1.3 Compliance literature

The Palermo Protocol is a treaty between states. There are estimates that there are more than 50.000 international treaties that cover nearly every aspect of international relations and nearly every facet of state authority (Hathaway 2007). But studies on the motivation behind the treaties and the reasons why states participate in these treaties are scarce. The importance of international agreements historically has been taken as given by many authors (Hathaway 2007). However, in the last decade, scholars are looking more for answers and opened the door to a deeper understanding of the role of international law in

shaping state behavior (for example: Goldstein & Keohane 1999; Hathaway 2002, 2003, 2007; Finnemore 1996; Keohane 2005; Moravcsik 2000).

1.3.1 Societal relevance

It is important to look at reasons why countries do or do not comply with international treaties, and in specific the Palermo Protocol.

First, there is consensus about the fact that The Protocol is an important treaty for human rights. When countries comply with this Protocol, the quality of life of victims of human trafficking may improve. When countries have ratified, but not complied it is important to know why those countries do not comply with the Palermo Protocol. The UN could then act upon those reasons (for non-compliance).

Second, when we determine why countries do not comply with The Protocol, we can investigate the underlying factors/reasons. Individual factors can be changed in order to improve compliance.

Third, international human rights law can be made more effective when it is known what is making countries comply (Hathaway 2007 p. 259). Fourth, a better insight in the problem of compliance will be of great use for government officials.

Finally, non-governmental organizations (NGO's) will be very interested as to why some treaties have ratified and complied with (most) countries and why others are ratified but have not complied. The reasons for non-compliance can help NGO's to pressure state authorities into compliance. The arguments for compliance or non-compliance can help NGO's to determine which specific topic they want to focus on.

1.3.2 Scientific relevance

The Palermo Protocol is an ideal starting point for understanding state commitment decisions because, according to Hathaway (2007, p. 259), human rights treaties constitute the paradigmatic hard case. "They do not offer states any obvious reciprocal benefits, as do many other treaties" (Hathaway 2007, p.259). Human rights treaties are often called empty promises in the compliance literature (Haftner-Burton & Tsutsui, 2005). The majority of countries do not have a great interest in imposing better human rights practices on other countries (Krasner 1993). Also understanding the compliance with treaties in which states have clear economic interests, for the creation of the Eurozone, is easier since there are obvious rational motives. But, with human rights treaties, these economic benefits are less visible. However, according to Cho & Vadlamanatti (2012), the Palermo Protocol differs substantially from most other human rights treaties, as the major countries that receive huge trafficking flows, are directly affected by human trafficking problems originating elsewhere and therefore directly profit from good compliance of the original countries (Cho & Vadlamanatti 2012). In the literature this phenomenon is also called 'spatial dependence' (Cho et al. 2010; Neumayer & Plumper 2010; de Soysa & Vadlamannati 2010).

Before compliance, obviously comes signing and ratification of a treaty. According to Hathaway (2007), the decision of a state to ratify a treaty is largely determined by the domestic enforcement of the treaty and the treaty's

collateral consequences. For example, states with strong domestic institutions and poor human rights records are less likely to join human rights treaties than states with weaker domestic institutions that have similar rights records (Hathaway 2007). Moreover, newer regimes, that profit from these larger collateral benefits from treaty membership, have a higher likelihood of joining human rights treaties. Goodlife and Hawkins (2006) focused in their time-duration model on three kinds of costs that states must pay to commit: policy change, unintended consequences, and limited flexibility. They discovered that not all states experience the same costs when considering commitment to an international treaty. Cost variation can substantially influence commitment patterns and therefore, all three types of costs may be of relevant when committing to an international treaty. Goodlife and Hawkins also found evidence for the importance of norms when ratifying a treaty (Goodlife & Hawkins 2006). Thus, states' ratification is dependent on domestic enforcement, collateral consequences, and regime memberships costs and norms.

Now we know why states ratify a treaty, it is important to look at reasons why states ratify the treaty but do not comply with it. International Relations has a lot of theories that explain non-compliance with a treaty. The next paragraph summarizes the most relevant literature in this field.

1.4 Theories

International Relations (IR) has a lot of theories to explain the behavior of states. Traditional debates are between the rationalist approaches on the one hand, and constructivist approaches on the other. Rationalist theory is a causal theory that focuses on a singular physical world and social realities. Constructivist approaches tend to focus on how core aspects of IR are socially constructed. In addition, we outline what institutionalist scholars ideas about states' compliance are. What follows is a short overview of the three approaches and its core compliance theories.

1.4.1 Rationalist approaches

Neo-realism, a dominant theory in IR until the end of the cold war, argues that states are the highest level in the international system (Waltz 1979). Furthermore, Waltz (1979) claims, "Among states, the state of nature is a state of war"(p. 102). This does not mean that there is a constant war, but that states decide for themselves whether or not to use force. Neo-realist scholars also claim that the international system is an anarchic self-help-system, in which states are only prepared to comply with other states under given circumstances. Accordingly, neo-realism states find it hard to work together because of fears of cheating, dependency and relative gains (Waltz 1979; Krasner 1993). International Organizations (IO's), like the UN fail to dissolve the fears of the state substantially (Hoffmann 1973; Nye 1968). Therefore, states don't ascribe much importance to International Organizations (Grieco 1995). A state power theory starts with the assumption that the structure of international trade is determined by the interests and power of states acting to maximize national goals (Krasner 1976). More power results in better possibilities for states to maximize their goals. For example, a hegemon can

push less powerful states towards compliance with an international human trafficking treaty and by that realize its own goals. Another way states try to maximize their national goals is by making a cost/benefit analysis. When this analysis is positive, states are more likely to comply with an international human trafficking treaty.

But, in the past years scholars have acknowledged the fact that international law, as a result of negotiations with international organizations, can influence state behavior (Valentino et al. 2006). Therefore, when looking at the Palermo Protocol it is important to take into account the obligations that treaties create. All treaties are legal instruments, but not all are equally 'binding' (Shelton 1997). The legal consequences of a treaty are important for compliance with a treaty. Scholars look at the way an agreement is written in the first place, to determine if a treaty is a 'hard' or 'soft' law (Koremenos 2005; Rosendorff & Milner 2001; Smith 2000). According to Simmons (2010), hard law treaties contain words like 'must', while soft law contain words like 'should'. For rationalist scholars these hard and soft law boundaries are important to determine the state behavior. Theories of international law are often related conceptually to theories of self-enforcing agreements (Simmons 2010, p. 6). "A self-enforcing agreement is one in which two or more parties adhere to the agreement as long as each gains more from continuing the agreement than from abrogating it"(Simmons 2010, p. 5).

A relevant factor in the compliance literature is the concept reputation. (Avdeyeva 2012, p. 299; Hathaway 2002, p. 1944). Reputation is mostly associated with international agreements or viewed as an accountability mechanism in fostering international cooperation (Axelrod 1981, 1986; Suchman & Eyre 1992; Simmons 1998, 2000). Reputation is a concept used in the constructivism literature and in the rationalist literature. Sharman (2007, p. 20) argues that for rationalist scholars' reputation is the degree to which an actor reliably upholds its commitments, based on a record of that actor's past behavior. From a realist perspective, Ramos and Zartner (2005) argue that the reputation of a state is key for attaining and maintaining an adequate bargaining position within the international community. They also argue reputation can give them inclusion in the 'big leagues' of power play (Ramos & Zartner 2005, p.4). A bad reputation can also be obtained, for example when states do not comply with international agreements and violate contracts with other states (Lipson 1991). However, states thereby risk the exclusion from further negotiations in the international community (Lipson 1991). Avdeyeva (2012) states that an instrumental goal for increasing the bargaining power among other states is to improve the states' own reputation. A better reputation may enhance the state's position and role in the international arena (Avdeyeva 2012).

Neo-realism and its concepts (international law, self-interest, reputation, more power) can explain, to an extent, why states would comply with the Palermo Protocol. Namely when it is in their self-interest and thus improves their reputation or gives them more power. The self-interest can also be found when compliance with a treaty can further the ideological ends of the state or avoid conflict and/or sanctions by a more powerful state (Hathaway 2002). Neo-realist scholars don't ascribe much importance to international organizations and therefore to (signing) treaties. On the contrary, 'window dressing' purposes for signing treaties and joining international organizations

are also an option, reality shows that there are some states that do ratify and comply with treaties and join international organizations. Therefore, it is important determine why states do ratify the Palermo Protocol, but don't change their legislation to fully comply with it.

1.4.2 Constructivism

According to Wendt (1992, p. 391): "The debate nowadays is concerned with the extent to which state action is influenced by 'structure' (anarchy and the distribution of power) versus "process" (interaction and learning) and institutions". Wendt and other constructivists focus more on the normative processes like identities, shared values and knowledge. Decisions of compliance are not made on rational calculations of interest but based upon shared values and how national interests can be achieved in any particular policy domain (Haas 1998, p. 32) Furthermore, Finnemore and Sikkink (1998) showed how important norms are when you are looking for reasons of compliance or non-compliance with an international treaty. They developed a theory wherein the norms 'go through' different stages. The first stage is where the norm emergence, this is the moment where the norm is first existent. Thereafter the norm cascades, via a tipping point. In the second stage the norm gets adopted by a critical mass of relevant (state) actors. In the last stage, stage three, the 'norm cascades' and the normative frame becomes internalized, in for example, treaties.

Scholars have identified three causal mechanisms through which social actors comply with norms: social protest/mobilization and social learning (Checkel 2001, p. 557). The first mechanism describes that during decision making procedures for international law states use historic interaction (and thus social learning) to make choices. Compliance can therefore be a result of social learning. Because a state 'has learnt to do so' it will comply with an international human trafficking treaty. The second mechanism, social protest/mobilization is focused on cooperation. Checkel (2001) explains the process of social protest/mobilization as: domestic actors such as nongovernmental organizations and trade unions, in cooperation with transnational organizations and networks, use international norms to generate pressures for compliance on state decision makers. Finally, the third mechanism through witch social actors comply with norms is reputation. Finnemore and Sikkinkg (1998) argue that by complying with international agreement and international norms states are recognized by the group. The compliance behavior can give the state a good reputation (in the group) among other states with shared values.

Constructivism has different theories to explain states' compliance. The theoretical chapter will show in detail how the mechanisms for different theories work.

1.4.3. Institutionalism

The last theory we are going to discuss in this thesis is the institutionalist approach. Institutionalist scholars tend to focus on political institutions such as legislature, the legal system, the state as well as traditional economic institutions (March & Olsen 1983). According to this theory, legal institutions can be a factor that determine states' compliance with human trafficking law.

In this argument, democracy as whole, and effective legal institutions as a part of that are important. Why? First, different studies determined that democracies largely keep the promises they make (Simmons 2000; Landman 2005). Promises countries make are relevant in this thesis, since we can see ratification of the Palermo Protocol as a promise to change its legislation. When countries comply, we can see this as countries 'keeping a promise'. So democracies can be a factor for compliance. Second, Cross (1999) discovered that countries with more (high) developed legal institutions and in particular independent judiciaries, do tend to have better civil rights protection. And that thus shows a higher level of compliance, because for compliance with the Palermo Protocol, civil rights protection must be of a certain (high) level.

1.5 Research question

This chapter emphasizes that human trafficking is an international problem that has to be tackled globally. Already 169 countries showed the willingness to combat human trafficking and make legislation to prevent it from further spreading. However, different studies show that, while countries are willing to halt human trafficking, implementation often falls behind. Therefore, the research questions is:

> *"Why do countries ratify, but not all comply with the Palermo Protocol?"*

1.6 Reading guide

The next chapter contains the thesis' theoretical framework using a rationalist, constructivist and institutionalist framework to explain states compliance with the Palermo Protocol. The merits of the theories will be outlined in order to give a full explanation of their understandings after which each theory will be concluded with a hypothesis. In Chapter 3 the research methods that are used in this thesis will be discussed, including the justification for the research design, the operationalization of the different hypotheses and the variables that are being used. Chapter 4 describes the empirical analysis of this thesis and the results. First, the assumptions and outliers are tested and the statistical model is described. The results are outlined and thoroughly discussed and analyzed. In the last chapter of this thesis, chapter 5, you can find the conclusion. In this chapter you can find a recapitulation of the theories (as discussed in chapter 2), the results (as discussed in chapter 4), the implications for theory, the research limitations and the recommendations for further research. This thesis ends with a conclusion. As a substitute you can find the tables and figures, the bibliography and the appendix.

Chapter 2 Theoretical debate

2.1 Introduction

"Too many people assume, generally without having given any serious thought to its character or its history, that international law is and always has been a sham. Other seem to think that it is a force with inherent strength of its own... Whether the cynic sciolist is the less helpful is hard to say, but both of them make the same mistake. They both assume that international law is a subject on which anyone can form his opinions intuitively, without taking the trouble as one has to do with other subjects, to inquire into the relevant facts."

- J. L. Brierly (in Mitchell 1994)

The central question this thesis is: *"Why do countries ratify, but not all comply with the Palermo Protocol?"* The question can be answered with different theoretical notions and their interpretations about compliance. Therefore, it is important to have a clear definition about what compliance entails. The concept compliance is best understood in relation to regulative mechanisms such as norms, rules and agreements to which states (or organizations and individuals) are able to abide. There are different definitions that are being used in international relations theory. Young (1979, p. 3), for example, defines compliance as: "When the actual behavior of a given subject conforms to prescribed behavior, and non-compliance or violation occurs when actual behavior departs significantly from prescribed behavior." As an example you would expect that a state would conform to 'the general norm' (more about norms you can find in paragraph 2.3.3) in the international field, and non-compliance and violation can be seen when a state is not ascribing to 'the general norm'. The problem with this definition is, according to Simmons (1998), that there is no distinction between compliance behavior and treaty implementation and compliance and effectiveness. The reasons for that is, that a high level of compliance does not mean that the agreement is effective at the same time. That is why the definition of Jacobson and Weiss (1995, p. 123) is more complete: "Compliance refers to whether countries in fact adhere to the provision of the accord and to the implementing measures that they have instituted." In other words, states in fact adhere to the provisions of the treaty and to the implementing measures that they have instituted. In this thesis Jacobson and Weis' definition will be used because it shows an actual change in behavior in the direction of international injunctions, it exceeds the idea of transposition and the installment of enforcement mechanisms, and extends towards the actual application in practice.

Compliance with international human trafficking treaties is essential to examine because remarkable mechanisms are at work. If states ratify an international treaty you would expect that states would comply with those treaties, but in reality this is not the case. Sometimes states do comply with the international treaty, but other times they don't. It gets even more complicated when international human rights treaties are discussed. Speaking of compliance in international human rights treaties you wouldn't find 'competitive market forces' that are able to press for compliance with an international treaty (Hathaway 2002, p. 1938). Furthermore, it is argued that international human right treaties have almost no enforcement at the

international level – that is why some scholars call these treaties dead letters (Hathaway 2002, 2007). Lastly, scholars suggest that the costs of retaliatory noncompliance are low to nonexistent because nations' actions against its own citizens do not directly threaten or harm other states (Hathaway 2002, p. 1938). But for international human trafficking treaties there are different operating mechanisms. As human trafficking is pre-eminently a transnational issue, with multiple countries involved in the same problem. When a country does not have its human trafficking legislation in order, another country can feel the (negative) effects. Therefore, theory would predict different behavior of states then with 'normal' human rights treaties. It is not an issue that stays within the state boundaries and therefore states are expected to react differently to the issue of human trafficking and thus to the international treaty. For instance, competitive market forces can be expected because controlling the population flows of human trafficking involves multiple countries and thus multiple sets of interests. Therefore, the theoretical assumption is that compliance with international human trafficking treaties is more likely to occur than compliance with 'normal' human rights treaties.

This chapter aims at getting a grip on conditions/prerequisites of compliance with the Convention Against Transnational Organized Crime, a UN treaty, and then namely the Palermo Protocol which is a part of the treaty. Rationalist, constructivist and institutionalist theories will be examined in order to understand which factors can explain the behavior of the states.

2.2 Rationalist approaches

The term rationalism is often avoided in international relations theories. It is not a 'fixed' position, which means "they include several currents of thinking and they tend to have little meaning when attempts at explicit definitions are being made"(Christiansen et al. 1999, p. 531). In this paragraph we use the assumptions of rationalism as a model of causal explanation with more or less rationality assumptions (Christiansen et al. 1999).

In this paragraph, realism and neo-liberalism will be discussed, in particular their view of compliance with international law.

2.2.1 Interests of the hegemon

From a classical realist perspective, most rules of international law are taken serious by all states, without actual compulsion (Morgenthau 1948). For it is generally in the interest of all states concerned to honor their obligations under international law. Furthermore, it is shown that most rules of international law formulate in legal terms such identical or complementary interests that compliance is obvious. Voluntary compliance prevents the problem of enforcement from arising in the beginning, so the great majority of rules of international law are generally unaffected by the weakness of the system of enforcement (Morgenthau 1948). But it is still the case that some countries do and other countries don't comply with international (human rights) law. How can we best explain this behavior of states? "Treaties are epiphenomenal: they reflect power and interest but do not shape behavior" (Mitchell 1994, p. 428). Morgenthau has the view that: "considerations of power rather than of law determine compliance" behavior of states (Morgenthau 1978, p. 299). The variance of treaty compliance can be

explained in the variance of power of those with incentives to violate it or in the interests of those with the power to violate it (Mitchell 1994). This would lead to the assumption that international law (treaties and institutions) will only exist when it is in the interest of the powerful state or the hegemon. The hegemon could coerce less powerful states in accepting the regime and complying with it (Hathaway 2002). Moreover, it also means that the rights of the weak states are put in jeopardy because great powers can violate the rights of a small nation without the fear for effective sanctions (Morgenthau 1948). If the small nation wants to protect its rights, it must seek for protection or assistance of powerful friends. So international law is less relevant because the hegemon won't help a less powerful state because it is a matter of international law but more in the sense that it is in the national interest of that hegemon (Morgenthau 1948). Compliance with an international treaty will therefore, according to classical realist scholars, only be existent when it is in the interest of the hegemon and the hegemon actively coerce.

In practice this happened with the United States. This country can be seen as hegemon, which tried to push other countries towards compliance with human rights treaties using unilateral sanctions (Elman & Jensen 2014). In the case of Cuba, the United States sanctioned countries that did business with the target state (Cuba). Critics argue that those powerful states use international norms (that include international human rights norms) to justify the use of sanctions against the states they name as target states (Danchin 2002 in Chuang 2006). Furthermore, those critics argue that the powerful states use entirely domestic norms and predominantly unilateral means to promote and protect those standards (Danchin 2002 in Chuang 2006). This implies that the powerful state clearly finds that its (domestic) norms are more important than the (domestic) norms of the target state. Therefore, according to the classical realist scholars, it could be possible that the mechanism at work here is that states complied with the norms imposed by the country that is more powerful (the hegemon).

Hypothesis
When a hegemon acknowledges the disadvantages of human trafficking, it is expected that it will push less powerful states towards compliance with an international human trafficking treaty. Therefore, less powerful states are more likely to comply with an international human trafficking treaty when a hegemon pushes them towards compliance, than when a hegemon does not push them towards compliance.

2.2.2 Cost-benefit analysis

Neorealism scholars, like Waltz, abandoned classical realism's exclusive focus on international power arrangements. They use game theory and rational choice theory to explain the behavior of states. Waltz argues that the state of nature is a state of war among states (Waltz 1979, p.102). States are "unitary, rational actors who live in an anarchic self-help system", where states are only willing to cooperate with other states under given circumstances (Waltz 1979, p. 118). State action is determined by a lot of domestic factors, such as political leadership, institutions and bureaucratic organizations. That leads to the fact that cooperation with a treaty and compliance with a treaty is only possible under given circumstances, according to neorealism scholars.

The international system, is a self-help system as earlier discussed. Which means that states have to take care of themselves in order to survive. Mearsheimer (2001, p. 3) claims in his five properties of international politics for example that: "all states seek to maintain their territorial integrity and domestic autonomy". This territorial integrity is thus very important. Waltz adds, that in an anarchic structure, states 'act for their own sakes' (Waltz 1979, p. 112). States must rely and depend on themselves (Waltz 1979). This implies that states act in (what they perceive as) their self-interest.

For explaining compliance with international law we have to look at the circumstances. When the nation's interest happens to coincide with international requirements, compliance with international law is possible (Waltz 1979). States are rational egoistic actors and would thus focus first on their own interests and goals before looking at international ones. Cooperation is there only when it is in the interest of the state. They can occur for example when there is a conflict (Waltz 1979). International law and institutions can exist and can result but are coming from rational actors who determine that it is in their best interest to do so. States must rely on "the means they can generate and the arrangements they can make for themselves"(Waltz 1979, p. 111). Continuing, Waltz states that if international politics were a state of war, institutionalized patterns of cooperation on the basis of shared purposes (for example the E.U. and the U.N.) should not exist except as part of a larger struggle for power (Waltz 1979). In other words, Waltz leaves little room for international institutions and if compliance with international law occurs, it is not because the law is effective, but "because compliance is in line with the self-interest of the state in a world governed by anarchy and relative state power" (Hathaway 2002, p. 1946).This would mean that states only comply with international agreements or treaties when it is in their own interest to do so.

When states have to make policy decisions, they make a cost-benefit analysis. If this cost-benefit analysis is positive, which means that the benefits are higher than the costs, a country is more likely to adopt the policy then when the cost-benefit analysis is negative. As just discussed, neorealism has little utility for explaining compliancy by states with 'normal' human rights treaties. Other states don't have direct benefits from improving human rights in a country (Krasner 1993). The costs for protecting human rights in another country than the state itself are too high for the payback expected. Compliance with a human rights treaty that is not directly effecting other states than the state itself is therefore challenging to explain from a neorealist perspective: the costs are higher than the benefits. When the behavior of a state and its legislation are in line with the requirements of the treaty that must be complied with, for instance international human rights law, it is most likely the result of coincidence or coercion by a hegemon (as was argued in the previous section) rather than the force of law.

However, neorealism might be able to explain the specific case of human trafficking because of the externalities (e.g. human trafficking is not a 'normal' human rights issue) that come with this problem. In the specific case of human trafficking policy, countries look at two points: First, what are the costs of human trafficking in a country? The economy of a country can be affected by the problem of human trafficking. Not only is the chance of criminal activities in a country with a high amount of human trafficking

victims higher, but cash in and outflows are also less visible. Also, costs for protection and shelter of victims and punishment of the victims are high. Therefore countries with high amounts of human trafficking flows have some interest in compliance with the international treaty since that specific treaty can possibly lighten their costs. The costs-benefit balance can, in that perspective, be positive. Second, what are the costs and benefits of implementing international human trafficking policy? For implementing human trafficking policy a country is likely to make costs. For countries where domestic (human trafficking) policy is much in line with the international policy, implementing costs will be lower than for countries where the national policy is not so much in line with international policies. Therefore the cost-benefit analysis for countries with similar national policy concerning human trafficking are more likely to have a positive cost-benefit analysis for implementing the international human trafficking policy than countries where there national policy concerning human trafficking is not at all in line with international human trafficking policy.

Hypothesis
When a country's human trafficking law is in line with the international human rights treaty and the costs for implementing this treaty are low, compliance with an international human trafficking treaty is more likely to occur then when a country's policy is not in line with the international human rights treaty and the costs for implementing the treaty are high.

2.2.3 International regime

International regimes are a hot topic in the studies of international relations, and are particularly interesting for this thesis because they are the institutions that are the basis of the treaties. For this thesis the subject of compliance with a specific regime is of distinct importance. Questions that are relevant are: How do international institutions[1] affect the behavior of a state? And when are states willing to comply with the international law monitored by those institutions? According to Krasner (1983) regimes are:

> *Implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice.*

Keohane accepts this definition although he puts emphasis on the fact that the four distinct components: principles, norms, rules and decision-making procedures, should not be seen individually, you need the four components combined to see it as a regime (Keohane 2005). It is something thematically, the four components must be combined (Keohane 2005).

---

[1] Most scholars of international regimes agree upon the fact that international regimes can be seen as a special case of international institutions.

[2] The data for this variable is constructed by hand by the researcher.

[3] All member states are included. Burkina Faso is suspended in 2015. Since this research focuses from

The international regime for combating Human Trafficking may serve to illustrate this definition:

1. It is a principle that all human beings are born free and equal in dignity and rights, therefore everyone has the right to life, liberty and security of person. Human trafficking violates this norm.
2. A norm that human trafficking is a criminal act which links the criminal act to a more unsafe world
3. A principle that acknowledges the compatibility of a multilateral anti-human trafficking policy
4. It is a rule that the traffickers must be punished and the victims must have their internationally recognized human rights protected.

But in what case would a state choose to bind itself to the UN and the Palermo Protocol? For neo-liberal scholars like Keohane this goes back to the self-interested actor. Actors compare different outcomes of a situation and choose the option that maximizes their own gains. Governments calculate their interest and they join international organizations and regimes on the basis of shared interests and because those international institution can facilitate cooperation on behalf of those interests (Keohane 2005). But, shared interests alone are not enough for an international institution to be successful. Requirements are: "a favorable environment that minimizes transcation costs, reduces uncertainty and provides rules of thumb for government action" (Keohane 2005, p. 240).

It is possible that governments will join a regime/international organization even if it is not in their self-interest, but because of their bounded rationality, which means that states always face the problems that: only limited information is available, it is not possible to evaluate all options and there is only a limited time available to make a decision (Keohane 2005). States are constrained in their abilities to make calculations because it is expensive to gather information and make a decision. Because of that, the international regimes become more useful and efficient to a state/decision maker who could make calculations less costly (Keohane 2005, p. 110). Joining a regime reduces costs for making cost/benefit assessments for every decision a state has to make (Keohane 2005).

Keohane also argues that states often comply, even when governments have incentives because of their self-interest to not obey them (Keohane 2005). He introduces the term 'myopic self-interest', which is when states have problems with the rules of international regimes because they conflict with their intentional goal (Keohane 2005). Governments can have a perception of the relative costs and benefits. When the balance is positive, it has the highest expected value calculated against all possible options, it is in the myopic self-interest (Keohane 2005). Surprising maybe for realist scholars, is that Keohane accepts the fact that governments also comply with rules that conflict with their myopic self-interest (Keohane 2005, p. 99). Keohane (2005) has two reasons to accept this thinking. First, international regimes, like the UN, provide a lot of things which states need to negotiate about international agreements such as: reducing transaction costs, establishing platform for negotiations, reducing (social) barriers and so on.

States are more likely to comply because of all the advantages created by the regime in the first place.

For an international regime (institution) to work, two important mechanisms must be in place: monitoring and enforcement. Those mechanisms are of great important since they regulate and control the agreements made in the regimes. The absence of those mechanisms would result in unstable and probably less efficient institutions (Mclaughlin & Hensel 2007).

Furthermore, regimes are important with regard to the reputation of a state. Reputation is an relevant concept in IR theories. Sharman (2007 p. 20) puts it as "the degree to which an actor reliably upholds its commitments, based on a record of that actor's past behavior". International regimes are essential for creating and maintaining the reputation of a country. As Keohane (2005, p. 94) states: "international regimes help governments to assess others' reputations by providing standards of behavior against which performance can be measured, by linking these standards to specific issues, and by providing forums, often through international organizations, in which these evaluations can be made". Many scholars (Downs and Jones 2002; Sharman 2007; Simmons 2009) argue that states' reputational concerns are actually the principal mechanism for maintaining a high level of treaty compliance.

In what respect is reputation important for compliance with an international treaty?

First, the standard argument, according to Downs and Jones (2002, pp. 97-98), is that states keep commitments because they fear that any evidence of unreliability will damage their current cooperative relationships, and lead other states to reduce their willingness to enter into future arguments. Keeping those commitments is important when states work together and cooperate. Evidence of unreliability can damage current and future cooperative relationships between states (Downs and Jones 2002). Non-compliance with an international treaty damages the reputation of a state, which is not something desirable. Compliance can hence be expected because of fear for damaging relationships with other states.

Second, according to Keohane (1984, p. 105), 'a good reputation makes it easier for a government to enter into advantageous international agreements; tarnishing that reputation imposes costs by making agreements more problematic to reach'. Therefore states have an interest in keeping a good reputation and cooperate in international organizations (Sharman 2007 p.24).

Third, governments act in their self-interest, but when they recognize that their reputations can be damaged severely action will be taken upon that (Keohane 2005). Compliance is expected because states want to maintain their reputation out of fear that costs will rise and agreements are more difficult to reach.

Finally, states have concerns about their reputation when their behavior is actually monitored. When the behavior of the states is not monitored, there would be no reputational damage when a state does not comply with an international human trafficking treaty. Thus, for the reputation concept to be of influence on compliance with an international human trafficking treaty, international regimes must monitor the behavior of its members.

Hypothesis
States that are part of a regime that actively monitors the behavior of its members are more likely to comply with international human trafficking laws than states that are not part of a regime that actively monitors the behavior of states.

2.2.4 Spatial dependence

When analyzing literature about policy diffusion across countries, spatial dependence becomes a relevant concept (Neumayer & Plumper 2010; De Soysa & Vadlamanatti 2010; Cho et al. 2010). Neumayer and Plumper (2010, p. 146) describe spatial dependence as:

> *"The marginal utility of one unit of analysis depends on the choices of other units of analysis. What one unit does in relation to other units, with which it forms a dyad, will often influence and be influenced by the relations of other dyads, such that spatial dependence is likely to exist in many dyadic settings."*

Spatial dependency can lead to the fact that conclusions of bilateral treaties from some countries are often affected by the expected payoff of other countries when entering into similar treaties (Neumayer & Plumper 2010). Policy that is enacted in one country and that is influenced by policy choices in other countries can be called spatially dependent on each other (Cho et al. 2010). The same goes for the choices of an institution. (Nation-) states can be motivated to join institutions when other states make similar choices (Elkins & Simmons 2005) Cho et al. (2010) argue, that from a theoretical perspective, spatial dependence can result from pressure, learned behavior and emulation. An example of spatial dependence as a result of learned behavior and emulation can be found when countries learn from each other that certain preventive actions against human trafficking actually work. In that way preventive human trafficking approaches in one country can have direct impact on the fight against human trafficking in another country.

There is also a geographical possibility for the emergence of spatial dependency (O'loughilin & Anselin 1991). Scholars call this the "First Law of Geography" (O'loughilin & Anselin 1991). It means that all places are related to each other but that near places are more related. Others (for example Weinhold 2002) outline that you shouldn't look at space in terms of geography, but in terms of economic connections (e.g., bilateral trade).

Spatial dependence is important with regard to human trafficking and compliance to human trafficking treaties because human trafficking is an interstate problem, which involves multiple countries. With regard to the UN treaty to prevent human trafficking, spatial dependence could be a factor for states to comply.

This brief discussion of spatial dependency theory shows how it can be relevant in compliance literature. When applying the theory to states' compliance with The Palermo Protocol, spatial dependency can be expected if these conditions are met: First, the degree to which the countries are spatially dependent. Is the quantity of the spatial dependency large enough to explain compliance behavior? Second, does a mutual relationship exist between the

countries? This spatial dependency can affect the reason for compliance. With this kept in mind, spatial dependence theory can explain why a country would comply with The Palermo Protocol while others would not.

Hypothesis:
A country is more likely to comply with an international human trafficking treaty when: (a) it is spatially dependent with another country involved in the problem, and (b) that country enforces its domestic norms upon the first country to encourage compliance.

2.3 Constructivist approaches

This paragraph with constructivist approaches shows a new theoretical debate within the compliance literature of international relations theory. The main difference between rationalist and constructivist theory, is that the most important assumption of constructivist scholars is that core aspects of IR theory is socially constructed. Interaction and social practices matter. Ideas, norms and beliefs shape behavior – a process that can be referred to as 'ideational causation' (Auteserre 2009).

In social constructivism there are two epistemological strands: positivist and post-positivist. A positivist epistemology defines that the social reality is visible and exists out of objective facts, such as science. There is an objective reality and you can measure this. A post-positivistic epistemology acknowledges there is only perceived knowledge. We can only interpret reality. Due to the quantitative nature of this research the literature used is limited to that of the positivist school.

2.3.1 International norms

It is generally accepted by scholars of international relations, that international rules or norms influence state behavior. The causal significance of norms is located at the level of state interaction. Finnemore and Sikkink (1998) argue that there is a general agreement on the definition of a norm: "a norm is a standard of appropriate behavior for actors with a given identity." First, it is important to dive a bit deeper into the importance of norms. Norms are related to ideas. The causal relationship through which ideas affect the identities, interests and behavior of a state is interesting to trace (Risse & Ropp 1999). The ideas are important because they affect the identity of an actor. Constructivist scholars point out that conflicts over human rights almost always involve those social identities of actors. Therefore, norm theory is relevant.

Finnemore and Sikkink (1998) explain the importance of norms in their article: 'norm dynamics and political change'. Here they explain via a norm's life cycle the emergence of a norm and the eventual influence on political behavior. The first step in this norm's life cycle is the 'norm's emergence', in this stage the norm is first existent. The transition from the first stage to the second happens via a so called 'tipping point'. (Finnemore & Sikkink 1998). When the norm entrepreneurs have convinced a critical mass of states a specific tipping point threshold is being reached, then the norm's dynamic tips from the first into the second stage (Finnemore & Sikkink 1998). In the second stage the norm gets adopted by a critical mass of relevant (state)

actors. Here the 'norm cascades' and the normative frame becomes internalized in, for example, treaties. The last stage is when the norm is fully 'internalized' by the mass of states and becomes the new logic of appropriateness. The internalization of norms is important because for compliance with the norm, and thus for accepting anti-human trafficking legislation, the norm/practice must be imbedded in the social culture of the nation. It must become a habitualized practice (Risse & Ropp 1999).

Currently, 169 countries have ratified the Palermo Protocol and therefore show their willingness to adopt the norm. However, by ratifying no compliance is ensured and therefore no full acceptance of the norm can be guaranteed. In the theory of Finnemore and Sikkink no information is found on how to deal with a situation like this. Is the norm dying, fading away or changed? By only ratifying, but not implementing the Protocol, do countries show that they in fact do not accept the norm of human trafficking legislation? Finnemore and Sikkink's theory must be expanded to explain for the acceptance of the norm without full implementation.

A lively discussion is going on between constructivist scholars about the reason for compliance with a norm. Risse (2000) tries to explain this process as a kind of discussion forum where members deliberate about truths about the world and whether or not 'things' can be justified (he calls this the logic of appropriateness and the logic of truth seeking or arguing). Furthermore, Risse (2000) argues that preconditions for this discussion are that the members have the same view of the world, or as he calls it a 'common life world' (p. 10). Members must also have mutual recognition of the others and must be in a non-hierarchical relationship (Risse 2000). A non-hierarchical relationship between states is important because otherwise the discussions can be influenced by the status of a country. For Risse (2000), an example of this discussion forum is the UN. But in fact, that argument is not very strong since the relationships between countries in the UN general assembly are not to be called equal. There are countries who have veto power in the General Assembly of the United Nations and therefore have more power than countries without this veto power.

Social constructivist theory has shown how norms can emerge and why countries would accept a norm. But there is still no satisfying answer why a state would accept a norm and ratify the Protocol, but not internalize the norm and thus implement the treaty. Two causal mechanisms, social protest/mobilization and social learning can possibly identify why some states will implement the UN treaty and other states will not.

2.3.2 Social learning

What is social learning and how does it affect state actions? From a rationalist standpoint, social learning is described by Checkel (2001, p. 651) as: "information is acquired through strategic interaction, where the players observe other agents' behavior and then, at some later point, use their newly acquired information to update beliefs about other agents". Constructivists add to this that agents shape their interest and identities through and during interaction (Checkel 2001). Nation-states therefore acquire information during strategic interaction from a rationalist standpoint and constructivist add to that that nation-states shape their interest and identities during those interactions. The history of states and the history between states is thus

important for states to base their future actions upon. But when does social learning take place? According to Checkel (2001, p. 564), actors learn new interests through "noninstrumental communication and persuasion". Which means that the interests of a state are redefined during the process of interaction itself (Haas 1990).

In the previous paragraph, international norms were discussed. Social learning can be relevant in the discussion about the emergence of the norm from stage two "norm cascade", the ratification of a treaty, to stage three internalization, implementing the treaty. States' choice to implement (stage 3) the treaty can result from historic interaction. According to Checkel (2001), compliance with international norms (stage 3) is encompassing both instrumental choice and social learning. Finnemore (1996) adds that learning drives compliance, but this learning is social and devoid of interaction (Finnemore 1996 in Checkel 2001). During decision making procedures concerning international law, countries use this historic interaction (and thus social learning) to make choices. Information from the past can hence affect compliance choices from a country.

In the case of the Palermo protocol and state compliance, social learning can be an interesting mechanism. For social learning to occur states must have experienced a similar instrument as the Palermo Protocol 'to learn' from it. In the theoretical debate about compliance with international treaty, constructivist theory about social learning is not a grand theory in itself. According to the social learning theory, states not only behave rationally, but their behavior is also based on ideas, beliefs and norms; the social context must be taken into account. This social context is, for example, the past behavior of states or the interaction between states. Both the past behavior of states and the interaction between states can influence compliance behavior of states. Therefore, compliance with an international human trafficking treaty can be explained by social learning

Hypotheses
A state is more likely to comply with international human trafficking laws when the state has been educated on compliance via social learning (e.g. agents shape their interest and identities through various interactions), thus learning the norms that inspire compliance, than a state that has not been educated on compliance via social learning and has not learned the norms that inspire compliance.

2.3.3 Reputation

Constructivist scholars argue, that reputation is the generally shared opinion of a referent's character or nature. It is based on a wide range of information, associations and social cues (Sharman 2007 p. 20). Reputation can be applied to state compliance with international agreements. Because when states comply with an international agreement and with the international norms that are recognized by that group, states develop good reputation with other states with shared values (Finnemore & Sikkink 1998). This good reputation can be used as an asset in the future when states negotiate about further agreements. Therefore, it determines the position of a state and its bargaining powers within the international community (Ramos & Zartner 2010). States will comply with international law because by non-compliance states could

lose their 'good' reputation. States' need their 'good' reputation, because it could be used as an asset in the future.

In international (as well as in domestic) politics, the 'Who says' principle is considerably important. It is dependent on 'who is saying' or 'who is asking' before action is taken upon. This includes governmental and non-governmental organizations. For international organizations, effectiveness is inseparably bound with judgments about the reputation of that institution (Sharman 2007). According to Barnett and Finnemore (1999, p. 708), it is the apolitical presentation of international organizations' initiatives that often gives them their political impact. In summary, the reputation of an international organization is therefore meaningful, that in a positive sense a good reputation will result in more effectiveness, and thus more compliance with that organization, and from a negative perspective a bad reputation will result in less effectiveness and thus less compliance with the organization.

In the case of The Palermo Protocol, the reputation of the UN is therefore relevant. Treaties that are written by and suggested upon states by an international organization with a so called 'good' reputation, can expect earlier ratification and compliance then IOs who don't possess this social concept. Therefore on the basis of the literature it is possible to argue that compliance with the Palermo Protocol will occur earlier when the UN is found to have a good reputation. Furthermore, compliance with the Palermo Protocol will be realized sooner, according to the literature, when the reputation of a state is at stake. Here we consider of course the social constructivist form of reputation as discussed earlier.

The concept reputation is discussed from two different standpoints: the reputation of the state itself and the reputation of the international organization (which develops the international human trafficking law). Compliance with an international human trafficking law can be expected because of reputational concerns. First, because states are afraid to lose their 'good' reputation. Second, compliance with an international human trafficking law is expected because the international organization, which is asking for compliance, has a 'good' reputation.

Hypotheses
- *Compliance with international human trafficking law is more likely to occur when states are a member of an international organization with a 'good' reputation than when states are not a member of an international organization with a 'good' reputation.*
- *Compliance with an international human trafficking law is more likely to occur because states want to develop a good reputation that can be used as an asset in future agreements, than when states don't have concerns about their reputation.*

2.3.4 Social protest/mobilization

Another theory that could explain compliance with an international human rights treaty from a constructivist perspective, is the theory about social protest/mobilization. It is a theory that looks directly at the agent level. Checkel (2001) argues that social protest/mobilization is the process in which domestic actors such as nongovernmental organizations and trade unions, in cooperation with transnational organizations and networks, use international

norms to generate pressures for compliance on state decision makers. In other words, domestic actors with the same ideas mobilize. You can see this in the form of petitions and demonstrations. With those actions they try to push state levels to do what they want. If, for example, the goal of the domestic actors is to have more strict human rights laws, they can push the state towards compliance with international human rights law.

Gurowitz (1999) argues that domestic actors use international norms to strengthen arguments where they have found few domestic resources. Those norms only work under particular domestic circumstances. From an elite level perspective, compliance can be explained by norms that are not necessarily internalized but place constraints on policymakers (Checkel 2001). But grassroots explanations for compliance because of social protest/mobilization are more problematic (Checkel 2001). While rationalist perspectives would see protest/mobilization in terms of cost-benefit analysis, constructivists point out how the diffusion of new social norms changes such calculations of grassroots actors. Scholars like Finnemore and Sikkink (1998) speak more of the process of 'strategic social construction', here, agents make means/ends calculations. "Agents want to maximize their utility and reflect their own normative commitments and seek to change the utility of others (Checkel 2001, p. 559)."

In *The Power of Human Rights* (Risse et al. 1999) an analysis is made between international human rights norms and patterns of domestic compliance and socialization. Risse et al. (1990) develop a method, called the boomerang model, where state elites are caught between transnational and domestic social mobilization. "A 'boomerang' pattern of influence exists when domestic groups in a repressive state bypass their state and directly search out international allies to try to bring pressure on their states from outside" (Risse & Sikkink 1999, p. 18 in Risse et al. 1999). Thus, domestic actors seek support at international allies in pressuring their state from outside (Risse & Sikkink 1999 in Risse et al. 1999). But for this mechanism to work, the target country must be sensitive to the pressure (Risse & Sikkink 1999 in Risse et al. 1999).

In summary, social protest/mobilization can explain state behavior because domestic actors pressure state elites or bypass state elites and search for international allies in order to change behavior of their state. When you apply this theory to international treaty compliance, you could expect state changing behavior (from non-compliance towards compliance with an international treaty) in two moments: Firstly, when domestic actors have pressured the state elites to change their behavior. And secondly, when domestic actors have bypassed the state and search for international allies to bring pressure on their state from outside (Risse & Sikkink 1999 in Rise et al. 1999).

Hypothesis
- *Compliance with an international human trafficking treaty is more likely to occur when domestic actors pressure state elites towards compliance than when domestic actors do not pressure state elites towards compliance.*
- *Compliance with an international human trafficking treaty is more likely to occur when domestic actors pressure state elites via international organizations than when domestic actors do not pressure state elites via international organizations.*

2.4 Institutionalist approaches

Institutionalist approach scholars tend to focus on political institutions such as legislature, the legal system, the state as well as traditional economic institutions (March & Olsen 1983). Institutions are patterns of social behavior, they organize and regulate social relations, they are permanent (at least for a certain time) and institutions are perceived as to be legitimate (Pollack 2007). In the following institutionalist theory we focus on legal institutions.

2.4.1 Legal institutions

Hafner-Burton and Tsutsui are skeptical that: "repressive states, once they join the treaty regime, will come to internalize the legal norms to which they subscribe over time" (p. 414). Or in other words, Hafner-Burton and Tsutsui are skeptical that repressive states will comply with an international human rights treaty after they have ratified it. Does that mean that states that are not repressive are more likely to comply with international human rights law?

Scholars (Simmons 2009; Powell & Station 2009) suggest that the states government system can be of influence for compliance with international human rights law. The argument consists out of different factors: democracy as a whole, and effective legal institutions as a part of that. Different studies determined that democracies largely keep the promises they make (Simmons 2000, Landman 2005). Promises countries make are relevant in this thesis, since we can see ratification of the Palermo Protocol as a promise to change its legislation. When countries comply, we can see this as countries 'keeping a promise'. So democracies can be a factor for compliance. But democracy is not enough; or the only factor. Because an important element about democracy is that they, in general, have far developed legal institutions. Cross (1999) discovered, in a quantitative analysis, that countries with more highly developed legal institutions, and in particular independent judiciaries, do tend to have better civil rights protection in their country. Simmons (2009) adds that countries with more developed legal institutions hold fair trials for their citizens. The fair trials in a country and the better civil rights protection of its citizens lead to more compliance with international human rights treaties. In specific, a quantitative study by Powell & Station (2009) discovered that "there is strong evidence that effective judicial systems seem to protect individuals against torture" (Powell & Station 2009, p. 167).

The literature shows that (effective) legal institutions can be relevant for compliance with an international human rights treaty.

Hypothesis
Compliance with an international human trafficking treaty is more likely to occur with a country that has more developed legal institutions than a country does not have developed legal institutions.

Chapter 3 Research methods

This chapter contains an explanation of the research methods used in this Thesis. The following sections of this chapter include reasons for the selected research design, a description of the different variables used, and the methodology for data selection and collection.

3.1 Research design selection

3.1.1 Qualitative, Quantitative or Mixed Methods
When selecting a research design, researchers have the options of quantitative, qualitative, or mixed research methods. Qualitative research is described as "a set of non-statistical inquiry techniques and processes used to gather data about social phenomena" (McNabb 2015, p. 341). Qualitative research uses a smaller sample of subjects and is less accurate in reflecting trends in a larger population. The key difference between qualitative and quantitative research can be found in the epistemology of the two approaches. Qualitative researchers often choose to interact with individuals in the groups that they are studying (McNabb 2015). Qualitative researchers not only report what they observe, but also interpret the interactions that are taking place in the group (McNabb 2015). Quantitative researchers, on the other hand, choose to maintain distance and objectivity from the study group and try to refrain from non-statistical interpretation of their observations (McNabb 2015). The mixed methods approach makes knowledge claims on pragmatic grounds (Creswell 2013). The mixed methods approach collects data containing both numerical and text information; therefore employing both quantitative and qualitative research methods (Creswell 2013). For the purposes of this thesis, a quantitative research design was used. The first reason for selecting a quantitative approach was the large number of cases included in this study. The Palermo Protocol is a treaty signed by 169 countries making the number of cases too large for qualitative research techniques to be employed. When it comes to selecting cases, Mahoney (2000) and Geddes (1990) are critical towards "Small N" research, which is research based on a small number of cases. Mahoney (2000) and Geddes (1990) argue that case selection could have a significant influence on results in Small N research. Geddes' main concern is that selecting a case by its outcome brings in a bias before the research has even started (Geddes 1990). The second reason for selecting quantitative research for this thesis is comparability. Using quantitative methods enables the use of standardized measurements which allow for clear comparisons across cases. The third reason for the use of quantitative research in this thesis is objectivity. Qualitative research is often more subjective. Quantitative research is based primarily on testing hypotheses rather than predicting and fully explaining each observed case. Therefore, by using quantitative research, there is a lower risk of biased conclusions, especially with the large number of cases being observed in this thesis.

3.1.2 Large N Research
A standard minimum number of cases required to conduct an accurate regression analysis is 35 cases. More than 35 cases used in a regression analysis is also called a "Large N" study (Allison 1999). A "Large N" study

becomes more accurate as the number of cases being considered in the analysis increases beyond the 35 minimum. Due to the large number of cases being considered in this study, this thesis is based on "Large N" research.

3.1.3 Multilevel Regression

The research in this thesis utilizes a multilevel regression method as the observed values of the individual cases could be affected by the higher level units (countries) to which they belong. Therefore the assumption of uncorrelated errors may not be reasonable and the values of Y are correlated within groups. This could lead to biased estimates such as estimated standard errors that are smaller than they should be possibly resulting in the rejection of the null hypothesis too quickly, or making a Type-1 error which means that α is higher than the presumed value (e.g. 0.05). Multilevel models address such errors. For the research in this thesis, the data is taken both at different moments and for different countries. The second-level variable in which the individual-level predictors will be nested in country-year combinations. This variable, also called the identifier, holds the combination of every country and every year.

3.1.4 Causal Analysis

By using casual analysis, the effect of one variable, while controlling other variables used in the regression equation, is observed (Allison 1999). The different variables used in this equation will be discussed later in this chapter. The majority of the variables are measured on a nominal scale, which means that there is no particular order to variables. Dummy variables are then used and a score of 1 is assigned to one of the categories and a score of 0 to the other category.

3.2 Hypotheses

This paragraph discusses the different hypothesis to be tested in this research.

1. Interest of the Hegemon
   - *When a hegemon acknowledges the disadvantages of human trafficking, it is expected that it will push less powerful states towards compliance with an international human trafficking treaty. Therefore, less powerful states are more likely to comply with an international human trafficking treaty when a hegemon pushes them towards compliance, than when a hegemon does not push them towards compliance.*

H: *A country is more likely to comply with the Palermo Protocol when it is ranked in Tier 3 by the US, than when it is not ranked as Tier 3 by the US.*

Explanation: The hegemon (US) pushes Tier 3 ranked countries towards compliance. It would be unusual to see countries that are ranked Tier 1, Tier 2 or Tier 2 Watchlist to score lower on compliance than a country that is ranked as a Tier 3.

2. Cost-benefit analysis

- *When a country's human trafficking law is in line with the international human rights treaty and the costs for implementing this treaty are low, compliance with an international human trafficking treaty is more likely to occur then when a country's policy is not in line with the international human rights treaty and the costs for implementing the treaty are high.*

H: *Due to a cost/benefit analysis countries are expected to only make small compliance improvements.*

Explanation: Countries with a compliance score of 3 have 12 (15-3=12) levels to climb to be in compliance. This makes compliance more expensive for countries with low compliance scores than countries which have higher compliance levels and have to climb fewer levels to attain compliance. Based on a cost/benefit analysis, countries are expected to only make small changes in their human trafficking legislation. There is no expectation to see significant changes in compliance amongst countries with low compliance scores due to the high costs of attaining full compliance. Countries that score a 3 (no compliance) for compliance in 2001 are not to be expected to obtain a score of 15 (full compliance) in 2014.

3. International regime
- *States that are part of a regime that actively monitors the behavior of its members are more likely to comply with international human trafficking laws than states that are not part of a regime that actively monitors the behavior of states.*

H: *A state is more likely to comply with the Palermo Protocol when it is a member of a regime that actively monitors the behavior of the state.*

Explanation: An actively monitoring regime can be a factor for state compliance. Therefore we would not expect to see states that are not a member of an international regime which actively monitors the behavior of its members score higher on compliance than states that are a member of an international regime that actively monitors the behavior of its members.

4. Spatial dependence
- *A country is more likely to comply with an international human trafficking treaty when: (a) it is spatially dependent with another country involved in the problem, and (b) that country enforces its domestic norms upon the first country to encourage compliance*

H: *A country is more likely to comply with the Palermo Protocol when it is spatially dependent from another country based on the import/export rates and when it is a country of origin for human trafficking than when a country is not spatially dependent form another country based on the import/export rates and when it is not a country of origin for human trafficking.*

Explanation: Via the import/export rates you can see if countries are dependent from each other with regard to trade etc and then the human trafficking factor needs to be added to that to complete the hypothesis.

According to this theory we need to be able to link two countries to each other on two different levels: import/export rates and human trafficking flows (country of origin, transit or destination). This theory would therefore not expect to see that countries that are not spatially dependent upon each other score higher on compliance with the Palermo Protocol than a country that is spatially dependent from another country.

5. Social learning
- *A state is more likely to comply with international human trafficking laws when the state has been educated on compliance via social learning (e.g. agents shape their interest and identities through various interactions), thus learning the norms that inspire compliance, than a state that has not been educated on compliance via social learning and has not learned the norms that inspire compliance.*

H: *A country is more likely to comply with the Palermo Protocol when it has done so with a similar human trafficking treaty in the past than a country that has not complied with a similar human trafficking treaty before.*

Explanation: When a state has complied with a similar human trafficking treaty in the past it, it may inspire a decision to comply with the Palermo Protocol. Based on this hypothesis, it is not expected that a country that has not ratified another human trafficking treaty (other than the Palermo Protocol) will score higher on compliance than a country that did ratify such a treaty.

6. Reputation
- *Compliance with international human trafficking law is more likely to occur when states are a member of an international organization with a 'good' reputation than when states are not a member of an international organization with a 'good' reputation.*
- *Compliance with an international human trafficking law is more likely to occur because states want to develop a good reputation that can be used as an asset in future agreements, than when states don't have concerns about their reputation.*

H: *A country is more likely to comply with the Palermo Protocol when the country's perception of the reputation with the UN is positive than when the country's perception of the reputation with the UN is negative.*

Explanation: States develop an identity when they join an organization such as the UN and want to be significant members of the organization. This stimulates them to act as the group. It is unlikely to see members (countries) of an organization score lower in compliance with the Palermo Protocol than countries that are not members of an organization.

7. Social Protest/mobilization
- *Compliance with an international human trafficking treaty is more likely to occur when domestic actors pressure state elites towards*

compliance than when domestic actors do not pressure state elites towards compliance.

- *Compliance with an international human trafficking treaty is more likely to occur when domestic actors pressure state elites via international organizations than when domestic actors do not pressure state elites via international organizations.*

H: *A country is more likely to comply with the Palermo Protocol when there are active non-state-funded human trafficking organizations within the country than countries that do not have active state-funded human trafficking organizations within its borders.*

Explanation: Non-state-funded human trafficking groups can push state elites towards compliance of the Palermo Protocol. It would be inconsistent with this hypothesis if countries with low or no possibilities for domestic actors to pressure state elites have a higher chance of compliance with the Palermo Protocol than countries that have a high possibility for domestic actors to pressure state elites.

8. Legal Institutions
- *Compliance with an international human trafficking treaty is more likely to occur with a country that has more developed legal institutions than a country does not have developed legal institutions.*

H The higher the score for effective legal institutions, the more likely it is that a country will comply with the Palermo Protocol.

Explanation: Effective legal institutions are a part of democracy and democracies are more likely to abide by their promises. Legal institutions can be a tool to implement the Palermo Protocol. Therefore we would not expect to see, according to this hypothesis, countries with low or no developed legal institutions with a higher likelihood of compliance with the Palermo Protocol than countries that have well developed legal institutions.

3.3 Operationalized variables

The following dataset is constructed by hand. Data for all variables was sourced and combined into a single dataset, upon which this research is based. However, a few adjustments to the data had to be made for it to be used in multilevel models. Firstly, all countries that did not ratify the Palermo Protocol at a certain moment in time were removed. This was done to only include data for countries that are assigned a "yes" for compliance with the Palermo Protocol. Countries that are assigned a "yes" for compliance include only countries that have already ratified the Palermo Protocol. Secondly, all variables with missing data were deleted as the hypotheses could only be tested if there was complete data available for all variables. After these adjustments, 444 cases remained which was a significant reduction from, for example, the dependent variable and variable 1, 3, 5, 7, and 8 scored. Each variable contained about 1400 cases. However, since the control variable "Gini" only contained 547 cases and variable "2" only 887, the end result was a

lot lower. The specific coding for each variable can be found in the attached Codebook.

3.3.1 Dependent variable

The dependent variable used in this thesis is "*compliance with the Palermo Protocol*". Data for this variable was obtained from the *Anti-Trafficking Index* that was developed by Prof. Seo-Young Cho through the EU and is annually updated. For the purposes of this thesis the (latest) 2014 version on the index is being used. The variable evaluates governmental anti-trafficking efforts in the three main policy dimensions (3Ps), based on the requirements prescribed by the U.N. Palermo Protocol. The three main policy dimensions (3Ps) are: Prosecution of perpetrators of human trafficking, Prevention of human trafficking, and Protection of the victims of human trafficking. Each of the 3P areas is evaluated on a 5-point scale and each index is aggregated to the overall 3P Anti-Trafficking Index on a scale of 3-15, which means it is an interval variable. A score of 3 is considered "no compliance" for any of the three areas and a score of 15 is considered "full compliance" for all of the three areas. The 3P Anti-Trafficking Policy Index includes 189 countries, but since only 169 countries have ratified the Palermo Protocol, the research in this thesis encompasses only 169 countries (and thus cases).

The 3P Anti-Trafficking Policy Index (Cho et al. 2014) is measured on 3 levels: Prosecution, protection and prevention. These policy areas are all individually measured via text analysis. Textual analysis is a data-gathering process (McKee 2003). Via interpretation of text (for example: notes, films, papers, legislation, etc.) information about the policy area is obtained. The information is coded from qualitative reports on anti-trafficking policies (Cho 2015). This collected information is transformed into numeric forms (i.e., a 5-point scale for each policy area) (Cho 2015). The two reports: 1. Trafficking in Persons Annual Reports (United States Department of State, 2001-2014); and 2. Global Report on Trafficking in Persons (UNODC, 2006, 2009, 2012, 2014) are being used as qualitative informational sources that are processed to the quantification (Cho 2015). For evaluation of the 3P index the policy mandates, regulated by the U.N. Palermo Protocol, are used. When measuring prosecution, anti-trafficking legislation and actual enforcement are particularly important. When measuring protection, granting amnesty and the subsequent necessary support for victims, are more important. When evaluating prevention policy, there is much focus on raising public awareness against human trafficking, (inter) governmental cooperation, and border control (Cho 2015). This data is derived from two sources: the UN and the United States. However, the UN is an organization supported by more than one hundred states. Therefore that data from the UN is expected to be less biased then the data from the United States. The United States is the only contributor to the data and is thus less likely to write negative information about its own country and allies.

The following are details on how the 3P's are evaluated.

Prosecution policy is evaluated based on six policy indicators:

1. Adoption of anti-trafficking laws criminalizing trafficking of human beings;
2. Legislative adoption against child trafficking;
3. Application of other relevant laws in prosecuting traffickers;
4. Stringency of penalty;
5. Level of prosecutions and convictions;
6. Collection of crime statistics on human trafficking.

"As the adoption and enforcement of anti-trafficking laws are the main criteria for this policy dimension, Indicators 1 and 5 carry higher weight in the assessments" (Cho 2015).

The elevation criteria of victim protection consist of nine indicators (Cho 2015):

1. Granting amnesty for victims for the violation of law that is directly related to the fact that they have been trafficked ("no punishment" principle);
2. No self-identification required as a prerequisite for the recognition of a victim's status;
3. Legal consultation for victims;
4. Provision of residence permits;
5. Provision of housing and shelters;
6. Medical assistance;
7. Job training opportunities;
8. Assistance for rehabilitation;
9. Assistance for voluntary repatriation to a home country.

For protection policy, the most important focus of the evaluation is the "no punishment" principle (Indicator 1). Given that ensuring a victim's status is the first and most essential step to protecting victims, the observance of the "no punishment of victims" (amnesty) is a prerequisite for countries to qualify for the score of 5 (full commitments) or 4 (an adequate level of efforts)" (Cho 2015).

The evaluation criteria of prevention policy include seven indicators (Cho 2015):

1. Public awareness campaigns against human trafficking;
2. Training executive and judicial personnel regarding the implementation of anti-trafficking policy measures;
3. Cooperation among different governmental authorities, such as information exchange;
4. Controlling borders, train stations, and airports, etc.;
5. Adoption and implementation of national action plans for fighting human trafficking;
6. Cooperation with nongovernmental organizations (NGOs) and international organizations that operate anti-trafficking programs;
7. Cooperation with foreign governments for combating human trafficking.

In this thesis, it may have been possible to use variables other than the 3P Policy Index, for example the US tier rankings or GRETA (Group of Experts on Action against Trafficking in Human Beings from the Council of Europe). The U.S. tier ranking system ranks countries in a 3 Tier system every year. The reason not to use this index is that it is information only obtained from one country and therefore the data could be biased. Data from GRETA could not be used because data from GRETA is not measured quantitatively. However, the 3P index is the first quantitative analysis that maps 188 countries worldwide every year since 2000. It is important that the three levels of policy implementation are divided because this is how you can see where precisely the implementation falls short. The 3 Tier index by the United States only uses a total score, which makes the 3P policy index more precise.

This variable is in correct terms measured on a continuously ordinal level, but for statistical reasons we have chosen to treat this variable on an interval scale measured from 3-15.

3.3.2 Independent variables

Rationalist

1. Interest of the Hegemon

This variable is constructed using data from the Trafficking in Human Persons Report 2015. This report is written by the Department of State which based their report on information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, research trips to every region of the world, and information submitted to a certain email address (tipreport@state.gov). Furthermore the U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on research. Therefore, they had meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. This data was compiled for the period from April 1, 2014 through March 31, 2015.

For this research we use the Tier 3 ranking of the report. This tier placement is based more on the extent of government action to combat trafficking than on the size of the country's problem (TPR 2015). "The analyses are based on the extent of government's efforts to reach compliance with the TVPA's (Trafficking Victims Protection Act) minimum standards for the elimination of human trafficking, which are generally consistent with the Palermo Protocol (TPR 2015, p. 45).

Tier rankings and narratives in the 2015 Trafficking in Persons Report reflect an assessment of the following (TPR 2015, p. 45-47):

- enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;

- criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country and sentencing of offenders;
- proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure; » victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being;
- the extent to which a government ensures the safe, humane, and— to the extent possible—voluntary repatriation and reintegration of victims; and
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants excessive fees.

Tier rankings and narratives are *not* affected by the following:
- efforts, however laudable, undertaken exclusively by non-governmental actors in the country;
- general public awareness events—government-sponsored or otherwise—lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking;
- and broad-based law enforcement or developmental initiatives

A Tier 3 country, which is used in this research, means that the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so. For those countries ranked as a Tier 3 country restrictions may apply.

> *"Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain restrictions on bilateral assistance, whereby the U.S. government may withhold or withdraw non-humanitarian, non-trade-related foreign assistance. In addition, certain countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to restrictions would also face U.S. opposition to the provision of assistance (except for humanitarian, trade-related, and certain development-related assistance) by*

international financial institutions, such as the International Monetary Fund and the World Bank. Funding restrictions will take effect upon the beginning of the U.S. government's next Fiscal Year—October 1, 2015—however, all or part of the TVPA's restrictions can be waived if the President determines that the provision of such assistance to the government would promote the purposes of the TVPA or is otherwise in the United States' national interest. The TVPA also authorizes the President to waive funding restrictions if necessary to avoid significant adverse effects on vulnerable populations, including women and children."
                                        - Trafficking in Persons Report 2015 p. 48.

Why is this data used? To answer this question we need to go back to the hypothesis which states that the hegemon can push less powerful states towards compliance with an international human trafficking treaty. A hegemon, according to the literature (Kehoane 1984), is a state (superpower) that has preponderance with regard to raw materials, capital, (economic) markets (its own and export), intelligence/technology. Within Human Trafficking Law one would argue that the U.S. is acting as a hegemon (Dauvergne 2008). "The United States is staking out a leadership role for itself based in domestic legislation aimed at combating trafficking. The central tool being used to construct this role is the annual Trafficking in Persons Report produced by the American State Department" (Dauvergne 2008, p. 75). The US is not only seen as the most powerful state on the planet today, but it is also seen as a regional hegemon (Elman & Jensen 2014). The US not only presents the Trafficking in Human Beings report where a lot of research is conducted, but it also set standards (for human trafficking legislation) and sanctions for all countries in the world. As explained before, a Tier 3 ranking for a country means sanctions by the U.S. for that country. By those means, the U.S. is acting as a hegemon and tries to impose its (and the UN's) human trafficking legislation on other states. In addition, "the U.S. seems somewhat more willing to sue aid to encourage rights improvements when those countries have a significant potential to impact the US as in the area of human trafficking (Chuang 2006). But in other areas the response of the U.S. is weak, therefore human trafficking is a very important factor for response by the U.S. And thus for pushing other states towards action. "The U.S. is by far the most active sanctions proponent in the world"(Colling & Bowdoin 1999 in Chuang 2006, p. 457) Therefore one can assume that the U.S. acts as the international hegemon on this topic. On a little side note, that does not mean that the U.S. is a precursor when it comes to human trafficking and that the U.S. human trafficking policy is the best in the world. It only means that the U.S. is a hegemon that tries to hold others to their obligation via this Tier system. Not everybody thinks this Tier ranking system with sanctions is working effectively. For example Senator Robert Menendez, a Democrat on the State Foreign Relations Committee, argued that the move from Cuba and Malaysia from Tier 3 to Tier 2 Watchlist was politically motivated, and thus not motivated on efforts to resolve human trafficking (Kelly 2015). Aidan McQuada, director of Anti-Slavery International adds to that, that her company is very disappointed: "Abysmal forced labour on the scale we see in Malaysia, Qatar and Uzbekistan does not exist without fundamental failures in government and it's unfortunate that American interests seem to be diluting

this message rather than holding governments to account and so transparently putting trade and political interests over human rights" (Kelly 2015).

Although the report is somewhat contested in the literature since it would not be scientific (United States Government Accountability Office 2006; Wooditch 2011) it is recognized as "the most influential and the most trusted indicator of states performance vis-à-vis human trafficking"(Zaloznaya and Hagan 2012, p. 18 in Kelley & Simmons 2015). The tier report creates pressure on politicians to address the problem for example because the news coverage of a country in the Lexis-Nexis database with reference to human trafficking increases significantly if the country was included in the TIP Report in the previous years (Kelley & Simmons 2015). The monitoring of the US has stimulated information-producing networks among ministries of foreign affairs, prosecutors' offices, border police and a broad array of nongovernmental organizations (Kelley & Simmons 2015). Before the report, governments were not actively gathering statistical data about human trafficking (Kelley & Simmons 2015).

Since the data and the cases selection is only compiled by the U.S. the data can be biased. But for this hypotheses we want to measure the effect from the hegemon on other countries. For that matter it is not important that the U.S. gathered the data but it is important that the U.S. imposed sanctions upon other countries, which is the case when a country is ranked as a Tier 3. Therefore we can conclude that this data is safe to use to test this hypothesis.

This variable is measured as a dummy variable with 0 meaning no pressure by the hegemon and 1 meaning pressure by the hegemon. Or in other words 0 meaning ranking Tier 1, 2 or watch list 2 and 1 meaning Tier 3 ranking.

Expectations
Countries that are ranked as a Tier 3 country feel pressure by the hegemon, the US, by complying with the norms the hegemon enforces. Therefore we expect that countries that are ranked Tier 3 will comply more with the Palermo Protocol then countries that are not ranked in Tier 3.

2. Cost-benefit analysis

For this variable a dataset from Frank (2013) was used. It is a dataset on human trafficking patterns and government anti-trafficking efforts in 179 countries from 2000 to 2011 (Frank 2013). Frank is an independent researcher and lecturer at the University of Australia. Therefore we can assume that the data is not biased by any country preferences. The data that is being used in this dataset comes from different other datasets such as Cingranelli-Richards (CIRI) Human Rights Data Project (Cingranelli & Richards, 1999), State Department and Amnesty International (AI), but mostly the dataset is based on the TIP report from the USA.

To measure the costs of implementing the Palermo Protocol we wanted to look at how far the countries were with implementing the 3P's from the Palermo Protocol: prosecution, protection and prevention.

But after analyzing this variable more closely, we discovered that it measures the same thing as the dependent variable, namely compliance with

the Palermo Protocol. Solutions like interaction variables, or measuring only one point of time won't solve this problem because we would violate the regression assumption. Therefore it is not possible to use this variable in the multilevel models.

Expectations
The more a country has to change its human trafficking legislation, the more expensive it is. Therefore we would expect to see little changes over time with regard to policy changes. For example country A scores 3 in 2000 is not expected to score 11 in 2014, simply because those changes are too expensive, if the hypotheses is correct. For this variable to meet the hypotheses small changes are expected. So for example country B will have a score of 5 in 2000 and a score of 7 in 2014 would be something that can be expected according to this variable, and that would confirm the cost/benefit relationship with compliance.

3. International regime

An important factor for this variable is the membership of an international regime. First, it was important to clarify which international regimes there are. Second, those regimes needed to have a human trafficking framework. Third, this framework need to be monitored by the regime on its members (e.g. there must be monitoring for compliance with this legislation). The data used in this variable is constructed by hand, which means that the different countries were linked to the different international regimes with human trafficking legislation. In table 3.1 you can find the different international regimes, it´s human trafficking framework and if and what kind of monitoring function they have. First we looked at all the different international regimes with country members worldwide. Second, all those regimes were investigated on the fact if they have human trafficking legislation. Third, we looked at the countries who actually complied with those human trafficking legislation. Finally, we looked more specific into the monitoring of those regime. Is the regime actively monitoring the behavior of states or not?

The variable is coded as dummy variable. The reference category, 0, are countries that are not a member of an international regime, or not member of an international regime that actively monitors. Countries that score 1 are a member of an international regime that actively monitors the behavior of its members.

Expectations
A country is more likely to comply with an international human trafficking treaty when: (a) it is a member of an international regime, and (b) that international regime actively monitors the behavior of a state. Therefore we would expect to see a positive correlation between countries that are member of an international regime that actively monitors the behavior of a state and compliance with the Palermo Protocol.

Table 3.1: international regime list[2]

Organization	Framework	Monitoring
African Union (AU)[3]	Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) AU Commission Initiative against Trafficking Campaign (AU.COMMIT) (African Union 2009)	Yes, The Commission will closely monitor the implementation of the Ouagadougou Action Plan and will report back to the Summit and other AU policy-making organs and Member States on the progress made and constraints faced.
Association of Southeast Nations (ASEAN)	ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, 2004 (ASEAN 2004)	Yes. It is monitored.
Commonwealth of Independent States (CIS)	Agreement on the Cooperation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues (2005) Program of Cooperation between the CIS Member States against Trafficking in Persons for 2014–2018 (CIS 2014)	Yes. The system of organization performance monitoring - informing the CIS Executive Committee on the implementation of this program.
Council of the Baltic Sea States (CBSS)	A Vision for the Baltic Sea Region by 2020, CBSS. Summit 2010, Expert Group for Cooperation on Children at Risk: Priority paper 2011-2013 Human Trafficking 2013 Baltic Sea Region (CBSS 2010)	Yes by the Committee of Senior Officials. But: It should be stressed that NAPs are not legally binding tools. Measures envisaged in NAPs need to be implemented through legislative and operational initiatives in order to have an impact on reality. The existence of such policy tools is therefore per se not a sufficient indicator of the state of anti-trafficking efforts in a country. Yet NAPs are very often the first step in a country's attempt to build a response system that overcomes fragmentation of efforts to achieve multi-disciplinary coordination. In this respect, they are significant indicators for the research objectives of this stud Monitoring and evaluation of NAPs is also increasingly acknowledged as an important feature, with a prevalence of self-monitoring over independent monitoring and evaluation
European Union (EU)	Directive on trafficking in human beings (adopted on 21 march 2011) (EU 2011)	Yes there is a an informal EU Network of National Rapporteurs or equivalent that was set up by the Council Conclusions adopted on 4 June 2009. National

---

[2] The data for this variable is constructed by hand by the researcher.
[3] All member states are included. Burkina Faso is suspended in 2015. Since this research focuses from 2001-2014, Burkina Faso is included in the research. The Central African Republic is suspended in 2013. So only its membership from 2001-2012 is calculated.

		Rapporteurs are responsible for monitoring the implementation of anti-trafficking policy at the national level and will play a key role in data collection on THB at national and EU level.
Union of South American Nations (UNASUR)[4]	Members committed to strengthening the fight against trafficking and human trafficking in its constitutive treaty. (UNASUR 2011)	It's constitutive treaty has a legal personality. Therefore we can conclude that is its being monitored.
League of Arab states	The Arab Initiative aims at helping the 22 Arab League States to effectively prevent and combat human trafficking. For this project they have partnered with the Qatar Foundation for Combating Human Traffickig (QFCHT) and the UNODC (UNODC 2012).	No. More an initiative than actual legislative framework

4. Spatial dependence

Ideally for this variable a dyad level measurement would be used. For example: step 1 all the exports/imports of one country to all the countries in the world. Step 2: is the country a country of destination, origin or transit? Then those two facts must be linked to each other. For example country A has a high export rate to country B. Country A is a country of destination and country B is a country of origin. According to the literature we would expect that because of this spatial dependency country A enforces its domestic norms upon country B and that can result into compliance. But since we cannot measure on a dyad level in a multilevel regression model, it is not possible to test this hypothesis due to limitations of this research design.

5. Social learning

To test this hypothesis it is important to see if a state has joined a similar mechanism before. If that is the case, social learning could occur and that could demonstrate something about compliance in the future. Similar mechanisms as the Palermo Protocol are the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Entry into force: 19 Nov 2000); Convention concerning Forced or Compulsory Labour (Entry into force: 01 May 1932) and the Convention concerning the Abolition of Forced Labour (Entry into force: 17 Jan 1959), all from the International Labour Organization (ILO). 163 countries have signed 1, 2 or all 3 of the treaties. First, all countries that signed the treaties were put in a variable. But since we are doing a time series data, the date of ratification matters a lot. Because we only measure from the moment that a country has ratified. This is because only after ratification, compliance can come. Second, all the countries that have not signed the Palermo Protocol are taken out,

---

[4] Since the Constitutive Treaty only entered into force in 2011, the official membership for those countries is only from 2011.

since we are saying something about compliance with a treaty that is already ratified.

The data that is being used is official data from the International Labour Organization. It is hard data. A country has ratified or not (yes/no), which means there are no cases of maybe or in between. Therefore the data is reliable.

This variables is coded as a dummy variable. The reference category, 0, are countries that have not ratified ILO 182, ILO C29 or ILO C105. Category 1 has ratified one of the three treaties.

Expectations
Countries who have ratified a treaty similar then that of the Palermo Protocol are more likely to comply with the Palermo Protocol. We expect a positive effect from ratification of the ILO and compliance with the Palermo Protocol.

6. Reputation

All quantitative methods to measure a constructivist variable are limited of course. But in an ideal situation we would have had a dataset with data from 2001-2014 where all countries that have ratified the Palermo Protocol give a score for the UN every year about its reputation and it's feeling towards the UN. Unfortunately this kind of data does not exist. Therefore we tried using a different dataset. The one being used is of the Pew Research Center's Global Attitudes Project. It is a survey based on national samples. This implies we can score for countries, but it is not per se the countries' perspective. It is the perspective of its inhabitants. The question that is being asked is: Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable or very unfavorable opinion of: g. The UN. This entails that we don't score on a country level but on an individual level, which is not what we try to measure in this research. Another downfall of this variable is that there is only information about 39 countries, not all of which have ratified the Palermo Protocol. There is also no data available for all (2001-2014) years. Only data for 2013 and 2014 are available, which makes it problematic to use this variable, Therefore, we had to decide to not analyze this variable in the multilevel regression analysis.

Expectations
From the view of a constructivist thinker, we would argue that a country that has a positive feeling (e.g. in their point of view the reputation of the UN is positive) of the UN is more likely to comply with the Palermo Protocol than a country which does not have a positive feeling with the UN.

7. Social Protest/mobilization

Reliable data was problematic to find for this variable. A few things were important by measuring social protest/mobilization:

- are people free to express political opinions?
- is the freedom of the media and civil and political organizations respected?

- are people able to hold a demonstration?
- are civil society organizations freely express opinions against government policies and actions without fear of retaliation?

In short: are government powers subject to non-governmental checks? Is freedom of opinion and expression effectively guaranteed? And is freedom of assembly and association effectively guaranteed? Using data from the Freedom House Civil Liberties dataset. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state (FreedomHouse 2015).

This variable is in correct terms measured on a continuously ordinal level. But for statistical reasons is chosen to treat this variable on an interval scale coded from 1-7. Where 1 means Countries and territories with a rating of 1 enjoy a wide range of civil liberties, including freedoms of expression, assembly, association, education, and religion. They have an established and generally fair legal system that ensures the rule of law (including an independent judiciary), allow free economic activity, and tend to strive for equality of opportunity for everyone, including women and minority groups. Countries and territories with a rating of 7 have few or no civil liberties. They allow virtually no freedom of expression or association, do not protect the rights of detainees and prisoners, and often control or dominate most economic activity.

Expectations
We expect to see a negative correlation between social protest/mobilization and compliance with the Palermo Protocol. Since a score of 1 for social protest means a wide range of civil liberties and 7 means few or no civil rights. Thus the higher this score goes, the lower we expect compliance with the Palermo Protocol to be.

8. Legal institutions

To measure legal institutions two options were available: the Polity Score or data from Freedom House. The reason why we choose for Freedom House is that they look at more than only electoral features in their measurement. The Freedom in the World survey provides an annual evaluation of the state of global freedom as experienced by individuals (Freedom House). Freedom is measured in two ways: political rights and civil liberties. According to Freedom House: "Political rights enable people to participate freely in the political process, including the right to vote freely for distinct alternatives in legitimate elections, compete for public office, join political parties and organizations, and elect representatives who have a decisive impact on public policies and are accountable to the electorate".

The survey does not rate governments or government performance per se, but rather the real-world rights and freedoms enjoyed by individuals (Freedomhouse 2015). Thus, while Freedom House considers the presence of legal rights, it places a greater emphasis on whether these rights are implemented in practice. Furthermore, freedoms can be affected by government officials, as well as by non-state actors, including insurgents and

other armed groups" (Freedomhouse). The categories of the variables can be seen as roughly equally spaced, therefore these variables are treated as continuous variables.

This variable is in correct terms measured on a continuously ordinal level. But for statistical reasons is chosen to treat this variable on an interval scale, coded from 1-7. Here, 1 means: countries and territories with a rating of 1 enjoy a wide range of political rights, including free and fair elections. Candidates who are elected actually rule, political parties are competitive, the opposition plays an important role and enjoys real power, and the interests of minority groups are well represented in politics and government. And 7 Countries and territories with a rating of 7 have few or no political rights because of severe government oppression, sometimes in combination with civil war. They may also lack an authoritative and functioning central government and suffer from extreme violence or rule by regional warlords.

Expectations
We expect to see a negative correlation between legal institutions and compliance with the Palermo Protocol. Since a score of 1 for legal institutions means a wide range of political rights and 7 means few or no political rights. Thus the higher this score gets, the lower we expect compliance with the Palermo Protocol to be.

Control variables

Gini Index

According to Goodey (2008), inequality lies at the heart of trafficking. Economic desperation can lead to the fact that women and men allow young girls to use their body to raise an income (Poudel & Carryer 2000). Human trafficking is one of the fastest growing forms of organized crime and the largest source of transnational crime profit (Groth 2013). Money is an important factor of human trafficking and thus inequality lies at that base. The Gini Index is a way to measure this inequality. Therefore it is possible that inequality has a causal relationship with compliance with the Palermo Protocol.

On the website of the World Bank (www.worldbank.org) the Gini index is explained as follows:

> *"The Gini Index measures the extent to which the distribution of income (or in some cases consumption expenditure) among individuals or households within an economy deviates from a perfectly equal distribution. A Lorenz curve plots the cumulative percentages of total income received against the cumulative number of recipients, starting with the poorest individual or household. The Gini index measures the area between the Lorenz curve and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under the line. Thus, a Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality" (World Bank 2016). The data is derived via the Development Research Group from the World Bank via primary household survey data. That data is obtained from government statistical agencies and World Bank country departments."*

This variable is coded on an interval scale with 1 meaning perfect equality and 100 meaning perfect inequality.

Descriptives
In the table below you can find an overview of the different variables. As you can see the total number of cases (N) is 444. We further notice that the minimum of the dependent variable (4,0) is not the minimum of the variable itself (3,0). The reason is that none of the cases scored a 3,0 for this variable. The same can be noted for ControlVar Gini and for Social Protest, where we don't see the maximum of 7 but only 6.

Table 3.2: Descriptive Statistics

	N	Minimum	Maximum	Mean	Std. Deviation
DepVar Total	444	4,0	15,0	11,493	2,2148
Hegemon	444	0,00	1,00	0,0293	0,16878
Regime	444	0,00	1,00	0,4302	0,49566
SocialLearning	444	0,00	1,00	0,9955	0,06704
SocialProtest	444	1,00	6,00	2,3784	1,47242
Legalinstitutions	444	1,00	7,00	2,4167	1,75208
Controlvar Gini	444	23,72	60,97	37,6323	9,22078
Valid N (listwise)	444				

Chapter 4 Empirical analysis

The results of this research can be presented and analyzed after the assumptions of the multilevel regression are tested and the outliers discussed. To get more insight in the bivariate relations and the different independent and the dependent variable, the bivariate results are being discussed, and presented in table 2 and table 3 (see page 62). In the multilevel analysis we present the multilevel results in 6 models.

4.1 Assumptions and outliers

Before we can actually run the multilevel regression it is important to check the assumptions that are in accordance with multilevel regression.

Linearity (Linear relationship between X and Y)
According to Allison (1999) the assumption of linearity will only be approximately true and the form of the equation accommodates a wide range of nonlinear relationships (Allison 1999). The reason why this assumption needs to be tested is that regression can only accurately estimate the relationship between the dependent and independent variables if the relationship is linear in nature. Because if the relationship between the dependent variable and the independent variables is not linear, the results of the regression analysis will under-estimate the true relationship (Jason & Waters 2002). There are two risks when you under-estimate the relationship: you have a higher chance of a Type II error for that independent variable and an increased risk of Type I errors, you over-estimate other independent variables that share variance with that independent variable (Jason & Waters 2002). For the variables coded as dummy's (Variable 1, 3, 4) the assumption is automatically met. But for the variables 6 and 7 we have to make scatterplots (see appendix 1). Based on results from the scatterplots, we can conclude that the assumption is met for variable 6 and 7.

Mean independence of errors
Allison (1999) argues that the mean independence is a way of saying that the x's are unrelated to the random disturbance U. Therefore we need to assume that the mean of U is 0 to get unbiased estimates of the intercept A.
It is important to check 3 things:

(1)Omitted x variables
According to the literature all variables that can have some effect on Y are included in the regression. But there are some problems: the number of cases and the way the variables have explanatory power. In chapter 3 we discussed that we were unable to produce variables for all hypothesis. Therefore, we don't have all the variables in the model that can have an effect on Y. Problems with availability of data and the limitations bound to this research make it unable to add the variables. Therefore, we accept this limitation and keep it in mind when analyzing the results.

(2)Reverse causation

There could be a case of reversed causality with variable 1, the effect of the hegemon. Y, the extend of compliance with Human Trafficking laws has effect on the Tier ranking. Because compliance with the Palermo Protocol is one of the factors where the United States scores upon with its Trafficking in Persons Report to divide the countries in the different Tiers. But it is one of the reasons and not all. Therefore we can admit this variable in the model.

(3)Missing variables

The problem of missing variables is visible here. In chapter 3 the (problems with) data is extensively discussed. As a consequence of this we must take into account that we can have some biased coefficients and significance. Since there is no solution for this problem we must accept this. In the full model we have 444 cases. This is enough to do a proper multilevel regression. But of course there are countries missing that we wanted to have admitted to the model.

Figure 4.1: Overview of countries admitted to the models

Asia:10	32.26%
Africa:27	48.21%
Caribbean:8	36.36%
Europe:36	75%
Middle East:5	23.81%
North America:2	50%
Pacific:1	5%
South America:10	76.92%
Total :99	**45.83%**
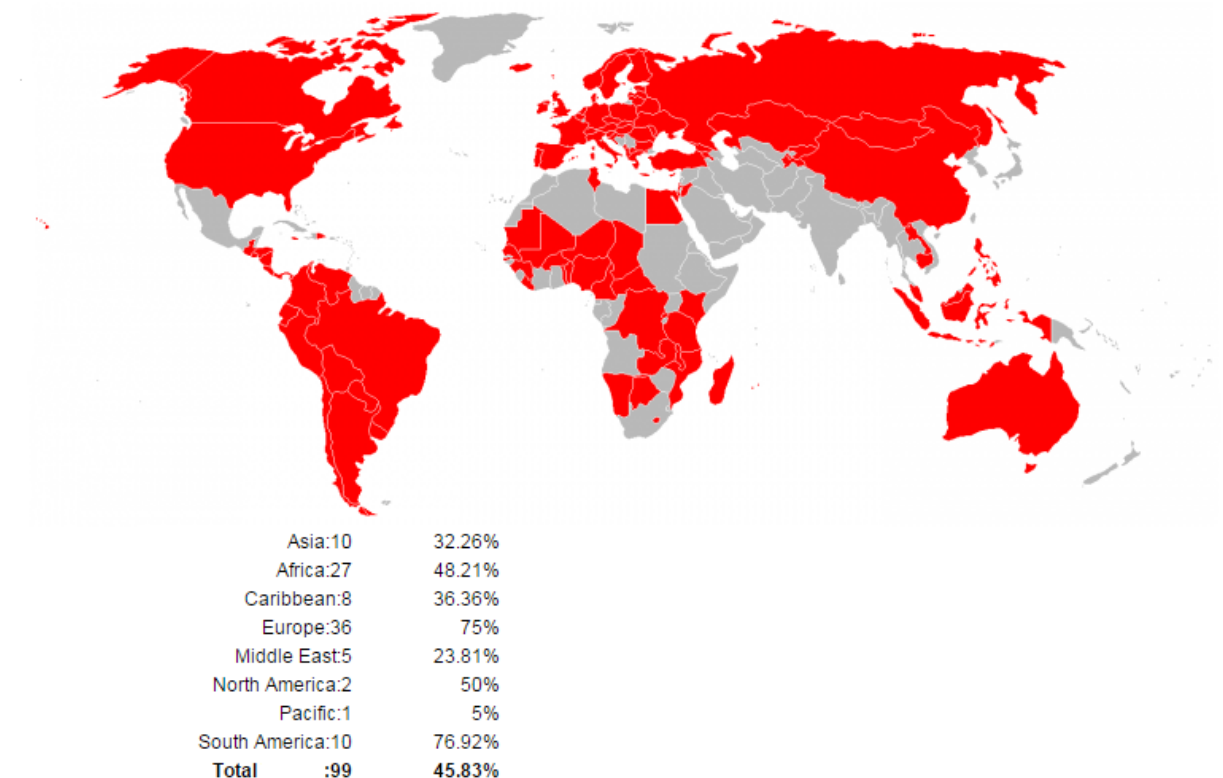
Red means included in the dataset – grey means not included in the dataset.

Homoskedasticity of erors

It is important that the distribution of errors is not dependent on X. When they do, you call this heteroscedasticity and that is a problem because it can lead to distortion of findings and weaken the analysis which increases the possibility of a Type I error (Berry & Feldman 1985). In the scatterplot (Appendix 2) with all the X's and the Y we can see that there seems to be a notion of homoscedasticity.

Uncorrelated errors
For this assumption to be met, the disturbance variables for any two individuals must be uncorrelated (Allison 1999). This dataset contains at least 8 different datasets. That means that the chance of uncorrelated errors is really low. The problem with uncorrelated errors could be that the estimates can be biased and inconsistent. In particular, the estimated standard errors are smaller than they should be and therefore you would reject the null hypothesis too quickly or make a type II error: the p value is higher than the presumed value. With a normal OLS regression, we would have had problems with the assumption of uncorrelated errors. This assumption would be violated, because we have time level data (years) and country level data. Therefore, we have to run a multilevel model, to be able to control for the fact that the countries are independent from each other.

Errors are normally distributed
It is important that the errors are normally distributed. But this is only important for the disturbance term U (Allison 1999). Dependent on the size of the sample you can see if you need any checks. Our dependent variable has 1355 cases, which is more than the 100-200 Allison (1999) notates in her book. This multilevel model has 444 cases. That is enough to not speak about any complications in the data at all. Therefore this data is not violating the assumption that errors are normally distributed.

Multicollinearity
Extreme multicollinearity means that two of the independent variables in the regression equation are perfectly related by a linear function (Allison 1999). To test this assumption we can look in the model at the Collinearity Statistics and then in specific the Tolerance and VIF values. Allisons (1999) criterion for tolerance is 0.40 and for the variance inflation factor (VIF) 2.50. When we look at the model there are 2 variables with a low tolerance value: Social Protest ,089 and Legal Institutions ,096. There are also 2 variables where the VIF value is higher than 2,5: Social Protest with 11,208 and Legal Institutions with 10,411. Which means we have problems of multicollinearity in this model. A solution would be to remove one of the IV's from the model or combine them. If we remove one variable that means that we can't test for that hypothesis anymore. If we combine them we can partly say something about both hypothesis Theoretical concerns don't allow to combine the variables. In the literature, two hypotheses were constructed and therefore we need to test the two hypotheses separately. To control the problem we have chosen to run two models. One with Social Protest (table 4.2) and one with Legal Institutions (table 4.3).

Table 4.1: Multicolinearity test 1

Variabele	Collinearity Statistics	
	Tolerance	VIF
(Constant)		
Hegemon	0,928	1,077
Regime	0,735	1,360
SocialLearning	0,981	1,019
SocialProtest	0,089	11,208
LegalInstitutions	0,096	10,411
ControlVar_Gini	0 ,636	1,573

Table 4.2: Multicolinearity test 2

Variabele	Collinearity Statistics	
	Tolerance	VIF
(Constant)		
Hegemon	0,962	1,039
Regime	0,749	1,336
SocialLearning	0,936	1,017
SocialProtest	0,893	1,120
ControlVar_Gini	0,712	1,120

Table 4.3: Multicolinearity test 3

Variabele	Collinearity Statistics	
	Tolerance	VIF
(Constant)		
Hegemon	0,966	1,035
Regime	0,751	1,331
SocialLearning	0,985	1,015
LegalInstititutions	0,956	1,046
ControlVar_Gini	0,735	1,361

The tables show that the problem of multicollinearity is solved by running two different models: one with hypothesis 7 (table 4.2) and one with hypothesis 8 (table 4.3). In both models there are no VIF values higher than 2.5 and we also don't see tolerance values lower than 0.40.

Outliers
To detect outliers we can use *Cook's distance, Casewise Diagnostics,* study *studentized residuals* and boxplots. Cook's distance is a measure of the overall influence of a case on the model (Field 2012). According to Cook & Weisberg

(1982) values greater than 1 can be a problem. In this model the minimum is 0,00 and the maximum is 0,045. Therefore there is no problem. Another way to measure the validation of Cook's distance is by checking the limit of Cook's distance by 4/N. The N in this model is 444. So for this research the limit for Cook's distance is 4/444= 0.00906. There are no cases that are more than 3 standard deviations from this Cook's distance.

Results

Since hypotheses 2, 4 and 6 cannot be tested because there was not enough data available and the research design was too limited, we can only use hypotheses 1, 3, 5, 7 and 8.

Table 4.4: bivariate regression multilevel model

Bivariate regression – Compliance with Palermo Protocol	**B (standard error)**
Hegemon	-1.597 (0.511)***
Regime	-0.575 (0.101)***
Social Learning	1.689 (0.502)***
Social Protest	-0.741 (,063)***
Legal Institutions	-0.355 (0.053)***
ControlVar Gini	-0.124 (0.016)***

*=P<.05, **=p<.01,***=p<.001

The first thing you notice, about this bivariate regression, is that all variables are significant with p-value lower than an α of 0,001. Since it is not useful to say something about Beta coefficients in a bivariate analysis we won't do so here. We cannot make predictions about the relative explanatory power of the different variables. What we can see is if the direction of the coefficients are in the direction of the hypotheses formulated in the theoretical chapter. The first hypothesis expected that if a hegemon pushes towards compliance, compliance would occur earlier. We expected a negative correlation between variable 1 and the dependent variable and that is wat we see here. Also for social protest, legal institutions and the Gini index we see a negative correlation between the variables and the dependent variable. For social protest the negative correlation is in line with the theory. Since a higher level on social protest means lower civil liberties which means, according to the theory, a lower chance of compliance. For legal institutions the negative correlation is also something we expect since a higher number for legal institutions means less political rights and thus a lower chance of compliance. For the control variable, the Gini index, the theory said that a higher level of the Gini index (more inequality) means a lower chance of compliance. That is something we see in this negative correlation. So this variable is also acting according to the theory. The only positive coefficient is that for social learning.

This variable is also behaving like we would expect according to the theory. It demonstrates that countries that have ratified ILO (or in other words a similar human trafficking treaty) are more likely to comply with the Palermo Protocol then countries that have not.

According to this bivariate analysis the model looks quite promising. All coefficients are significant with a p-value lower than an α of 0,001. Also all the directions of the coefficients are in the expected direction. Now, in the multilevel full models, where the variables are controlled for, we will see which variables keep the same directions and appear to be significant.

4.2 Building the model

Because of problems with nested data, we chose to use a multilevel research design. The first step, is setting up a multilevel null model. Such a model does not include independent variables, but just displays the population mean and variance.

The equation of this null model is:

$Y_{ij} = \gamma_{oo} + u_{oj} + r_{ij}$

Here, *γoo* represents the grand mean, the mean of the entire population. *uoj* is the group variance or the variance of groups from the grand mean. In this study those groups are country-year combinations. Therefore, it is the variance of a particular country in a year from the grand mean. Other words for this are the variance between groups. *rij* is the variance of the individuals.

We start with calculating the intraclass correlation

$$\rho = \frac{\sigma_{u0}^2}{\sigma_{u0}^2 + \sigma_r^2}$$
$$= 5.156102/2.015571 + 5.158332 = 0.68098$$

This indicates that the years account for 68.09% of the variability of compliance with the Palermo Protocol

The next step is to test the multilevel null model. We do this using the likelihood ratio test. We use the -2log likelihood for the restricted model (the model without a random intercept) and the -2 log likelihood for the full nul model. Using Excel and the function =CHIDIST(X,DF) shows us: X = (6517.471-5270.288=1247.183. DF = 1 (because we added 1 constraint, i.e. σ_{u0}^2). Because variances cannot be negative we actually test Ho: $\sigma_{u0}^2=0$ vs. H1: $\sigma_{u0}^2>0$. H1 is a directional hypothesis and therefore we divide the p-value by 2. Our p-value is 3.3984E-273/2==1.6992E-273=0.00 which means that p< α (e.g. α = 0.05) is significant and therefore we can reject Ho. This indicates there is a significant relationship between group variance and therefore we need a multilevel model.

Running different models

We have tested the multilevel null model. This model is significant. The next step is adding independent variables to the model. We do this using the random intercept fixed slope model. We are going to run 6 models.

First we test the rationalist model with the variables hegemon (a dummy variable), regime (a dummy variable) and the control variable Gini. These variables will be include as fixed factors, which means that we assume that the strength of the effects of the independent variables on the dependent variable is equal for each country in each year. Another name for this model is the random intercepts model.

Second, we test the constructivist model by using the variables social learning (a dummy variable) and social protest and the control variable Gini.

Third, we are going to test the 'other model' where we only include the variable Legal Institutions and the control variable Gini.

In the previous chapter we discovered that the variables social protest and legal institutions are multicollinear to each other. To make sure we are not making mistakes in our estimates we are estimating those variables in two different models together. Model four includes the variables hegemon, regime, social learning and the control variable Gini. Here you can see we miss the variable Legal Institutions.

The fifth model, and the second model we control for multicollinearity, is the model were we include the variables: hegemon, regime, social learning, legal institutions and the control variable Gini. Here you can see we miss the variable   Social   Protest.

The sixth model is our total model. Here we include all our variables. Those are: hegemon, regime, social learning, social protest, legal institutions and the control variable Gini.

4.3 Analyzing models

For the output of the multilevel models see table 6 and table 7 on page 65 and 66.

The first (rationalist theory) hypothesis is: *A country is more likely to comply with the Palermo Protocol when it is ranked in Tier 3 by the US, than when it is not ranked as Tier 3 by the US*. In none of the models this variable has a p-value lower than $\alpha < 0,05$, which means that there is no significant statistical effect between a pushing hegemon and compliance with the Palermo Protocol. The effect that did show, although thus not significant, notes a negative correlation. In other words, the mean change in the dependent variable for each unit change in the independent variable is negative. Therefore, tier 3 countries have a lower chance on compliance, which is in line with the theoretical expectation.

The second hypothesis is formulated as: *Due to a cost/benefit analysis countries are expected to only make small compliance improvements*. But due to problems as formulated in the methodology chapter (chapter 3) we could not test this hypothesis.

The third hypothesis is formulated as: *A state is more likely to comply with the Palermo Protocol when it is a member of a regime that actively monitors the behavior of the state*. In none of the models does this have a p-value lower than $\alpha < 0,05$, which means that there is no significant statistical effect between being a member of regime that actively monitors the behavior of states and compliance with the Palermo Protocol.

The last rationalist hypothesis is formulated as: *A country is more likely to comply with the Palermo Protocol when it is spatially dependent from another country based on the import/export rates and when it is a country of origin for human trafficking than when a country is not spatially dependent form another country based on the import/export rates and when it is not a country of origin for human trafficking.* Due to problems as formulated in the methodology chapter (chapter 3) we could not test this hypothesis.

The fifth hypothesis, and the first from a constructivist theoretical standpoint, is formulated as: *A country is more likely to comply with the Palermo Protocol when it has done so with a similar human trafficking treaty in the past than a country that has not complied with a similar human trafficking treaty before* .In none of the models does this have a p-value lower than an α of 0,05, which means that there is no significant statistical effect between social learning and compliance with the Palermo Protocol. The effect that did show, although thus not significant, notes a negative correlation. In other words, the mean change in the dependent variable for each unit change in the independent variable is negative. Which means that countries that have ratified a similar human trafficking mechanism before have a lower chance of compliance. This is not in line with the theoretical expectation.

The sixth hypothesis is exploring reputation from a constructivist standpoint. The hypothesis is formulated as: *A country is more likely to comply with the Palermo Protocol when the country's perception of the reputation with the UN is positive than when the country's perception of the reputation with the UN is negative.* Due to problems as formulated in the methodology chapter (chapter 3) we were unable to test this hypothesis.

The seventh hypothesis concerns the presence of social protest/mobilization and is formulated as: *A country is more likely to comply with the Palermo Protocol when there are active non-state-funded human trafficking organizations within the country than countries that do not have active state-funded human trafficking organizations within its borders.* All the models wherein this variable is presented demonstrate a p-value lower than an α of 0,01, which means that the effect is significant. Furthermore, all the models note a negative correlation with compliance with the Palermo Protocol. This varies from -0.839 in the second model to -1.374 in the total model. This indicates that when the variable social protest increases with 1 point, compliance decreases with 1.274 in the total model. Since the scale from social protest shows that a number of 1 is that people in that country enjoy a wide range of civil liberties and a number of 7 shows that people in that country have few or no civil liberties. This shows that for every decrease of civil liberties and thus the possibilities for social protest, compliance with the Palermo Protocol is lower as well. This is in line with the theoretical expectation. And therefore we can confirm this hypothesis.

The last and eighth hypothesis is formulated as: The higher the score for effective legal institutions, the more likely it is that a country will comply with the Palermo Protocol. All the models wherein this variable is presented note a p-value lower than an α of 0,01, which means that the effect is significant. But the estimates demonstrate a divergent image. In model 3, the first model where the variable is included, and controlled for the variable Gini, the correlation is negative (-0.50). However, in model 5 where the variable is controlled for with the variables hegemon, regime, social learning and Gini

the variable has a positive correlation (0.50) with compliance with the Palermo Protocol. In model 6, the total model, where legal institutions is controlled for the effects of all other independent variables shows a positive correlation (0.25) as well. The reason for this difference can be explained by the other variables that are included in model 5 and 6 and not in model 3. Therefore we must assume that there is a positive correlation between legal institution and compliance with the Palermo protocol. This indicates that when the variable legal institution increases with 1 point, compliance increases (for model 6 with 0.25 for example) as well. The scale from legal institutions ranges from 1-7 with 1 meaning that countries enjoy far developed legal institution and 7 meaning that countries have few or no political rights because of severe government oppression, sometimes in combination with civil war. This demonstrates that when the scale of legal institution increases (and in fact developed legal institution decreases, so there are less political rights in that country) compliance with the Palermo Protocol increases as well. This is not in line with the theoretical expectation. The theoretical expectation was that countries that have more developed legal institution also have a higher chance of compliance with the Palermo Protocol. Since the increase is so low, 0.25 in the full model, it is not a very big effect. But the effect is visible. Therefore we can discard this hypothesis

Finally, we have added the control variable, the Gini Index. All the models wherein this variable is presented notes a p-value lower than an α of 0,01, which means that the effect is significant. Furthermore, all the models show a negative correlation with compliance with the Palermo Protocol. This varies from -0.108 in the first model to -0.07 in the total model. This indicates that when the variable Gini increases with 1 point, compliance decreases with 0.07 in the total model. The variable Gini runs from 0 meaning perfect equality to 1000 perfect inequality. Which means that when the variable Gini increases with 1 point (and thus equality is lower) compliance with the Palermo Protocol is also lower. Since we have not a theoretical expectation for this variable, it would be good for further research to investigate this correlation.

Table 4.5: Results

	Confirmed	Discarded	Unable to test
Hypothesis 1: Hegemon		X	
Hypothesis 2: Cost-Benefit			X
Hypothesis 3: Regime		X	
Hypothesis 4: Spatial Dependence			X
Hypothesis 5: Social learning		X	
Hypothesis 6: Reputation			X
Hypothesis 7: Social Protest	X		
Hypothesis 8: Legal Institutions	X		

Chapter 5 Conclusions and future work

In this final chapter we aim to answer the research question: *Why do countries ratify, but not all comply with the Palermo Protocol?* First, a short summary will be provided concerning the previous chapters, recapitulating this thesis' argument. Second, the final conclusion will be given based on the theory in chapter two and the analysis in Chapter 4. Third, the theoretical implications of this thesis' outcome will be discussed. Fourth, the limitations of this research will be discussed and finally there will be recommendations for further research.

5.1 Recapitulation

Human trafficking is a prevalent problem in our contemporary society. To tackle this problem, the UN created an instrument: The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (The Palermo Protocol). In general, human rights treaties constitute the *paradigmatic hard case* according to Hathaway (2007) because countries do not receive direct benefits by signing them. The majority of countries don't have a great interest in imposing better human rights practices on other countries (Krasner 1993). But The Palermo Protocol is different from most other human rights treaties according to Cho and Vadlamanatti (2012). This is because of the fact that the major countries, which receive huge trafficking flows, are directly affected by human trafficking problems originating elsewhere and therefore have a vested interest in the compliance of other countries (Cho and Vadlamannati 2012, p.250). Already 169 countries have ratified The Palermo Protocol, but that does not mean their legislation is in line with the regulations of the protocol. In this thesis we would like to try to find an answer for the following question:

> *"Why do countries ratify, but not all comply with the Palermo Protocol?"*

The reader is introduced in the compliance literature from a rationalist, constructivist and institutionalist perspective.

First, we discussed the realist perspective which outlines the influence of the interest from a hegemon, or a few powerful states. The theory suggests that coercion by a powerful state on a less powerful state can lead to compliance with an international human trafficking treaty(Morgenthau 1978).

Second, we discussed the neorealist perspective which points towards the cost-benefit analysis that could be meaningful for compliance with an international human trafficking treaty. The self-interest of a state is relevant according to neorealist scholars (Waltz 1979). Therefore it is also necessary to review potential (financial) investments for implementing international human trafficking law.

Third, neoliberal scholar Keohane (2005) outlines the importance of international regimes on compliance with an international human trafficking treaty. The idea is that a self-interested actor chooses the option that maximizes its gains. Therefore, countries realize that being a member of an

international regime maximizes their gains in a positive way (Keohane 2005). When this international regime also dictates law regarding human trafficking, states have to comply with this law (Keohane 2005). Reasons for compliance with this law are linked to the reputation damage that may occur when a country chooses not to do so (Downs and Jones 2002; Sharman 2007; Simmons 2009). An important factor that needs to be added to this theory is the monitoring function that is contained within this regime (Mclaughlin and Hensel 2007). A state will only comply with the regime's rules when this regime actively monitors the behavior of its member states.

Finally, the spatial dependency theory argues that the degree of spatial dependency between countries is decisive when analyzing compliance with international human trafficking law (Cho et al. 2010; Elkins & Simmons; Neumayer & Plumper 2010). Due to the problem of human trafficking being an interstate matter, more countries are involved. For example, a country can try to enforce these domestic norms upon a country that is spatially dependent on it.

The theories discussed were rationalist approaches, but constructivist approaches also propose a theory about reasons for compliance with international human trafficking law.

The first constructivist theory argues that rules or norms influence state behavior (Finnemore & Sikkink 1998). After additional analysis of this theory, we determined that it is insufficient to provide an answer to why a state would accept a norm and hence ratify the Palermo Protocol, but not internalize the norm and thus implement the treaty. Therefore, we investigated other constructivist theories. The second constructivist theory tries to determine the behavior of states via the process of social learning. According to constructivist thinkers, agents shape their interest and identities through and during interaction (Checkel 2001), that is, the process of social learning. For the mechanism of social learning to become effective, states must have experienced a similar instrument as the Palermo Protocol 'to learn from'. This learning experience can have a causal relationship with compliance with the Palermo Protocol in the near future. The reputation of a state has already been briefly discussed in the international regime theory from a rationalist perspective. Reputation can be also be influential from a constructivist perspective. Feelings and shared opinion are relevant when looking at reputation from a constructivist view. Specifically, feelings and shared opinion about the state or group that is trying to make the state move (towards compliance). For the Palermo Protocol, the reputation of the UN could be of influence on states' decisions. According to this theory, different state choices would be expected when UN's reputation is positive compared to when it is negative. We have also introduced the constructivist theory about social protest and mobilization. Social protest and mobilization is the process in which domestic actors such as nongovernmental organizations and trade unions, in cooperation with transnational organizations and networks, make use of international norms to generate pressures for compliance on state decision makers (Checkel 2001).When there are opportunities for domestic actors to pressure state elites via a national or international route, compliance with an international human trafficking treaty can be possible. The last theory the reader has been introduced to is the theory concerning legal institutions. This theory discusses that democracy, or rather far developed legal

institutions, are of great importance for state compliance with international human trafficking law.

5.2 Results

Political Science and in specific International Relations Literature and International Law are two fields of study that are combined regularly.
In this thesis international human trafficking law was analyzed, specifically focusing on the compliance part of countries.

We discussed eight hypotheses; from a rationalist, constructivist and institutionalist perspectives, as recapitulated in the previous paragraph. Unfortunately we were unable to test all of these hypothesis due to missing data. We can draw the following conclusions as a result of multilevel regression models.

Only two out of the five tested hypotheses showed to be significant in the analysis. We will discuss the tested hypotheses and their implications on the results.

We are able to conclude, although with caution, that social protest/mobilization, measured as the possibility to pressure states decision makers via a national or international route, is of influence for compliance with the Palermo Protocol. If lesser possibilities for social protest/mobilization are available, compliance with the Palermo Protocol is lower. In other words: compliance with the Palermo Protocol is more likely to occur when domestic actors are able to pressure state elites towards compliance than when domestic actors are unable to pressure state elites towards compliance. In addition, compliance with The Palermo Protocol is more likely to occur when domestic actors are able to pressure state elites via international organizations than when domestic actors are unable to pressure state elites via international organizations such as the Human Rights Watch or Amnesty International

Another conclusion we can draw, taken the research limitations into account, is that more developed legal institutions are of importance for compliance with the Palermo Protocol. When the legal institutions in a specific country are more developed, that country has a higher possibility of compliance with the Palermo Protocol than a country which has lesser developed legal institutions.

Finally, we are able to conclude, with caution, that our control variable, the Gini index, has a significant relationship with compliance with the Palermo Protocol. The Gini index measures inequality in a country. It shows that countries with more inequality have lower compliance with the Palermo Protocol. Since we have not completely researched this variable, it would be recommended to do so in the future.

We can conclude, taking into account all limitations, that when a hegemon or a few powerful states experience disadvantages as a result of human trafficking, there is no reason to assume that their push to less powerful states towards compliance has anything to do with the reason for countries to comply with the Palermo Protocol.

This research also demonstrates that there is no significant relationship between being a member of an international regime that actively monitors the behavior of a state and compliance with the Palermo Protocol. Therefore we

can say, with caution, that being a member state of a regime, that actively monitors the behavior of a state, does not have significant impact on countries' compliance (with the Palermo Protocol) behavior.

Our statistical testing results determined that there is no significant relationship between the social learning process of a state and its compliance behavior with the Palermo Protocol in the near future. In other words, there is no reason, as showed by this research, to assume that states that have previously ratified a similar human trafficking treaty are more likely to comply with the Palermo Protocol then states who have not.

In the end, we are able to conclude that constructivist theories are better at explaining the compliance behavior of states with the Palermo Protocol than the rationalist theory. Although all conclusions must be understood with precautions since we were unable to test all rationalist and constructivist theories.

5.3 Implications for theory

As far as we were able to test international variables, domestic factors appear to be crucial in explaining compliance with the Palermo Protocol. As discussed in the previous paragraph: civil liberties, including freedoms of expression, assembly association education and religion note a significant relationship with compliance. Additionally, a wide range of political rights, including free and fair elections and finally inequality in a country is also of importance. Those three factors are all domestic indicators/variables. For the international relations compliance literature this outcome is interesting and should be researched more thoroughly. For (domestic) policy makers this outcome is also fascinating. Direct policy advice can be derived from these research results. It demonstrates that domestic factors can actually improve compliance with the Palermo Protocol and thus generates huge progress in preventing human trafficking. To improve the democratization process of a country, the legal institutions that allow NGO's to operate in a country can actually reduce the problem of human trafficking (via the Palermo Protocol).

There were additional noteworthy results in this research. The variable (and thus hypothesis about) social learning does not demonstrate a significant relationship with compliance with the Palermo Protocol. Although we must take into account that we have tested constructivist variables in a quantitative research design and therefore accuracy decreased marginally, we were unable to measure the learning process precisely. This would suggest that international norms are not relevant for compliance with the Palermo Protocol and thus with international human trafficking treaties. It has no consequences for compliance with another treaty in the future if a country has previously ratified a treaty. This could have something to
do with how the hypothesis is measured, but the theory could also be incorrect.

The regime theory, as explained in Chapter 2, is also discarded in this thesis. This is remarkable since many scholars are pointing in this direction. What is the reason, that according to this thesis, no effect is found for compliance with the Palermo Protocol and being a member of an international regime (with active human trafficking law) that actively monitors the behavior of its members? We can distinguish two factors: human trafficking regulations and monitoring of behavior that according to this research have no significant

effect on compliance with the Palermo Protocol. It would be interesting to study this mechanism more thoroughly and determine why international regimes are less important than they appear to be.

For this thesis, a new dataset was developed to measure compliance with the Palermo Protocol. Included in the full dataset are 2237 cases, although not all were used in this research due to limitations of availability of data for all variables. This dataset can be very useful when more data is available. More data makes it possible to test the rationalist cost/benefit hypothesis, the spatial dependency theory as well as the constructivist theory reputation. Furthermore, the dataset can be used for yearly testing in scientific research about compliance (with the Palermo Protocol).

It is remarkable, that although the variables social protest and legal institutions appear to be highly multicollinear, they still demonstrated relevance for explaining compliance with the Palermo Protocol. The variables are both significant and note a directional coefficient. This indicates that the social protest and legal institutions theories are relevant for explaining states' compliance with the Palermo Protocol, although we must take the limitations of the data into account. For future compliance research, it would be meaningful to further investigate both theories.

A relationship between inequality in a country and compliance with the Palermo Protocol was found via statistical testing. The multilevel model demonstrates that the more inequality there is in a country, the lower the chance of compliance with the Palermo Protocol. Theories in this thesis did not explain the relationship between inequality in a country and compliance, but the results demonstrate that a theory is desirable.

5.4 Research limitations

In the methodology chapter (chapter 3) we already discussed multiple downfalls regarding the data that has been used in this research. Problems were for the most part due to the (lack off) availability of data. But apart from that there are also four limitations in this research.

First, is the dependent variable. Compliance with the Palermo Protocol, is treated as one combined variable, which means that Prosecution, Protection and Prevention are all scored together. But in fact you can doubt this decision. There are three different facets of human trafficking legislation. And therefore it is tricky to see them as one part of action. When you look at prevention and protection a country is more focussed on a victim-point of view and when a country is implementing more prosecution legislation, that country has a more perpetrator focus.

Secondly, as an additional remark on the dependent variable is the way things are measured. For example, Guatemala scored very high (13) on the 3P index and thus on compliance. But in the tier index by the United States it is only ranked as a tier 2 country. They state: "Guatemala is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. The Government of Guatemala does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so". But significant efforts is not the same as almost fully compliant (13) as the 3P index demonstrates. Where is this big difference coming from? Process tracing of human trafficking for

individual countries would solve a part of the problem, but the means of data collecting and availability of data would still be a problem. However, with process tracing you are able to look more precisely into a case and focus on the different mechanisms that are at work.

Third, we have tried to measure constructivist variables with quantitative methods. While constructivist methods are more looking into norms and beliefs and how they shape behavior, it is very challenging to measure those kind of influences via quantitative methods. Therefore we must take that limitation into account.

Lastly, a total of 99 countries is included in this research. Which means that 70 countries are not included (which have ratified the Palermo Protocol). We can see that the continents of Europe, South America and North America are all well represented. For Africa we can see (in figure 4.1) that there are a great deal of countries represented, but there are also a lot missing, mostly in North-Africa. Furthermore, we see that a lot of countries are missing in the Middle East and Southeast Asia. What is interesting to see is that according to UN GLOTIP report 2014 (UN 2014) the Middle East is a big destination area (mainly with victims coming from Eastern and Central Europeans, East Asians, South Asians and Sub-Saharan Africans). It is difficult to clarify what this indicates for compliance with the Palermo Protocol for those countries. Is the human trafficking legislation in the Middle East for example not (very) developed and not in line with the Palermo Protocol? And are victims therefore trafficked into that region? And is that the reason we don't have data about that region? All assumptions that are problematic to test without data.

5.5 Recommendation for further research

First of all, the lack of data about human trafficking but also human trafficking legislation is a big downfall in this research. Therefore it would be interesting to see what the results of this research would be when there would be more data available.

We were unable to test three theories that were set out in this thesis. The cost/benefit analysis, the spatial dependency theory and the theory about reputation from a constructivist standpoint. All three theories could offer valid explanations for compliance with the Palermo Protocol. Due to limitations of the research design those theories could not be tested. But for future research it would be very interesting to see what these theories have to say about compliance with the Palermo Protocol.

This research demonstrated a high (negative) significant relationship between inequality in a country and compliance with the Palermo Protocol. Since this variable was added as a control variable, no extended theory was added to research this correlation. For further research it is highly recommended to explore this causal relationship to answer the questions: why does inequality in a country has a significant causal relationship with compliance with the Palermo Protocol? And which mechanism is at work?

A nasty problem in the data was that country names, in all the different datasets that are used (more then 10), are written different. For example, one dataset uses 'The Netherlands' while the other dataset uses 'Netherlands, The'. If you want to combine those datasets it turned out to be a very time consuming job to check and change all the country names such that they

match the correct data. Thus, a recommendation for the science community is to create a universal country name list to be used in all scientific research.

In this research we have investigated compliance with the Palermo Protocol. But before that, countries had to ratify the protocol. At the moment of writing this thesis, 169 countries had ratified. But there are, depending on the source, 189-196 independent countries in the world. This means that there are at least 20 countries who have not ratified the Palermo Protocol (see appendix 3 for the list of countries who have not ratified the Palermo Protocol). Countries who have not ratified are for example Somalia, Pakistan and Uganda. Based on the status of civil rights in those countries, it is not remarkable that those countries have not ratified the Palermo Protocol. But countries as Hong Kong, Japan and Taiwan also haven't ratified the Palermo Protocol. Those countries can be perceived as outliers. For further research it would be interesting to investigate why those countries have not ratified the Palermo Protocol, while we can see that it is considered to be a norm for states.

A last recommendation would be to research the same research question with a different research design/method. As discussed in the previous paragraph we had serious limitations by using a quantitative method. A QCA (qualitative comparative analysis) would be interesting for the variable spatial dependence for instance. Here you would choose a dataset with countries that are a country of origin, destination or transit and that are big importers or exporters to a certain country. An example: country A exports to country B. Country A is a country of origin and country B a country of destination. This would be a first for the dataset and of course we want all possible options. The second example would be: country A exports to country B. Country A is a country of origin and country B a country of destination. According to the theory we would expect, based on the externalities that human trafficking faces, that in the first example country A has 'push factors' to push country B towards compliance with the Palermo Protocol. The externalities means that human trafficking treaties are different from other human rights treaties because human trafficking is a problem that crosses borders. Countries can face problems (more human trafficking flows) because another country does not solve its human trafficking problem.

5.6 Conclusion

This thesis started with the horrible story about the girls Samantha and Arielle who were trafficked to the Netherlands. They had to work as prostitutes and were unable to escape due to the violent behavior of a procurer named Andrej and the huge debt he wanted them to pay. This example emphasizes that human trafficking leads to horrible crimes and negatively affects many lives daily. To tackle the problem of human trafficking, the Palermo Protocol was created. But, not all countries that ratify the Palermo Protocol actually comply with it. To be able to make international human trafficking law more effective, improve compliance and possibly be able to improve the quality of life of the victims of human trafficking, international compliance literature was examined and a quantitative study was performed to answer the question: *"Why do countries ratify, but not all comply with the Palermo Protocol?"*

Rationalist, constructivist and institutionalist theories are able to add to the debate of compliance with international human trafficking law. We have tested the different hypotheses in a multilevel research design. Therefore we are able to make some inferences. Taken all research limitations into account, this research showed that domestic level variables have a great influence on countries to comply with the Palermo Protocol. Countries with a high level of civil rights are more likely to comply with the Palermo Protocol than countries who do not have a high level of civil rights. Also countries with better developed legal institutions are more likely to comply with the Palermo Protocol than countries who do not have legal institutions that are developed as far.

Government officials need to be aware of the results of this research and try to apply them in their policy advice. NGO's can use the results to actively campaign for better civil rights and legal institutions in a country.

"You may choose to look the other way, but you can never say again that you did not know".

- William Wilberforce

Tables & Figures

Tables

Table 1: countries list

Country	Frequency
Albania	3
Argentina	8
Armenia	9
Australia	2
Austria	8
Belarus	9
Belgium	8
Benin	1
Bolivia	5
Botswana	1
Brazil	7
Bulgaria	8
Burkina Faso	2
Cambodia	5
Cameroon	1
Canada	3
Central African Republic	1
Chad	1
Chile	3
China	1
Colombia	8
Costa Rica	9
Croatia	5
Cyprus	2
Czech Republic	8
Democratic Republic of the Congo	2
Denmark	8
Dominican Republic	4
Ecuador	8
Egypt	1
El Salvador	8
Estonia	8
Finland	6
France	7
Gambia	1
Georgia	6
Germany	6
Greece	1

Guatemala	3
Guinea	1
Honduras	4
Hungary	6
Iceland	2
Indonesia	1
Ireland	2
Israel	1
Italy	6
Jamaica	1
Jordan	1
Kazakhstan	4
Kenya	1
Kyrgyzstan	9
Laos	1
Latvia	8
Lesotho	1
Liberia	1
Lithuania	9
Macedonia	3
Madagascar	2
Malawi	1
Malaysia	3
Mali	2
Mauritania	1
Mauritius	1
Moldova	7
Mongolia	2
Montenegro	5
Mozambique	1
Namibia	1
Nicaragua	2
Niger	3
Nigeria	2
Norway	8
Panama	8
Paraguay	8
Peru	8
Philippines	2
Poland	9
Portugal	8
Romania	10
Russia	8

Rwanda	2
Slovakia	8
Slovenia	8
Spain	8
Sweden	8
Switzerland	5
Tajikistan	4
Tanzania	2
The Netherlands	7
Togo	1
Tunisia	1
Turkey	9
Ukraine	8
United Kingdom	6
United States of America	1
Uruguay	7
Venezuela	4
Zambia	2

Table 2: Descriptive statistics

Variable	Mean	Std. Deviation	Minimum	Maximum	Valid N
Compliance	11,493	2,2148	4	15	444
Hegemon	0,0293	0,16878	0	1	444
Regime	0,4302	0,49566	0	1	444
Social Learning	0,9955	0,06704	0	1	444
Social Protest	2,3784	1,47242	1	6	444
Legal Institutions	2,4167	1,75208	1	7	444
Control Gini	37,6323	9,22078	23,72	60,97	444

Table 3: Bivariate regression

OLS - bivariate regression – Compliance with Palermo Protocol	B (standard error)	Beta (T- value)
Hegemon	-2,806 (.610)***	-.214 (-4,602)
CostBenefit	,494 (,037)***	5,35 (13,316)
Regime	1,183 (,205)***	,265 (5,774)
Social Learning	-,007 (1,571)	,000 (-,004)
Social Protest	-,807 (,060)***	-,536 (-13,361)
Legal Institutions	-,595 (,053)***	-,471 (-11,218)
ControlVar Gini	-,101 (,010)***	-,419 (-9,702)

Table 4: Multiple regression models 1-3

Model	1 Rationalist		2 Constructivist		3 Other	
	B (standard error)	Beta (T-value)	B(standard error)	Beta (T-value	B(standard error)	Beta (T-value)
Hegemon (dummy)						
Tier 1, 2 or 2WL	Reference	Reference	Reference	Reference	Reference	Reference
Tier 3	-2.204 (0.538)***	-0.162 (-4.094)				
Regime (dummy)						
No	Reference	Reference	Reference	Reference	Reference	Reference
Yes, member&monitoring	0.221 (0,197)	0.049 (1.121)				
Social Learning (dummy)						
Not ratified ILO	Reference	Reference	Reference	Reference	Reference	Reference
Ratified ILO			-1.566 (1.062)	-0.052 (1.474)		
Social Protest			0.648 (0.056)***	-0.427 (-11.595)		
Legal Institutions					-0.488 (0.046)***	-0.382 (-10.606)
Control Gini	-0.088 (0.010)***	-3.71 (8.470)	0.074 (0.009)****	0.304 (-8.340)	-0.090 (0.009)***	-0.370 (-10.268
Model summary						
Constant	14.646		17.371		16.045	
Adjusted R2	0.197		0.337		0.316	
N =	562		538		538	

Standard errors in parentheses
* *p* < 0.05; ** *p* < 0.01; *** *p* < 0.001; two-tailed; only reported for fixed effects (t-test)
Source: dataset Savanne Estourgie

Table 5: Multiple regression models 4-5

Model	4 Total 1		5 Total 2	
	B (standard error)	**Beta (T-value)**	**B(standard error)**	**Beta (T-value**
Hegemon (dummy)				
Tier 1, 2 or 2WL	Reference	Reference	Reference	Reference
Tier 3	-1.376 (0.503)**	-0.105 (-2.737)	-1.520 (0.508)**	-0.116 (-2.990)
Regime (dummy)				
No	Reference	Reference	Reference	Reference
Yes, member&monitoring	0.140 (0,194)	0.031 (0.722	0.197 (0.196)	0.044 (1.006)
Social Learning (dummy)				
Not ratified ILO	Reference	Reference	Reference	Reference
Ratified ILO	-1.730 (1.252)	-0.052 (-1.1382)	-1.563 (1.268)	-0.047 (-1.233)
Social Protest	-6.76 (0.060)***	-0.449 (-11.295)		
Legal Institutions			-5.24 (0.049)***	-0.414 (-10.636)
Control Gini	-0.063 (0.011)***	-0.261 (-5.861)	-0.076 (0.011)****	0.318 (-7.166)
Model summary				
Constant	17.163		17.152	
Adjusted R2	0.394		0.358	
N =	444		444	

Standard errors in parentheses
* *p* < 0.05; ** *p* < 0.01; *** *p* < 0.001; two-tailed; only reported for fixed effects (t-test)
Source: dataset Savanne Estourgie

Table 6: Multilevel regression models 1-3

Model	1 Rationalist	2 Constructivist	3 Other
Fixed effects			
Intercept	15.052853*** (0.774772)	17.529245*** (1.247971)	16.058363*** (06687787)
Hegemon (dummy)			
Tier 1, 2 or 2WL	Reference		
Tier 3	-0.540998 (0.4313003)		
Regime (dummy)			
No	Reference		
Yes, member&monitoring	0.069278 (0.176819)		
Social Learning (dummy)			
Not ratified ILO	Reference	Reference	
Ratified ILO		-1.200828 (1.038475)	
Social Protest		-0.839364*** (0.102277)	
Legal Institutions			-0.507905*** (0.086588)
Control Gini	-0.108625*** (0.018946)	-0.082075*** (0.016560)	-0.096926*** (0.016778)
Random effects			
σ^2_{u0} country level variance	3.782327 (0.650989)	2.318771 (0.427976)	2.407630 (0.113126)
σ^2_r individual level variance	1.398135 (0.108292)	1.344280 (0.104195)	1.450486 (0.457013)
Model summary			
-2 Log likelihood	1640.441	1584.974	1615.605
N country level	99	99	99
N individual level	444	444	444

Standard errors in parentheses

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; two-tailed; only reported for fixed effects (t-test)

Source: dataset Savanne Estourgie

Table 7: Multilevel regression models 4-6

Model	4 Multicolinearity1	5 Multicolinearity 2	6 Total
Fixed effects			
Intercept	17.520471*** (1.257318)	16.555817*** (1.282435	17.612883*** (1.257611)
Hegemon (dummy)			
Tier 1, 2 or 2WL	Reference		
Tier 3	-0.373457 (0.417308)	-0.493615 (0.432459	-0.364485 (0.415295)
Regime (dummy)			
No	Reference		
Yes, member&monitoring	-0.031688 (0.170429)	0.014376 (0.17622)	-0.030292 (0.169677)
Social Learning (dummy)			
Not Ratified ILO	Reference	Reference	
R atified ILO	-1.200605 (1.037953)	-0.54157 (1.068369)	-1.374155 (1.041031)
Social Protest	-0.833898*** (0.102588)		-1.096239*** (0.187752)
Legal Institutions		0.505335*** (0.086170)	0.257973* (0.154806)
Control Gini	-0.081633*** (0.016576)	-0.095753*** (0.016737)	-0.079807*** (0.016680)
Random effects			
σ^2_{u0} country level variance	2.291172 (0.425994)	2.333888 (0.452172)	2.339592 (0.434514)
σ^2_r individual level variance	1.344790 (0.104390)	1.454373 (0.113914)	1.328358 (0.103256)
Model summary			
-2 Log likelihood	1584.134	1614.059	1581.390
N country level	99	99	99
N individual level	444	444	444

Standard errors in parentheses
* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; two-tailed; only reported for fixed effects (t-test)
Source: dataset Savanne Estourgie

Figures

Figure 1: Linearity Assumption
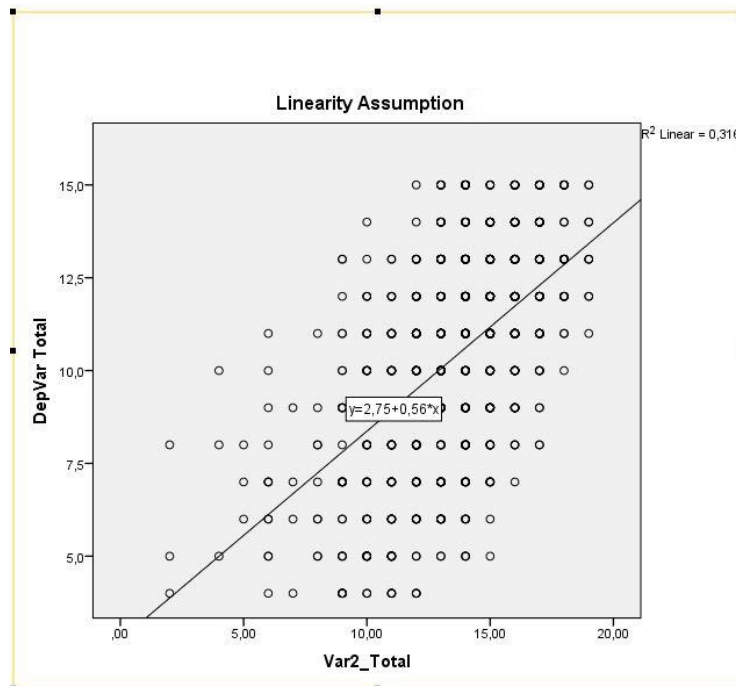Variable 2

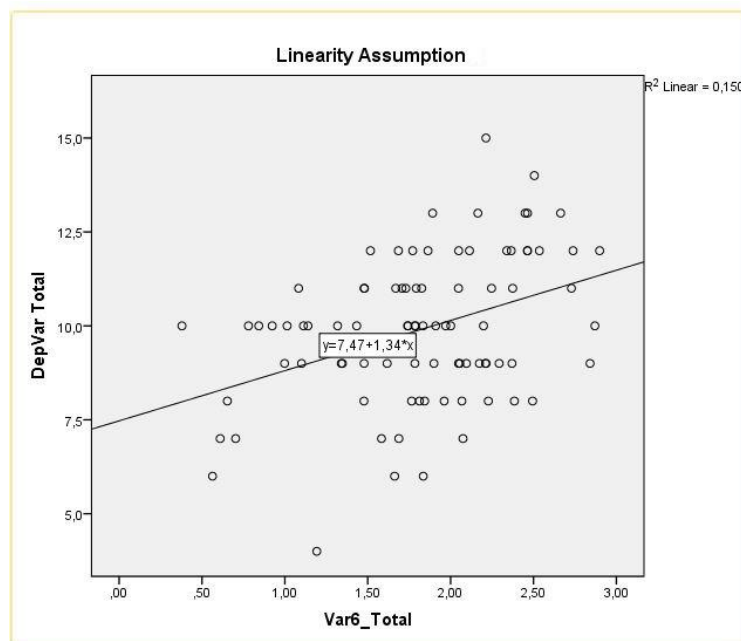Figure 2: Linearity Assumption
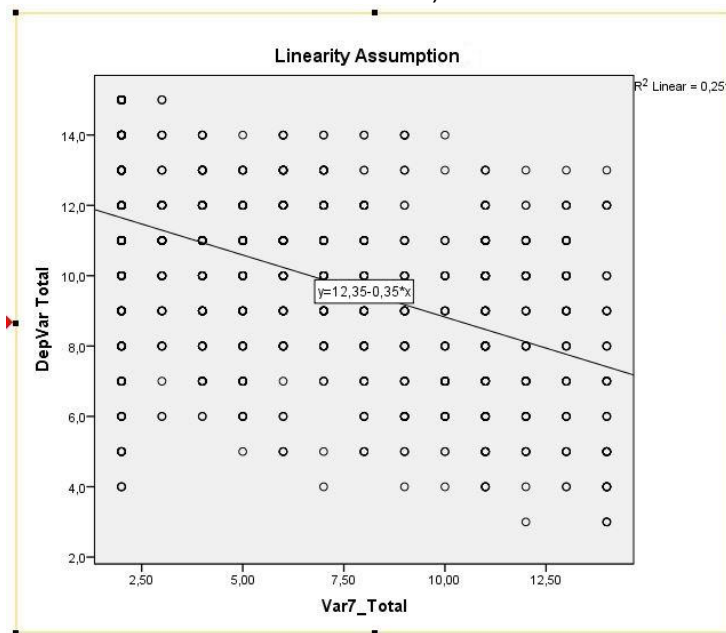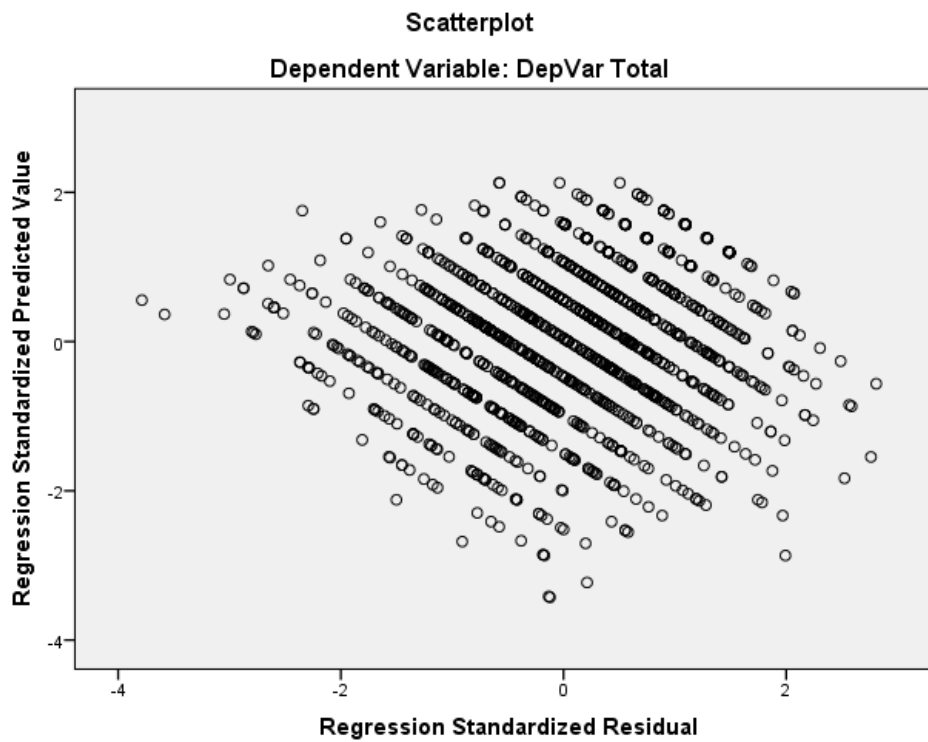Variable 6

Figure 3: Linearity Assumption
Variable 7

Figure 4: Homoscedasticity test

Bibliography

African Union. (2009). *Ouagadougou Action Plan to Combat Trafficking In Human Beings, Especially Women and Children*. Retrieved from http://www.au.int/en/sites/default/files/newsevents/workingdocuments/14348-wd-ouagadougou_action_plan_-_e.pdf

Allison, P. (1999). *Multiple regression: A primer*. Pine Forge Press.

Anderson, B., & Andrijasevic, R. (2008). *Sex, slaves and citizens: the politics of anti-trafficking*. Soundings, (40), 135.

ASEAN. (2004). *ASEAN Declaration Against Trafficking in Persons Particularly Women and Children*. Retrieved from https://www1.umn.edu/humanrts/research/Philippines/ASEAN Declaration Against Trafficking in Persons Particularly Women and Children.pdf

Aula, P., & Mantere, S. (2013). *Making and breaking sense: an inquiry into the reputation change*. Journal of Organizational Change Management*, 26*(2), 340-352.

Autesserre, S. (2009). *Hobbes and the Congo: frames, local violence, and international intervention*. International Organization, *63*(02), 249-280.

Avdeyeva (2012). *Does reputation matter for states' compliance with international treaties? States enforcement of anti-trafficking norms.* International Journal of Human Rights. Vol 16, No. 2, 298-320. Routledge. Univeristy of Chicago.

Axelrod, R. (1986). *An evolutionary approach to norms.* American political science review, 80(04), 1095-1111.

Axelrod, R., & Hamilton, W. (1981). *The evolution of cooperation*. Science,211(4489), 1390-1396.

Barnett, M., & Finnemore, M. (1999). *The politics, power, and pathologies of international organizations*. International organization, 53(04), 699-732.

Berry & Feldman (1985). *Multiple Regression in Practice.* Sage University Paper Series on Quantitative Applications in the Social Sciences, series no. 07-050. Newbury Park, CA: Sage.

Brooker, P. (2000). *Non-Democratic Regimes: Theory, Government, and Politics*. New York: St. Martin's Press.

Carlson, J., & Hyde, M. (2003). *Doing empirical political research.* Houghton Mifflin.

CBSS. (2010). *TF against Trafficking in Human Beings* - cbss.org. Retrieved from http://www.cbss.org/safe-secure-region/tfthb/

Checkel, J. (2001). *Why comply? Social learning and European identity change.* International organization, 55(03), 553-588.

Cho, S. (2015). *Evaluating Policies Against Human Trafficking Worldwide: An Overview and Review of the 3P index*, Journal of Human Trafficking 1 (inaugral edition): 86:99.

Cho, S., & Vadlamannati, K. C. (2012). *Compliance with the Anti-trafficking Protocol.* European Journal of Political Economy, *28*(2), 249-265.

Cho, S; Dreher, A & Neumayer, E. (2010) : *The spread of anti-trafficking policies: Evidence from a new index.* Discussion Papers, Center for European Governance and Economic Development Research, No. 119.

Chuang, J. (2006). *The United States as global sheriff: Using unilateral sanctions to combat human trafficking.* Michigan Journal of International Law, 27(2).

Cingranelli, D., & Richards, D. 1999. *Measuring the level, pattern, and sequence of government respect for physical integrity rights.* International Studies Quarterly 43: 407-417.

CIS. (2014). *Program of Cooperation between the CIS Member States against Trafficking in Persons for 2014–2018.* Retrieved from http://www.cis.minsk.by/

Cook, R., & Weisberg, S. (1982) *Residuals and influence in regression.* New York: Chapman &Hall.

Creswell, J. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches.* Sage publications.

Cross , F. (1999). *"the Relevance of Law in Human Rights Protection,"* International Review of Law and Economics 10 (1): 87 –98.

Danchin, P. (2002). *US Unilateralism and the International Protection of Religious Freedom: The Multilateral Alternative.* Columbia journal of transnational law, 41(1), 33-135.

Dauvergne, C. (2008). *Making people illegal: What globalization means for migration and law.* Cambridge University Press.

De Soysa, I., & Vadlamannati, K. (2011). *Does being bound together suffocate, or liberate? The Effects of economic, Social, and Political Globalization on Human Rights, 1981–2005.* Kyklos, *64*(1), 20-53.

Department of State (2014). *Trafficking in Persons Report Department of State*, United States of America.

Dettmeijer-Vermeulen, C., & Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen. (2013). *Mensenhandel: negende rapportage van de Nationaal rapporteur*. Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen.

Elkins, Z., & Simmons, B. (2005). *On waves, clusters, and diffusion: A conceptual framework.* The Annals of the American Academy of Political and Social Science, 598(1), 33-51.

Elman, C., & Jensen, M. (2014). *The Realism Reader*. Routledge.

EU. (2011). *Directive on trafficking in human beings*. Retrieved from http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm

Field, A. (2012). *Discovering statistics using IBM SPSS statistics*. London: Sage Publications.

Finnemore, M., & Sikkink, K. (1998). *International norm dynamics and political change*. International organization, 52(04), 887-917.

Frank, R. (2013). Human Trafficking Indicators, 2000-2011: A New Dataset. Sydney: University of Sydney. Available at SSRN: http://ssrn.com/abstract=2314157.

Geddes, B. (1990). *How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics*. Political analysis. 2(1): 131-150

Giguere, J (2013). *Human Trafficking: A Security Perspective.* In International Affairs Review volume XXI, Number 2 (United Nations publication, Sales No. E.14.V.10).

Goodey, J. (2008). *Human trafficking Sketchy data and policy responses*. Criminology and Criminal Justice, 8(4), 421-442.

Grieco, J.(1995). *The Maastricht Treaty, Economic and Monetary Union and the neo-realist research programme*. Review of International studies, 21(01), 21-40.

Groth (2013). *Committee on Migration, Refugees and Displaced Persons From parlementary assembly of Europe, Trafficking of migrant workers for forced labour,* Explanatory memorandum Doc. 13086.

Gurowitz, A. (1999). *Mobilizing international norms: domestic actors, immigrants, and the Japanese state*. World Politics, 51(03), 413-445.

Haas, P.(1998). *Compliance with EU directives: insights from international relations and comparative politics.* Journal of European Public Policy, 5(1), 17-37.

Hafner-Burton, E. M., & Tsutsui, K. (2007). *Justice lost! The failure of international human rights law to matter where needed most.* Journal of Peace Research, 44(4), 407-425.

Hathaway, O. (2002). *Do human rights treaties make a difference?.* Yale Law Journal, 1935-2042.

Hathaway, O. (2007). *Why do countries commit to human rights treaties?.* Journal of Conflict Resolution, 51(4), 588-621.

Hoffmann, S. (1973) *'International Organizations and the International System',* in Leeland M. Goodrich and David A. Kay (eds.), International Organization: Process and Politics (Madison), pp. 49-73.

House, F. (2015). *Freedom in the World 2015: The Annual Survey of Political Rights and Civil Liberties.* Rowman & Littlefield.

Hurd, I. (2008). *After anarchy: legitimacy and power in the United Nations Security Council.* Princeton University Press.

ILO. (2014). *Profits and poverty: The economics of forced labour / International Labour Office.* Geneva. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf

Jacobson, H., & Weiss, E. (1995). *Compliance with international environmental accords.* Global Governance 1(1): 119-48.

Jason & Waters (2002). *Four assumptions of multiple regression that researchers should always test.* Practical Assessment Research & Evaluation, 8(2). Retrieved from http://PAREonline.net/getvn.asp?v=8&n

Jepperson, R., Wendt, A., & Katzenstein, P. (1996*).“Norms, Identity, and Culture in National Security.”* The Culture of National Security: Norms and Identity in World Politics.

Katzenstein, P., Keohane, R., & Krasner, S.(1998). *International organization and the study of world politics.* International Organization, 645-685.

Kelley, J., & Simmons, B. (2015). *Politics by number: indicators as social pressure in international relations.* American journal of political science,59(1), 55-70.

Kelly, A. (2015). *US human trafficking report under fire as Cuba and Malaysia are upgraded*. Retrieved January 4, 2016, from http://www.theguardian.com/global-development/2015/jul/27/us-human-trafficking-in-persons-report-under-fire-cuba-malaysia-upgraded.

Keohane, R. (1984). *After hegemony: Cooperation and discord in the world political economy*. Princeton University Press.

Keohane, R. (1989). *International institutions: two approaches* (pp. 285-305). VS Verlag für Sozialwissenschaften.

Konrad, (2005*). Assessment of the United States Human Trafficking Situation and Ant iTrafficking Activities*. Organization for the Security and Co-operation in Europe.

Koremenos B. (2005). *Contracting Around Uncertainty*. Amer Polit Sci Rev 99:549-65.

Krasner, S. (1976). *State power and the structure of international trade*. World Politics, 28(03), 317-347.

Krasner, S. D. (1983). *International regimes*. Cornell University Press.

Krasner, S. D. (1993). *Sovereignty, regimes, and human rights*. Regime theory and international relations, 139-167.

Laczko, F. (2002). *Human trafficking: the need for better data*. Migration Information Source, 1.

Laczko, F. (2005). *Data and research on human trafficking*. International Migration, 43(1-2), 5-16.

Laczko, F., & Gramegna, M. (2003). *Developing better indicators of human trafficking*. Brown J. World Aff., 10, 179.

Landman, T (2005). *Protecting Human Rights: A Comparative Study*. Washington, D.C.: Georgetown University Press.

Lipson, C. (1991). *Why are some international agreements informal?*. International Organization, 45(04), 495-538.

Luscombe, B. (2014) *'Inside the scarily lucrative business model of human trafficking',* Time Magazine, 20 May. Retrieved 25-02-2015 from: http://time.com/105360/inside-thescarily-lucrative-business-model-of-human-trafficking/.

Mahony, J. (2000). *Strategies of Causal Inference in Small-N Analysis*. Sociological Methods & Research. 28(4): 387-424.

March, J. G., & Olsen, J. P. (1983). *The new institutionalism: organizational*

factors in political life. American political science review, 78(03), 734-749.

March, J., & Olsen, J. (2005*). Elaborating the "new institutionalism."* Oslo: Arena.

McKee, A. (2003). *Textual analysis: A beginner's guide*. Sage.

McLaughlin M., & Hensel, P. (2007). *International institutions and compliance with agreements.* American Journal of Political Science, 51(4), 721-737.

McNabb, D. (2015). *Research methods for political science: Quantitative and qualitative methods*. Routledge.

Mitchell, R. (1994). *Regime design matters: intentional oil pollution and treaty compliance*. International Organization, 48(03), 425-458.

Morgenthau, H. (1948). *Politics among Nations*. NY et al: MCGraw-Hill.

Morgenthau, H. (2005). *A realist theory of international politics, in Politics among Nations: the Struggle for Power and Peace*. New York: McGraw-Hill Education Realism Reader, 53.

Neumayer, E., & Plümper, T. (2010). *Spatial effects in dyadic data*. International Organization, 64(01), 145-166.

Nye, J (1968). *Obstinate or Obsolete: The Fate of the Nation-State and the Case of Western Europe'* Jr. (ed.), International Regionalism (Boston), pp. 177.

O'loughlin, J., & Anselin, L. (1991). *Bringing geography back to the study of international relations: Spatial dependence and regional context in Africa*, 1966–1978. International Interactions, 17(1), 29-61.

Oxford Dictionary. (2016). *Oxford English dictionary online*. Mount Royal College Lib., Calgary, 14.

Pollack, M. (2007). *The new institutionalisms and European integration* (No. p0031). University of Bath, Department of European Studies and Modern Languages.

Powell, E., & Staton, J. (2009). *Domestic judicial institutions and human rights treaty violation*. International Studies Quarterly, 53(1), 149-174.

Poudel, P., & Carryer, J. (2000*). Girl-trafficking, HIV/AIDS, and the position of women in Nepal*. Gender & Development, 8(2), 74-79.

Ramos & Zartner (2010) *'the influence of State Reputation on International Treaty Compliance'* unpublished manuscript, presented at the 51st annual meeting of the International Studies Association, New Orleans.

Ramos & Zartner (2005). *State compliance with human rights norms: the importance of international reputation for guiding state action.* International Studies Association Convention. University of California-Davis.

Risse, T. (2000). *"Let's argue!": communicative action in world politics.* International organization, 54(01), 1-39.

Risse, T., & Sikkink, K. (2013). *The persistent power of human rights: From commitment to compliance* (Vol. 126). Cambridge University Press.

Risse, T., Ropp, S. C., & Sikkink, K. (1999). *The Power of human rights. International Norms and Domestic Change*, Cambridge.

Rosendorff, B., & Milner, H. (2001). *The optimal design of international trade institutions: Uncertainty and escape.* International Organization, 55(04), 829-857.

Sharman (2008) *The international organizations and the implementation of new financial regulations by blacklisting in IOs and new financial regulations.*

Sharman, J. (2007). *Rationalist and constructivist perspectives on reputation.* Political Studies, 55(1), 20-37.

Shelton, D. (1997). *Compliance with international human rights soft law.* Stud. Transnational Legal Policy, 29, 119.

Simmons, B. (1998). *Compliance with international agreements.* Annual Review of Political Science, 1(1), 75-93.). After hegemony: Cooperation and discord in the world political economy. Princeton University Press.

Simmons, B (2000) *"International Law and State Behavior: Commitment and Compliance in International Monetary Affairs." American Political Science Review* 94 (4): 819-835.

Simmons, B. (2010). *"Treaty Compliance and Violation."* Annual Review of Political Science 13 (1) (May): 273-296.

Smith, J. (2000). *The politics of dispute settlement design: Explaining legalism in regional trade pacts.* International Organization, 54(01), 137-180.

Sprinz, D., & Wolinsky-Nahmias, Y. (2004). *Models, numbers, and cases: methods for studying international relations.* University of Michigan Press.

Suchman, M., & Eyre, D. (1992). *Military procurement as rational myth: Notes on the social construction of weapons proliferation.* In Sociological Forum (Vol. 7, No. 1, pp. 137-161). Kluwer Academic Publishers-Plenum Publishers.

Szep, J., Zengerle, P., & Spetalnick, M. (2015). *Exclusive: U.S. poised to upgrade Cuba in annual human trafficking report -sources.* Retrieved January 28, 2016, from http://www.reuters.com/article/us-cuba-usa-trafficking-exclusive-idUSKCN0PQ12X20150716.

Trafficking in Persons Report (2015) US Department of State.

UNASUR. (2011). *Treaty of the Union of South American Nations.* Retrieved from http://www.unasursg.org/en/node/179

United Nations (1986*). Definition of key terms used in the UN Treaty collection.* Retrieved April 15, 2015, from https://treaties.un.org/Pages/Overview.aspx?path=overview/definitio n/page1_en.xml#introduction

United Nations Office on Drugs and Crime, (2006). *Trafficking in Persons: Global Patterns.* Vienna.

United States Government Accountability Office. (2006). *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Anti trafficking Efforts Abroad.* Washington, DC: Report to the Chairman, Committee on the Judiciary and the Chairman, Committee on International Relations, House of Representatives.

UNODC. (2012). *United Nations Office on Drugs and Crime.* Retrieved from https://www.unodc.org/unodc/en/human-trafficking/2013/arab-initiative-to-build-national-capacities-to-combat-human-trafficking-in-the-arab-countries.html and http://www.qatarfcht.com/

UN Status of Ratification. (2016). 12 .a *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.* Retrieved 2016, from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY

Valentino, B., Huth, P., & Croco, S. (2006). *Covenants Without the Sword International Law and the Protection of Civilians in Times of War.* World Politics,58(03), 339-377.

Vreeland, J. (2008). *Political institutions and human rights: Why dictatorships enter into the United Nations Convention Against Torture.* International Organization, 62(01), 65-101.

Waltz, K. (1979). (Reissued in 2010) *Theory of international politics.* Waveland Press.

Weinhold, D. (2002). *The importance of trade and geography in the pattern of spatial dependence of growth rates.* Review of Development Economics, 6(3), 369-382.

Weisiger, A., & Yarhi-Milo, K. (2015). *Revisiting reputation: how past actions matter in international politics.* International Organization, 69(02), 473-495.

Weitzer, R. (2014). *New directions in research on human trafficking.* The Annals of the American Academy of Political and Social Science, 653(1), 6-24.

Wendt, A. (1992). *Anarchy is what states make of it: the social construction of power politics.* International organization, 46(02), 391-425.

Werson, H. (2012). *De fatale fuik* (D. Wiele, Ed.). Amsterdam: Carrera.

Wheaton, E., Schauer, E., & Galli, T. V. (2010). *Economics of human trafficking. International Migration*, 48(4), 114-141.

WJP. (2016.). *Historical Data | The World Justice Project.* Retrieved January 12, 2016, from http://worldjusticeproject.org/historical-data.

Wooditch, Alese. 2011. "*The Efficacy of the Trafficking in Persons Report: A Review of the Evidence.*" Criminal Justice Policy Review 22(4): 471–93.

Young OR. (1979). *Compliance and Public Authority.* Baltimore: Johns Hopkins University Press.

Zaloznaya, M, and Hagan J. (2012). "*Fighting Human Trafficking or Instituting Authoritarian Control.*" In Governance by Indicators: Global Power through Classification and Rankings, ed. Kevin Davis, Angelina Fisher, Benedict Kingsbury, and Sally Engle Merry. Oxford: Oxford University Press, 344–364.

Appendix

Appendix 1

Multiple Regression analysis

Before running multilevel models, we have tested the hypothesis using multiple regression. The following part will give the results for the multiple regression analysis.

See table 4 and 5 on page 63 and 64 for the output.

In the multiple regression analysis we are going to discover which of these variables/hypothesis is best in explaining compliance with the Palermo Protocol.

Model 1, the rationalist model, has an adjusted R^2 of ,197 which means that using hegemon, regime and Gini to predict compliance yields a 19,7% reduction in the (sum of squared) predication errors, compared with using only the mean, adjusted on the number of independent variables in the model. For variable 1, hegemon, we can see that there is a significant, with a p-value α > 0,001, negative correlation between compliance with the Palermo Protocol. Concrete it means that countries that are ranked as a tier 3 country decrease -2,204 on compliance with the Palermo Protocol. Variable 3 shows that countries that are a member of a regime and that regime actively monitors that regime show an increase of ,221 on compliance with the Palermo Protocol, but unfortunately this variable is not significant and therefore we cannot use its outcome.

Model 2, the constructivist model, has an adjusted R^2 of ,337 which means that using social learning, social protest and Gini to predict compliance yields a 37,7% reduction in the (sum of squared) prediction errors, compared with using only the mean, adjusted on the number of independent variables in the model. For variable 5, social learning, we can see that for countries who have joined a similar regime we see a decrease of -1,566 with compliance with the Palermo Protocol, unfortunately this variable is not significant and therefore we cannot use its outcome. For variable 7, social protest it shows us for every 1 point increase on the scale of 1-7 from social protest compliance will increase with 0,648 and this is significant with a p-value α > 0,001.

Model 3, the other model, has an adjusted R^2 of ,316 which means that using legal institutions and Gini to predict compliance yields a 31,6% reduction in the (sum of squared) predication errors, compared with using only the mean, adjusted on the number of independent variables in the model. Variable 8 shows for every increase (from 1-7) in legal institutions, compliance with the Palermo Protocol decreases with -3,82 and this is significant with a p-value α > 0,001.

Model 4, total model 1, has an adjusted R^2 of ,374 which means that using hegemon, regime, social learning, social protest and Gini to predict compliance yields a 37,4% reduction in the (sum of squared) predication errors, compared with using only the mean, adjusted on the number of

independent variables in the model. For the social sciences, this is a normal R2.

For variable 1, hegemon, we can see that there is a significant, with a p-value $\alpha > 0,01$, negative correlation between compliance with the Palermo Protocol. Concrete it means that countries that are ranked as a tier 3 country shows a decrease of -1,376 with compliance with the Palermo Protocol. Variable 3 shows that countries that are a member of a regime and that regime actively monitors that regime show an increase of ,140 on compliance with the Palermo Protocol, but unfortunately this variable is not significant and therefore we cannot use its outcome. For variable 5, social learning, we can see that for countries who have joined a similar regime we see a decrease of -1,730 with compliance with the Palermo Protocol, unfortunately this variable is not significant and therefore we cannot use its outcome. For variable 7, social protest it shows us for every 1 point increase on the scale of 1-7 from social protest compliance will decrease with -6,76 and this is significant with $\alpha > 0,001$. .

Model5, total model 2, has an adjusted R2 of ,358 which means that using hegemon and regime to predict compliance yields a 35,8% reduction in the (sum of squared) predication errors, compared with using only the mean, adjusted on the number of independent variables in the model. For variable 1, hegemon, we can see that there is a significant negative correlation between compliance with the Palermo Protocol. Concrete it means that countries that are ranked as a tier 3 country shows a decrease of -1,520 with compliance with the Palermo Protocol. Variable 3 shows that countries that are a member of a regime and that regime actively monitors that regime show an increase of ,044 on compliance with the Palermo Protocol, but unfortunately this variable is not significant and therefore we cannot use its outcome. For variable 5, social learning, we can see that for countries who have joined a similar regime we see a decrease of -1,563 with compliance with the Palermo Protocol, unfortunately this variable is not significant and therefore we cannot use its outcome. Variable 8 shows for every increase (from 1-7) in legal institutions, compliance with the Palermo Protocol decreases with 5,24 and this is significant with $\alpha > 0,01$.

Appendix 2

The codebook, as showed below, includes all the variables included in the dataset. Not all variables are used in the multilevel models because of lack of data and violation of assumptions.

Codebook

Variable Name	Score	Meaning
Palermo	0-1	**0** No Not ratified Palermo Protocol **1** Yes Ratified Palermo Protocol
Dependent Variable		
DepVar 0.1 Prosecution	1-5	A score of 1 indicates the lowest level of policy performance while a score of 5 correspondents with a full commitment level. A score of 4 reflects adequate efforts, 3 modest, 2 inadequate.
DepVar 0.2 Protection	1-5	A score of 1 indicates the lowest level of policy performance while a score of 5 correspondents with a full commitment level. A score of 4 reflects adequate efforts, 3 modest, 2 inadequate.
DepVar 0.3 Prevention	1-5	A score of **1** indicates the lowest level of policy performance while a score of **5** correspondents with a full commitment level. A score of **4** reflects adequate efforts, **3** modest, **2** inadequate.
DepVar Total	3-15	The sum of the three policy scores (0.1+0.2+0.3)
Var 1 Hegemon	0-1	**0** = Ranked in Tier 1, 2 or 2 Watchlist by USA. **1** = Ranked Tier 3 by USA
Var 2.1_Pros_domesticlaws	0-3	**3** = Yes. A country is coded yes if the report indicates that comprehensive laws prohibiting all forms of trafficking have been passed and come into force, even if the report states that these laws are not always enforced. **2** = Some. A country is coded

		some if the report indicates that the country has laws prohibiting one or more types of human trafficking, but it does not have a comprehensive law prohibiting all forms of trafficking. In the reports countries have a wide range of laws against various forms of trafficking ranging from laws prohibiting only one form of trafficking to those banning almost all types of trafficking seen within the country. Various terms used in the reports that fall under the some category for domestic laws are: "limited," "minimal," "piecemeal," or terms for laws not specifically related to trafficking. **1** = No. A country is coded no if the report explicitly states that this country has no laws prohibiting trafficking or laws that could be used to prosecute traffickers. **0** = No mention. A country is coded no mention if the report does not mention that any laws related to human trafficking have been passed and come into force.
Var2.2_Pros_enforcement	0-3	**3** = Yes. A country is coded yes if the report indicates that the country fully investigates and prosecutes cases of human trafficking. **2** = Some. A country is coded some if the report indicates that the country's enforcement of laws relating to human trafficking is minimal, limited, or weak or indicates that the country does not fully investigate and prosecute cases of human trafficking. **1** = No. A country is coded no if the report indicates that the country does not enforce

		domestic laws regarding human trafficking or enforcement is provided by international police or by other countries. **0** = No mention. A country is coded no mention if the report does not mention the country's law enforcement efforts related to human trafficking.
Var2.3_Pros_convictinfo	0-2	**2** = Yes. A country is coded yes if the report indicates that information regarding human trafficking convictions for the reporting period or a previous reporting period was provided by the government or was allowed to be disseminated by nongovernmental organizations (NGOs) or the domestic media. **1** = No. A country is coded no if the report indicates that the government does not provide data, keep statistics, or failed to report convictions regarding human trafficking. **0** = No mention. A country is coded no mention if the report does not mention any information regarding convictions for the reporting period or a previous reporting period.
Var2.4_Pros_prosnum	0-XX	This value is the number of people prosecuted for violations of human trafficking laws. If there is no number of prosecutions mentioned, the number of convictions is used, which by definition is some subset of the number of people prosecuted. **-99** = No mention. A country is coded no mention if the report does not mention any numbers for either prosecutions or convictions.
Var2.5_Prot_protectprogress	0-2	**2** = Yes. A country is coded yes if the report indicates the government has made any

		progress (even minimal progress) in protecting victims of trafficking, including sustaining previous efforts. **1** = No. A country is coded no if the report indicates the government has not made any progress in protecting victims of trafficking. **0** = No mention. A country is coded no mention if the report does not mention whether the country has made progress in protecting victims of trafficking.
Var2.6_Prot_victimid	0-2	**2** = Yes. A country is coded yes if the report indicates that the government has formal or systematic procedures to identify victims of trafficking. Telephone hotlines are not considered formal procedures to identify victims. Also, if the report indicates that victims were identified within the country but not how the victims were identified, this is not sufficient evidence to be coded yes for this variable. **1** = No. A country is coded no if the report indicates that there are no formal or systematic procedures to identify victims of trafficking or if extant formal procedures are limited to a particular city or region within the country. **0** = No mention. A country is coded no mention if the report does not mention the procedures used to identify victims of trafficking (if there are any).
Var2.7_Prot_victimservices	0-2	**2** = Yes. A country is coded yes if the report indicates that the government itself provides victims with protective services and not through NGOs. Existing programs or victim

		shelters can be partly staffed or funded by NGOs, however it must be clear that the physical structure and the majority of the services are funded, staffed, and operated by the government. These protective services can include shelter, medical care, psychological services, work training, or some other specific program aimed at helping victims of trafficking. A country is still coded yes if these services are provided through existing non-trafficking-oriented state institutions. **1**= No. A country is coded no if the report indicates that the government does not provide victims with protective services or that the majority (or all) of victim protective services is provided by NGOs. **0** = No mention. A country is coded no mention if the report does not mention the state provision of any victim protective services.
Var2.8_Prot_victimpunish	0-2	**2** = Yes. A country is coded yes if the report indicates that either federal or local officials arrest, fine, imprison, deport, or in some other way penalize victims of trafficking for acts committed as a result of being trafficked. **1** = No. A country is coded no if the report explicitly states that government officials do not punish victims for acts committed as a result of trafficking during the reported period. **0** = No mention. A country is coded no mention if the report does not mention punishment of victims by government officials.
Var2.9_Prev_preventprogress	0-3	**3** = Yes. A country is coded yes

		if the report indicates that the government is making substantial progress in its efforts to reduce both the supply and demand for trafficking or that it has new programs to prevent trafficking including education and awareness campaigns, documentaries, and providing information to potential victims of trafficking. The government must make the majority of these efforts within its borders. **2** = Some. A country is coded some if the report indicates that the government is making minimal, limited, some, or sustained progress in its efforts to reduce both the supply and demand for human trafficking.. **1** = No. A country is coded no if the report indicates that the government is not making progress in its efforts to reduce both the supply and demand for trafficking or the majority of the efforts are not within the country or provided by NGOs. **0** = No mention. A country is coded no mention if the report does not mention the government's progress in its efforts to prevent human trafficking
Var2_CostBenefit	0-19	**1-19** = 19 the highest (full compliance) 1 the lowest (no compliance) **0 = no mention**
Var3.1MembershipIO	1-0	**1** = Yes member of an International Organization/regime **0** = No, Not a member of an International Organization/Regime
Var3.2Monitoring	1-0	**1** =Yes, IO is actively monitoring HT legislation implementation **0** = NO, IO is not actively monitoring HT legislation

		implementation
Var3_Regime	1-0	**1** = Yes, If country scores Yes on 3.1 AND Yes on 3.2 then Yes for Var 3 total. **0** = No, country does not score Yes on 3.1 and 3.2. And thus is not a member of an international regime that actively monitors Human Trafficking legislation implementation
Var4.1_ILO182	1-0	**1**= Yes has ratified ILO 182 **0** = No has not ratified ILO 182
Var4.2_ILOC29	1-0	**1**=Yes has ratified ILO C29 **0** = No has not ratified ILO C29
Var4.3_ILOC105	1-0	**1**=Yes has ratified ILO C105 **0**= No has not ratified ILO C105
Var4_SocialLearning	1-0	**1**= Yes has ratified ILO182 or ILO29 or ILO C105 **0** = No Has not ratified ILO182, or ILO29, or ILO105
Var6_Social Protest	1-7	**1** – Countries and territories with a rating of 1 enjoy a wide range of civil liberties, including freedoms of expression, assembly, association, education, and religion. They have an established and generally fair legal system that ensures the rule of law (including an independent judiciary), allow free economic activity, and tend to strive for equality of opportunity for everyone, including women and minority groups. **2** – Countries and territories with a rating of 2 have slightly weaker civil liberties than those with a rating of 1 because of such factors as limits on media independence, restrictions on trade union activities, and discrimination against minority groups and women.

		3, 4, 5 – Countries and territories with a rating of 3, 4, or 5 either moderately protect almost all civil liberties or strongly protect some civil liberties while neglecting others. The same factors that undermine freedom in countries with a rating of 2 may also weaken civil liberties in those with a rating of 3, 4, or 5, but to a greater extent at each successive rating. **6** – Countries and territories with a rating of 6 have very restricted civil liberties. They strongly limit the rights of expression and association and frequently hold political prisoners. They may allow a few civil liberties, such as some religious and social freedoms, some highly restricted private business activity, and some open and free private discussion. **7** – Countries and territories with a rating of 7 have few or no civil liberties. They allow virtually no freedom of expression or association, do not protect the rights of detainees and prisoners, and often control or dominate most economic activity.
Var7_LegalInstitutions		**1** – Countries and territories with a rating of 1 enjoy a wide range of political rights, including free and fair elections. Candidates who are elected actually rule, political parties are competitive, the opposition plays an important role and enjoys real power, and the interests of minority groups are well represented in politics and government. **2** – Countries and territories

		with a rating of 2 have slightly weaker political rights than those with a rating of 1 because of such factors as political corruption, limits on the functioning of political parties and opposition groups, and foreign or military influence on politics.
		3, 4, 5 – Countries and territories with a rating of 3, 4, or 5 either moderately protect almost all political rights or strongly protect some political rights while neglecting others. The same factors that undermine freedom in countries with a rating of 2 may also weaken political rights in those with a rating of 3, 4, or 5, but to a greater extent at each successive rating.
		6 – Countries and territories with a rating of 6 have very restricted political rights. They are ruled by one-party or military dictatorships, religious hierarchies, or autocrats. They may allow a few political rights, such as some representation or autonomy for minority groups, and a few are traditional monarchies that tolerate political discussion and accept public petitions.
		7 – Countries and territories with a rating of 7 have few or no political rights because of severe government oppression, sometimes in combination with civil war. They may also lack an authoritative and functioning central government and suffer from extreme violence or rule by regional warlords.

ControlVar_Gini	0-100	**0** = perfect equality **100** = perfect inequality

Appendix 3

Table 3.1: Countries that have not ratified the Palermo Protocol
Bangladesh
Bhutan
Brunei
Comoros
Congo[5]
Fiji
Hong Kong
Iran
Japan[6]
Kosovo
Macau
Maldives
Marshall Islands
Pakistan
Palau
Papua New Guinea
Solomon Islands
Somalia
Taiwan
Tonga
Uganda[7]
Western Sahara

Source: United Nations Human Rights

---

[5] Congo signed the treaty, which means that they are subject to ratification, acceptance or approval but they do not yet give the consent to be bound. Therefore they will be treated as not ratified (UN status of ratification 2016).
[6] Japan signed the treaty, which means that they are subject to ratification, acceptance or approval but they do not yet give the consent to be bound. Therefore they will be treated as not ratified (UN status of ratification 2016).
[7] Uganda signed the treaty, which means that they are subject to ratification, acceptance or approval but they do not yet give the consent to be bound. Therefore they will be treated as not ratified (UN status of ratification 2016).

Radboud University Nijmegen