

# HUMAN TRAFFICKING

A perspective on norm internalization  
in Eurasia

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# Human Trafficking: a perspective on norm internalization in Eurasia

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## Preface

*Per aspera ad astra*, ‘a rough road leads to the stars’. A Latin phrase characterizing the struggle prior to this the thesis you hold in your hands. This thesis forms the completion of the master’s program International Relations of Political Science of the Radboud University Nijmegen as well as my life as a student. The central topic in this thesis, human trafficking, is of special interest to me. I had my first encounter with victims of human trafficking during my internship at the Immigration Service at Schiphol Airport. The shame and sorrow caused by this appalling criminal offence is intense and a poignant reminder of how cruel this world can be.

This research on internalization aims to contribute in understanding *why* there is variation in ways the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ is implemented in different locales. This understanding can help eventually –as a little piece of a larger puzzle– in increasing effectiveness of the combat of human trafficking.

I want to thank my supervisor, Dr. Gerry van der Kamp-Alons, for the inspiring questions and well-structured and constructive feed-back. Furthermore I want to thank my parents for the enduring support they granted me during so many years of studying. I want to thank my friends and fellow students for support during studying and the writing process of this thesis.

Lastly, I want to thank you reader, for reading this thesis. I hope this thesis will shed light on a shady issue.

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## Abbreviations

AAVR	Association of Audio Visual Reporters
CIPDD	Caucasus Institute for Peace and Democracy and Development
CIS	Commonwealth Independent States
ECOSOC	Economic and Social Council of the United Nations
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
GYLA	Georgian Young Lawyers Association
HT	Human Trafficking
ICMPD	International Centre for Migration Policy development
ILO	International Labor Organization
IO	International Organization
IOM	International Organization for Migration
IR	International Relations
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
THB	Trafficking in Human Beings
TIP	Trafficking In Persons
TVAC	Trafficking Victim Assistance Center
TVPA	Trafficking Victims Protection Act
UN	United Nations
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNODC	United Nations Office on Drugs and Crime
US	United States
WIC	Women Information Centre

# 1 Introduction

It was the first of July 1863 when slavery became officially abolished in the kingdom of the Netherlands. Now, roughly 150 years later, I am writing this thesis in the same country, on the same phenomenon; although slavery is now referred to as human trafficking or the trade in human beings for the purpose of (sexual) exploitation.<sup>1</sup> Human trafficking is considered by many a grave infringement upon the notion of human dignity and a pressing social problem. This thesis aspires to shed light on how the standard for appropriate behavior towards combat against human trafficking is established at the local level; how does the transposition of transnational norms (agreements) into local policies work? The discourse about trafficking human beings as grave offense became increasingly important to politicians and policy makers worldwide. A milestone in the combat against human trafficking was reached in the year 2000 in the city of Palermo where the conference of the parties to the United Nations Convention against Transnational Crime was held. During that conference the ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’<sup>2</sup> was adopted via resolution 55/25 by more parties than previous Conventions or Protocols on the same topic. Via this Protocol, the legal framework for combating human trafficking is significantly adjusted to a stricter framework, problematizing human trafficking for the first time as an international criminal issue.

## 1.1. The 1949 Convention versus the Palermo Protocol

The Palermo Protocol is not the first international legal instrument dealing with the combat of human trafficking. In 1949, the ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’ was drafted, entering into force on July 25<sup>th</sup> 1951. Yet, the Palermo Protocol is considered a milestone nonetheless. A comparison between the two legal instruments shows the difference in underlying frames. The 1949 Convention frames the issue of human trafficking in the preamble as ‘accompanying evil’ of prostitution. The emphasis is on protecting citizens against this moral reprehensible phenomenon. The Convention criminalizes prostitution in general, and prohibits brothels in specific. A clear exact definition of human trafficking remains absent. The Palermo Protocol frames human trafficking –in contrast to the 1949 Convention– as part of organized crime. The Palermo Protocol shifts to a state security paradigm. Human trafficking is not only a violation of individual integrity; it is more importantly a threat for state security (Shelley in Jonsson, 2009; Okubo & Shelley, 2011). For this reason, the Palermo Protocol is embedded in the Convention against Transnational Crime. Furthermore, the Palermo Protocol provides a more inclusive and consistent definition of human trafficking than the 1949 Protocol

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<sup>1</sup> Full definition see: United Nations (2000). Protocol To Prevent, Suppress And Punish Trafficking In Persons. Article 3, paragraph (a), p. 344 of United Nations, *Treaty Series*, vol. 2237, Doc. A/55/383. In this research I will focus on sexual exploitation.

<sup>2</sup> I will refer to this Protocol as ‘the Palermo Protocol’ or ‘Protocol.’

ensues, inclining towards creating consensus on what the issue entails. The definition addresses ‘the act(s), the means and the purpose(s) of human trafficking, including various forms of exploitation, not merely prostitution’.<sup>3</sup> The definition is incorporated in four central building blocks, the 4-P paradigm: *prevention* of human trafficking, *prosecution* of perpetrators, *protection* of victims, and strengthening of *partnerships* and coordination.<sup>4</sup> The emphasis is on ‘protection of state security’. The 4-P’s are embedded in a legislative framework based on intensifying border control and exchange of information between signatory parties in order to effectively combat the criminal groups behind the trafficking victims.<sup>5</sup> The Palermo Protocol is much clearer and more stringent in the obligations for the signatory parties to the Protocol. The preamble states that this Protocol is meant as universal instrument addressing every aspect of human trafficking. The Palermo Protocol is supported by many states; however, how state parties deal with the obligations varies. Some states seem to adhere to the state-security aspect of the Palermo Protocol in transposing it to national policies, while others focus on the moral aspect. Is the difference in internalization of the underlying frames causing variance in behavior?

## **1.2. A political science perspective**

The 1949 Protocol and Palermo Protocol are legal instruments, yet addressing the issue of human trafficking in the light of political science research is important. Political scientists tend to look for explanations about phenomena rather than describing them, aspiring to understand how reality works. Interesting results can be generated by applying a causal model (King, Keohane and Verba, 1994). Furthermore, existing variation in implementation of the Palermo Protocol by state parties cannot be explained sufficiently by the research that is done concerning this topic so far. The apparent reason is that existing research is probing different questions. Examples will be discussed later in this chapter. It is incomprehensible that the topic is yet so little discussed in political science research. Explanatory models used in articles that do discuss the topic are not comprehensive and cannot provide an explanation for the difference in implementation of the Palermo Protocol. The model is either ill-designed or aiming to explain other aspects of the phenomenon, not including variables relating to the internalization process of norms. A more extensive focus on development of causal models is necessary for explaining variation and thus gains in-depth understanding of the topic.

As touched upon earlier, the Palermo Protocol serves as a fundamental framework for the combat against human trafficking. After internalization of underlying (state security) frames of the Palermo Protocol, state parties should behave accordingly, resulting in the development of tangible policies and laws in line with the obligations Palermo Protocol. Following Capie (2008), internalization and

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<sup>3</sup> Note that prostitution is replaced by sexual exploitation in the Palermo-definition. Prostitution does not need to involve exploitation of an individual.

<sup>4</sup> Article 2 of the Protocol To Prevent, Suppress And Punish Trafficking In Persons. The fourth P is recently added, therefore some documents refer to the 3 P’s.

<sup>5</sup> See chapter 3, paragraph 3.1 for the list of the obligations.

compliance are considered synonymous. If a state party complied with the Protocol by developing laws and policies incorporating the 4-P paradigm, the state party is considered to have internalized the underlying frames.

### **1.3. Investigating Eurasia**

Two well-researched regions due to the intensity of the issue there are (Eastern) Europe and Asia. Yet, the region in between (Eurasia<sup>6</sup>) is often overlooked. There is no research on human trafficking in this specific region, while there are certainly serious cases of human trafficking (Trafficking in Persons Report 2010, 2013; UNODC, 2009, 2012). Not only there are significant high trafficking rates in all Eurasian countries; uncommon yet intriguing is that the Eurasian countries are source, as well as transit and destination countries for trafficking victims (Trafficking in Persons Report 2010, 2013; UNODC, 2009, 2012). Investigating the topic in this specific region might provide interesting insights on how a transnational norm is adopted locally. It enables the researcher to test whether the issue of internalization of a transnational norm proceeds according a similar trajectory when applied to a different kind of region. Interesting in Eurasia is the absence of an influential regional organization like ASEAN or the European Union. Due to the absence of a powerful regional actor functioning as ‘intervening variable’, the dynamic of norm internalization might be stronger. Notable is the variation in the way the Eurasian state parties embed the Palermo Protocol in their anti-trafficking laws and policies. For example, the Republic of Armenia developed anti-trafficking laws and policies in correspondence with the part of the Palermo Protocol. They copied and pasted the Protocol largely into their national legislative framework and expanded the original idea of criminalization of human trafficking by adding specified sanctions. The rising prosecution rates over the years possibly indicate that the legislation is not be a dead letter (Trafficking in Persons Report 2010, 2013; UNODC, 2009, 2012). The Georgian case is different. The government launched anti-trafficking measures guided by the four P’s, though the government appears to counter these activities simultaneously. The legislative basis is reflecting the Palermo Protocol, though de drop in prosecution rates might indicate a shift in prioritizing the norm. Another case is the Russian Federation. The Palermo Protocol seems at first sight not implemented in national laws and policies. However, the prevalent discourse on the issue seems to be in line with addressing the issue threat to state security. These differences in behavior is underlined by the annual Trafficking in Persons Report (2012, 2013) by the United States Government as well as the 2012 UN report in Human Trafficking (UNODC, 2012).

### **1.4. An overview of existing research**

How to understand the empirical facts? Why is there variation in behavior of countries concerning the combat of human trafficking? Subsequently, how can internalization of the underlying frames of the

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<sup>6</sup> Eurasian states are: The Republic of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. This list of countries is based on the categorization of the 2012 UN Global Report on Trafficking in Persons.

Palermo Protocol be understood? As touched upon, the larger part of research on human trafficking is conducted in the legal field and gender studies. An established example of legal research is '*The International Law of Human Trafficking*' by Gallagher (2010). Gallagher argues that the international law is a tool to persuade states to make the right decisions in combating trafficking (Gallagher, 2010, p. 35). Hence, she provides an extensive overview of relevant laws, discussing what constitutes human trafficking according to those laws and how states are obliged to prevent trafficking, protect victims and prosecute offenders. The book contributes to a comprehensive analysis of the law on human trafficking. Legal research, of which Gallagher brings forth an example, is characterized by a factual analytical approach. Laws explain and regulate principles, and these are respected or not at cost of various levels of punishment. In this respect, compliance is usually considered a typical legal phenomenon. However, an answer to the underlying reasons for this behavior cannot be provided by this approach. There is no place for taking other explanatory variables into account, such as presence of a cultural match between an international lawgiver and a local receiver. The focus is typically on what the rules are and what they mean, not *how* and *why* the rules are transformed on the local level for the benefit of local actors.

The research on human trafficking in the field of gender studies is seemingly at the other side of the spectrum, influenced by critical theory. Established examples of this type of research are found in the books '*Globalization, Prostitution and Sex-Trafficking*' by Penttinen (2008) and the '*Industrial Vagina*' by Jeffreys (2009). Penttinen discusses how the corporeal globalization of the sex industry has influence upon human trafficking in a negative way. She employs a narrative approach, telling the story of how globalization subjects, introducing the concept of an 'eroticized exotic other' (the prostitute). Jeffreys' argument aligns with that of Penttinen, although she employs a more extensive descriptive approach. Jeffrey's research aims to explicate how the social structure evolved into a structure favoring the oppression of women on a global level. The main argument both authors endorse is that human trafficking is intertwined with globalization and that this relation evokes oppression of women on a global level. Shelley (2010) subscribes to this argument in her book '*Human Trafficking in a Global Perspective*.' Shelley provides an in-depth comparative historical analysis of the phenomenon human trafficking. The book is written from a critical political economy perspective, influenced by her background in criminology. Her main argument is that the traffic of human beings is highly profitable in this era where a global infrastructure reduces the transport costs. Hence, the issue remains and becomes more pressing if combat is not also directed at the international criminal organizations that have ties to police and politicians (Shelley, 2010, p.19). The scholars Penttinen, Jeffreys and Shelley are providing the concept of human trafficking with more depth, adding another layer to what the issue entails and for whom it is a pressing issue. They call attention to the grave infringement of human integrity that is at stake; showing how individuals maintain the circle of oppression and that it is our shared responsibility to take part in breaking this circle. However, this critical theory approach is not able to provide an answer to the puzzle this thesis aims to solve. The

merit of this thesis is to *explain* why there is variance in compliance of states to the Palermo Protocol. Furthermore, an explanation for this variation lies in the domestic sphere. This thesis aims to build on the existing literature, by adding another angle of incidence. This thesis does not start from a globalist perspective, but aims to unravel the processes of norm adoption bottom up. What is good soil for a norm to ‘land’ in?

A similar explanatory approach has not been the focus of much scholarly work on human trafficking so far. A political science research approach can therefore contribute to a broader understanding of variation in internalization in Eurasia. The following paragraphs discuss what theory can be suitable for explaining the puzzle.

### **1.5. The explanatory model**

As explained earlier, the Palermo Protocol aims to internalize—within the hearts and minds of parties to the Protocol—a discourse that regards human trafficking as a criminal issue, posing a threat to state security. The underlying question is how a norm internalizes, how does a norm causes change in behavior of states? Important scholars that focused on gauging the process of normative change are Finnemore & Sikkink. In 1998 they introduce their theory on normative change in their article ‘*International Norm Dynamics and Political Change*.’ They build on the ideas of Wendt (1992) and other influential scholars, stating that the international system is “structured and ordered by underlying perceptions: shared ideas, expectations, and beliefs about appropriate behavior” (Finnemore & Sikkink, 1998, p. 894). In this respect, the concept of a norm is defined as “a standard of appropriate behavior for actors with a given identity” (ibid., p. 891).<sup>7</sup> The underlying perceptions are subject to change. The theoretical framework of Finnemore & Sikkink that aims to describe and explain normative change is known as the ‘Norm Life Cycle’. This cycle identifies three phases through which a norm travels: norm emergence, norm cascade and internalization. After a new norm is set on the agenda of a certain (international) organizational platform by actors called norm entrepreneurs, the norm enters the ‘cascade’ phase when a certain number of actors indeed adhere to persuasion of these norm entrepreneurs. Motives of ideational commitment characterizing the first phase are changed into motives of legitimacy, reputation and esteem. The third phase concerns internalization. The norm is translated into laws, and the motive to comply is now conformity; the dominant mechanism is that of habit and (further) institutionalization. An overview of the cycle is displayed in figure 1.1.

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<sup>7</sup> The scholar Collins (2013) enhances a more extensive definition: “Norms are those rules and principles that guide practice, and they emerge from the activities of actors that are promoting particular interests and circulating ideas in a variety of settings, such as epistemic communities, policy forums and networks, and public organizations” (ibid., p. 372).

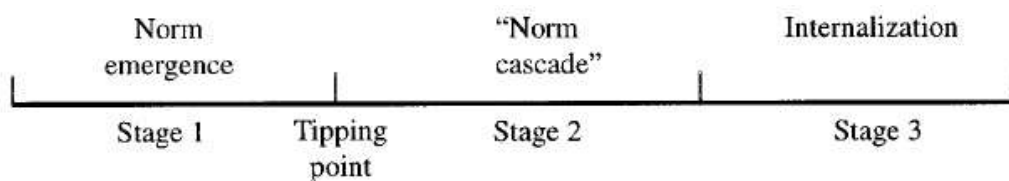


Fig. 1.1 Norm life cycle

Source: Finnemore & Sikkink (1998). "Norm Dynamics and Political Change." *International Organization* 52: p. 896

With this framework, Finnemore & Sikkink attempted to investigate the role norms play in political science research. Their model is used by many scholars as a starting point in normative research nowadays. However, this model is not sufficient in itself to account for the variation in Eurasia. Whereas the Norm Life Cycle describes how a norm travels, the variation in Eurasia asks for a model that is situated in stage 3. The scholar Acharya (2004) introduced a theoretical model in his article 'Norm Localization and Institutional Change in Asian Regionalism' to understand and explain the normative processes in this stage. Acharya deepens the understanding of the processes in the third stage of the life cycle. He argues that international norms are adopted and implemented to fit a pre-existing network of prior existing norms, there is a battle between the international (norm giver) level and the domestic (norm receiver) level (Acharya, 2004, p. 3, 241). Acharya tested his theory in Asia, focusing on transnational norm entrepreneurs and regional actors. The regional actors like ASEAN are prominent in his cases. However, there is no comparable regional power in Eurasia. One might expect a stronger dynamic in this respect. To investigate the model in different Eurasian cases can tell more about various forms of internalization.

This research aims to show whether his theory can be applied in a broader respect to explore whether the concept of internalization as presented in the model of Acharya can also provide for answers when applied in a different local context. Can the interaction between existing local norms and new global norms provide an answer to the question why Eurasian states behave like they behave in complying (or not) to the Palermo Protocol? If so, the theory of Acharya can be generalizable to a broader context.

## 1.6. The research question

In the previous paragraphs the need for research on human trafficking is discussed. I elaborated on how existing research tried to gain understanding of this phenomenon, but cannot explain the variation in Eurasia. This puzzle might be solved when the insights given by the model of Finnemore & Sikkink and of the explanatory model introduced by Acharya are combined.

Central in this thesis is the following research question:

*To what extent can differences in internalization of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in The Republic of Armenia, Georgia and the Russian Federation be explained using the extended norm life cycle focusing on internalization?*

The next chapter will encompass the theoretical framework of this thesis. I will elaborate on the place of this research in the body of literature, and outline the theoretical model suitable to explain the variation in Eurasia. Subsequently, an elaboration on expectations based on this model will follow.

The focus of chapter 3 is the methodology and operationalization of central terminology in this thesis. I will clarify how this research is organized and how the key concepts are operationalized, allowing for adjustment of the theoretical hypotheses. Furthermore I will elaborate in this chapter on the case selection and how the data is selected and organized.

In Chapter 4 the analysis of the selected data is will be discussed, I will show how norm internalization evolves in the selected cases using the data and theoretical and operationalized hypotheses. Furthermore I will critically evaluate the results.

Chapter 5 will provide an overview of conclusions and implications of this research. I will critically reflect on the research and elaborate on the answer to the research question. I shall draw upon the wider implications of this research, concluding with recommendations for further research.

## 2 Theoretical Framework

In the previous chapter I introduced the puzzle in Eurasia: the inability of existing research tools to explain the difference in adopting the Palermo Protocol into the local ways of facing the combat against human trafficking. How come? What determines the way states act, what determines whether they comply with the global norm (or not)? In this chapter I will provide an overview of the debate concerning internalization theory, providing an extension to the Norm Life Cycle of Finnemore & Sikkink. The aim is to introduce a theoretical model that provides an answer to the central question in this thesis.

### 2.1. The Norm Life Cycle as the outset

As political science research is essentially a study of behavior of human beings. Norms and ideational causes are never far away—though not always objectified. In the late 1980s scholars like Ruggie (1998) and Wendt (1992, 1999) started to combine the role of norms and ideas with deductive research methods, seeking to explain new phenomena. The school of thought that sprouted out of this “ideational turn” is referred to as constructivism (Finnemore & Sikkink, 1998, p. 888). Finnemore & Sikkink (1998) further explicate the thought at the basis of the ideational turn – that is, behavior of states is guided by what is considered appropriate behavior– by introducing the ‘Norm Life Cycle’. This three-phased model is designed to understand and explain under what conditions norms emerge and spread, ultimately changing the behavior of states. An overview of the characteristics of each stage of the Norm Life Cycle is presented in figure 2.1; the third stage is emphasized as it is the central phase in this thesis.

	<i>Stage 1 Norm emergence</i>	<i>Stage 2 Norm cascade</i>	<i>Stage 3 Internalization</i>
<i>Actors</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

Fig. 2.1 Stages of norms in the Norm Life Cycle  
 Source: Finnemore & Sikkink (1998). “Norm Dynamics and Political Change.” *International Organization*, Vol. 52, p. 898.

After the emergence and spreading of norms the norm enters the third stage. The process characterizing the third stage is that the norm is now so widely accepted that *internalization* occurs. Finnemore & Sikkink point out that throughout the cycle, the “domestic and the international norm

tables are increasingly linked” (Finnemore and Sikkink, 1998, p. 893); however, domestic influence becomes far less significant when a norm is internalized (ibid.). When internalized, the norm becomes the new dominant standard for behavior. The norm is translated into laws and conformity to the new norm is so natural that the presence of the norm becomes ‘invisible’, i.e. the norm is hardly questioned. Finnemore & Sikkink remain unclear on how the process of internalization exactly works. The variation in Eurasia might show that the influence of local actors remains significant in understanding the process of norm internalization. Solving the puzzle might start with opening the ‘black box’<sup>8</sup> of the state.

## 2.2. The shift to the intrastate level

After the article by Finnemore & Sikkink, a *second wave* on normative scholarship gradually emerges. The characteristic *first wave* focus on the international level shifts to a focus on the intrastate level. As this thesis aims to explain under what conditions a (new) transnational norm internalizes, it is necessary to see what drives local actors to behave the way they do (either correspondence or contradicting the transnational norm). Before focusing on the influence of interaction between the transnational and local level on the internalization of norms, the black intrastate box will be opened. Weldes (1998) aspires to describe the normative dynamic within the state. Opening the black intrastate box, Weldes argues that state officials operate on the basis of ideas that are constructed on the domestic level. The construction of state interest is influenced by representations of reality. Weldes shows that there is an active dynamic within states of interpretation and representation of reality via the use of words, constituting behavior of state officials (Weldes, 1998, p. 285). Though Weldes has difficulty explaining *why* certain interests are constructed as national interest and others not, her theory does show that state officials are active actors in the process of internalization of a transnational norm.

Morin & Martín-de-Almagro (2013) agree that the local actors at the domestic level play a significant role in when the ‘transformative process’ of internalization occurs. In their article on ‘*spirals of contentions*’, they endorse the idea that the meaning of a norm can change during the process of internalization. Morin & Martín-de-Almagro describe that during this process “[t]ransnational actors can lose control over their story to the benefit of smaller local actors when their campaign is being translated domestically” (Morin & Martín-de-Almagro, 2013, p. 350, 356). The notion of Transnational Advocacy Networks (TANs)<sup>9</sup> is central in explaining the struggle of a norm between above (transnational level) and below (domestic level). This notion attempts to provide insight to the dynamic between state officials, ‘individuals who inhabit state offices’, and the local audience. TANs can influence state behavior in two ways; first by directly pressuring state officials to adopt certain

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<sup>8</sup> A term coined by Wendt in 1992.

<sup>9</sup> A TAN is a ‘communicative structure’ whose members work together on a certain issue at the international level, motivated by ‘shared principled ideas and values’ (Keck & Sikkink, 1998, p. 200).

behavior, secondly by giving a voice to local norm agents (such as local organizations) that in their turn pressure state officials. The transnational norm can be changed in such a way during this process; it does not resemble the original frame. Including TANs for the extent that they are active in the domestic sphere is relevant for explaining difference in compliance, yet the variable is not sufficient in itself to explain this difference.

The notion of changing of the meaning of a norm is apart from Morin & Martín-de-Almagro, previously stressed by Cortell & Davis (2000, 2005). In addition to the role of TANs, Cortell & Davis point that assessing the degree of ‘domestic salience’ of norms is crucial to understand why international norms vary in strength/dominance in different locales (Cortell & Davis, 2005, p. 67). The domestic salience of norms is understood as legitimacy of a norm (Cortell & Davis, 2000, p. 66). Cortell & Davis argue that the salience of a norm is characterized by the degree of congruence between national and international understandings of appropriate behavior, this serves as central indicator of variance in the way states accept (or do not accept) international norms (Cortell & Davis, 2005). Ultimately –underlining a similar argument previously made by Checkel (1999) and Acharya (2004) – “international norms will be considered more legitimate and their associated obligations less onerous when they mirror or support values, practices or beliefs developed in the domestic sphere” (Cortell & Davis, 2005, p. 6). Hence, for a norm to be salient, a certain perception of legitimacy of the transnational norm in the domestic arena is required (Cortell & Davis, 2000, p. 69). Moreover, a salient norm can be used to justify certain actions, but also lead to “feelings of obligation by social actors and, when violated, engender regret or a feeling that the deviation or violation requires justification” (ibid.). A salient norm can be recognized in national discourse, state institutions and state policies altogether (ibid., p. 70). The explicit focus of the article on constructing valid and reliable measures for norm salience is helpful assessing why internalization. Yet, the concept of salience is not sufficient in itself to account for the different ways states internalize a transnational norm. It needs to be embedded in a broader model.

### **2.3 Interacting norms: local responses to a transnational norm**

Acharya (2004) provides a theoretical model that incorporates the previous discussed variables. Acharya discusses how local norms interact with ‘imported’ transnational norms. He provides a model aiming to explain what happens after the cascade of a norm. He wants to grasp what influences the internalization process of norms by assessing the specific circumstances in different locales ( Acharya, 2004; Acharya, 2009). Acharya applies a cultural sensitive bottom-up model approach. The focus of the article by Acharya is to theorize norm internalization in a non-Western region. His perception of internalization is described as a process of *norm diffusion* stressing the interactive process of importing global norms to specific locales (Acharya, 2004, p. 243).<sup>10</sup> This process explains under which

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<sup>10</sup> Acharya refers to domestic structures, although he merely focuses on a ‘regional context’ (when two or more states are involved) in his article (ibid., p. 243).

conditions the transnational norm is either 1) adopted in all aspects, 2) blended with existing local norm(s) (i.e. transformed to something new), or 3) not adopted at all. Acharya identifies these outcomes as norm *displacement*, *localization* and *rejection* of an international norm (the dependent variables). Hence, the analysis of diffusion of norms stretches to whether the changes in behavior matches the rhetoric, are the paper commitments adopted, or do they remain a dead letter? (ibid.; Capie, 2008, p. 645). Following Capie (2008), a scholar showing that Acharya's model remains significant, internalization and compliance can be considered synonymous. If a state complies with a global norm by matching its behavior to the obligations of that norm, the state party is considered to have internalized the underlying frames. Capie clarifies a key concept of Acharya.

Innovative aspect of this model is the notion of localization; transnational norms are not just taken over directly from the international community, but are adopted and implemented to fit a pre-existing network of prior existing norms (ibid., p. 244; Acharya, 2009, p. 15).<sup>11</sup> This aligns with the elaboration of Checkel (1999) on the '*cultural match*'. A cultural match is a situation where the guidelines for appropriate behavior as incorporated in the international norm merges with domestic norms. This merging is reflected in "discourse, the legal system (constitutions, judicial codes, laws), and bureaucratic agencies (organizational ethos and administrative procedures)" (Checkel, 1999, p. 87). Acharya builds on these two authors in designing his model around the path-dependent<sup>12</sup> process of how norms 'land' in the domestic sphere. The outcome (1, 2, or 3) of this process is reflected in the effect of this 'landing' on the institutional framework. Acharya draws on institutionalist literature in defining institutional change (Aggarwal, 1998; Keohane & Hoffmann, 1993; Schimmelfennig, 2001; Haas, 1990; Finnemore & Sikkink, 1999; and Goldstein et al., 2000). Institutional change constitutes the extension of tasks and membership on the one hand, and a shift in the way these newly developed tasks are implemented on the other hand (Acharya, 2004, p. 252). Examples of change in means are: development of a new policy apparatus, adjustment in procedures, embedding of the norm in the legal structure, development of new institutions (ibid.). In the following paragraphs the trajectory of idea transmission and its possible outcomes (localization, displacement and rejection) will be explained.

The local actors play a crucial role in the process of idea transmission. Insider proponents can make or break the process of internalization. This process is introduced by Acharya as a trajectory of idea transmission, resulting in localization of the norm. If the local norms are different from the imported norms, norm contestation takes place. The outcome of this contestation can be the adoption of a watered-down version of the imported norm. *Localization* is a path-dependent process: a certain set of prior conditions will determine the outcome. In this process, global ideas are transformed in order to

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<sup>11</sup> A crucial element of the trajectory of Acharya is the existence of a pre-existing norm.

<sup>12</sup> Path dependency is that "preexisting choices shape the design of new institutions" (Acharya, 2004, p. 253), see in this respect also Hall & Taylor, 2001, p. 19.

fit local ideas. This process is explained via a trajectory of idea transmission. This trajectory proceeds from prelocalization, to local initiative, adaptation, and amplification. Each part of the trajectory of idea transmission fosters a ‘condition for progress’ (the independent variables). These conditions for progress altogether are considered as necessary and sufficient for the outcome localization.

If one or more of these conditions are not present, the global norm is either rejected *or* the global norm displaces the existing local norm. Acharya does not elaborate extensively on the latter two options. However, relying on his ideas as presented in his article of 2004 and his book of 2009, the outcomes can be hypothesized nonetheless.

The outcome *rejection* is the non-implementation of the transnational norm. In other words, there is no compliance with the global norm. The transnational norm is not transmitted to the local sphere, and no institutional change comes about. The outcome *norm displacement* entails the wholesale adoption of the transnational norm and its obligations. Hence, brand new –not reflecting its predecessor(s)– institution(s) and regulation(s) are created to meet the obligations of the new norm (ibid., p. 248, 254). This is in contrast to the situation of norm localization. When localization occurs, the norm hierarchy is changed due to the merging of the transnational norm with the local variant. Existing instruments/institutions are not entirely replaced, yet modified. The prior existing practices and beliefs remain visible (Acharya, 2004, p. 254). Each of the stages of the trajectory of norm localization and its key conditions are explained in the following paragraphs.

### **2.3.1. Prelocalization: demand for a new norm**

The trajectory of localization starts with ‘*prelocalization*’. In this part of the trajectory the demand for a new norm is crucial for a new norm to proceed to localization. The local demand for a new norm is determined by the reasons for actors to behave in a certain way, i.e. engage in promoting certain normative frames. According to Acharya there are three catalysts inducing demand for a new norm:

- 1) A major crisis relating to state security or economic welfare. This crisis can raise questions about the “rules of the game” (Acharya, 2004, p. 247);
- 2) Change at the systemic level. This can either be changes in the distribution of power or changes in the interests of great powers (ibid.);
- 3) Change at the local (norm-taker) level.<sup>13</sup> For example, election of a new political leader. (ibid.).

The demand is influenced by the strength of the pre-existing local norm. (Acharya, 2004, pp. 247, 251). Local actors may seek to broaden and strengthen the aspects of the existing local norm that are questioned by complementing those aspects with ideas inspired by the new norm (ibid.).

Reducing initial resistance to the new norm by considering the new norm to “contribute to the legitimacy and efficacy of extant institutions” has a positive effect in this respect (Acharya, 2004, p. 251).

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<sup>13</sup> The norm-taker receives and perceives the new global norm. In this research the norm-taker-level is synonymous to local or state-level.

When the preexisting norm remains strong and resistance to the new norm persists, the new norm will be rejected instead. In this situation the existing normative order remains unaltered. If the preexisting normative framework is highly questioned or there is no prior existing framework, and there is a transnational norm present that is believed to harmonize with the prevalent ideas of the political elite, norm displacement can occur. However, whether a norm proceeds to either localization or displacement depends on whether the other conditions are met or not, these conditions are discussed in the next paragraphs.

### **2.3.2. Local initiative: credible norm entrepreneurs**

The second part of the trajectory for progress is '*local initiative*', involving the second necessary condition for localization: the presence of credible norm entrepreneurs advocating the transnational norm. Assigning a power to the local norm entrepreneurs (members of TANs, government officials, members of local organizations) is innovative in comparison to previous research, focusing on the influence of transnational actors. Acharya shows that particularly local non-governmental actors can actively reinterpret or represent the outside norm in a certain way in order to convince the local audience of their value and change behavior. These local actors need to be credible to advocate the transnational norm effectively (Acharya, 2004, p. 248, 251). They compete – to influence discourse via 'framing' - with outside norm entrepreneurs (who also can be part of TANs) on the global level. Acharya explains framing as the 'active construction of linkages between existing and emergent outside norms' (ibid., p. 243-244; Finnemore & Sikkink, 1998, p. 897). Hence, framing takes place via discourse, the use of language helps the norm entrepreneurs to 'name, interpret and dramatize' the norm at stake (Acharya, 2004, p. 243, and Finnemore & Sikkink, 1998, p. 897). This is necessary for establishing the value of the transnational for the particular locale. The necessary credibility of local entrepreneurs is based on their social context and standing; the credibility is strengthened when 1) they are considered as "upholders of local values and identity" by their 'target audience', and 2) when they are "part of a local epistemic community that could claim a record of success in normative debates" (Acharya, 2004, p. 248). When credible domestic norm entrepreneurs are absent, the transnational norm will not localize. If there is no demand and no credible norm entrepreneurs, rejection is likely. If there is demand and there are credible norm entrepreneurs, norm displacement can still occur. Displacement is more likely if there is no prior existing norm or this preexisting norm is highly debated.

### **2.3.3. Adaptation: scope for consonance**

The third part of the trajectory is '*adaptation*'. Adaptation is by some scholars understood as an approach towards global norms based on cost-benefit analyses (Johnston, 1996). Acharya deepens this understanding by describing adaptation as a 'mutual constitutive' relationship between global and local norms. This relationship is characterized by creating scope for consonance between transnational norm and local normative hierarchy via tactics 'grafting' and 'pruning' (Acharya, 2004, p. 244, 251).

The scope for consonance is the third necessary condition in the trajectory of localization. Consonance is about common ground between the transnational norm and the pre-existing local normative hierarchy. Two tactics can be used to create scope: grafting and pruning. Grafting is the institutionalization of a transnational norm by linking it to a prior existing norm in the same issue-area (ibid., p. 244). Pruning is a tactic of picking and choosing elements of the transnational norm in order to make it fit in the local normative framework (Acharya, 2004, p. 250). These tactics aim at *reconstruction* of the pre-existing normative hierarchy, hence go beyond mere reinterpretation or representation of the transnational norm (ibid., p. 244). Without this scope for consonance, no linkages between the transnational norm and the prior existing norm can be made. If the new norm can be related to a pre-existing variant in the same issue area, the linkages can be more easily made (Acharya, 2004, p. 244). The norm entrepreneurs seek to create and strengthen these linkages.

The scope for consonance is influenced by the sense of local identity. (Acharya, 2004, p. 249). Are norm entrepreneurs, actors that are part of an (active) civil society group or part of a policy making elite with ‘access to policy makers’ (ibid.), engaging in disseminating local identity? When there is frequent dissemination of the local identity and the norm entrepreneurs manage to use this local identity in altering the transnational norm, localization is likely to occur. The transnational norm can be established as valuable to the local audience. When there is no scope for consonance, the local norm is either not existent or too weak for useful creation of linkages between the transnational norm and local norm. If there is demand for a new norm and there are credible norm entrepreneurs, but the transnational norm does not intercept the local framework, it is likely that the transnational norm displaces the local norm. If all conditions are not met so far, the transnational norm is rejected.

#### **2.3.4. Amplification: wider recognition**

The fourth and final part of the trajectory of localization is *amplification*. Where the previous stages provided necessary (and altogether sufficient) conditions for a norm to localize, this part of the trajectory sets the stage for further development of the localized norm, durable localization. The outcome ‘rejection’ and ‘displacement’ are therefore not possible in this stage. When the elements of the existing norm hierarchy can be connected to the transnational norm (via borrowing elements of the transnational norm and modification of this transnational norm), the adapted local normative framework can draw to wider recognition. The localized norm is subject to a ‘ripple effect’, the new localized norm is accepted by a broader audience than the initial domestic audience.

The theory is summarized in figure 2.3.

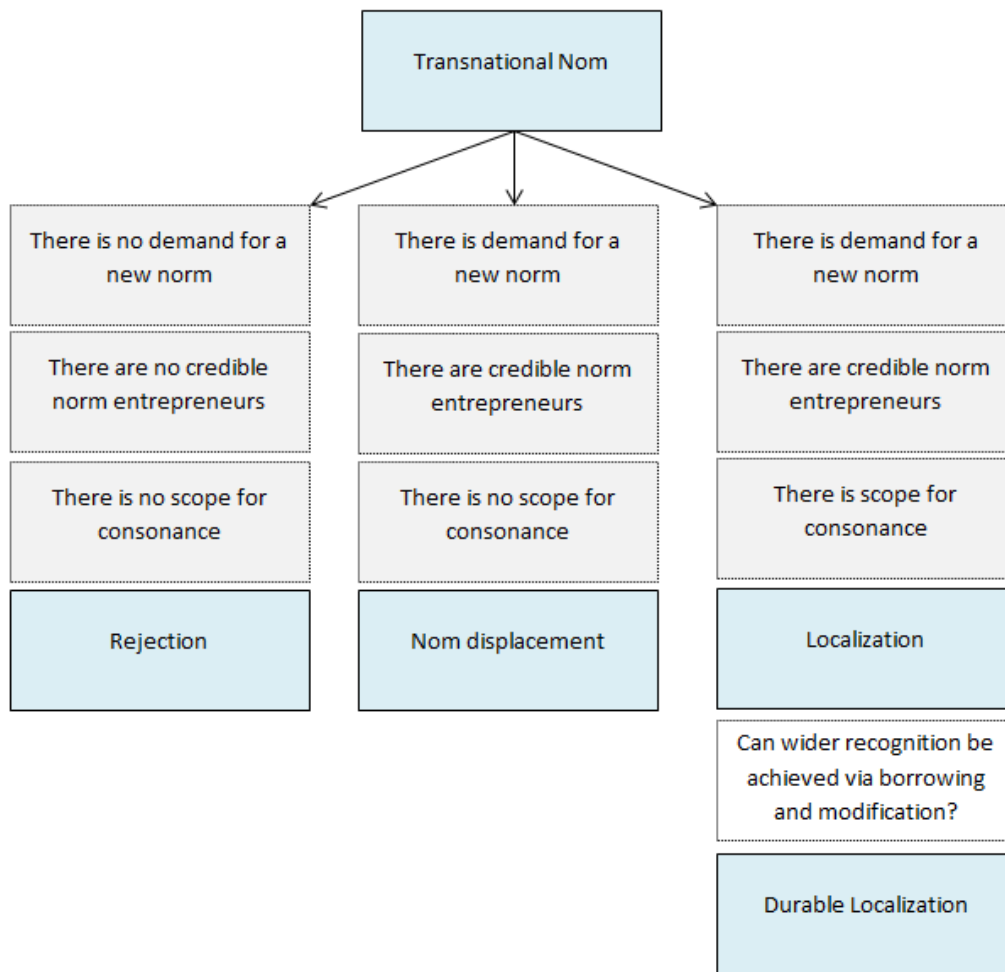


Fig. 2.3 The conditions for progress based on the model of Acharya

Source: Based on Acharya, A. (2004). "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism." *International Organization*, Vol. 52:8, p. 251.

The scholars Nakamura & Yamamoto (2009) aimed to test a slimmed version of the model of Acharya on human rights issues, taking human trafficking as example. Their slimmed version does not account for other outcomes than localization and is focused on norm-contestation without explaining the causal mechanism accurately. Nevertheless, Nakamura & Yamamoto show that the idea of localization establishes its relevance. When the beliefs and practices in different locales are taken into account, greater understanding of how behavior of states concerning a new idea is organized can be achieved. The empirical testing of the model is overshadowed by the focus on 'prospects of global governance' in their cases. One can question whether the model of Acharya is truly tested. Therefore, this thesis aims to apply the model of Acharya in a more substantive manner. The model, as deduced from the theory, will be applied to seek an explanation for the observed variation in Eurasia.

## 2.4 Theoretical hypotheses

The central research question to be answered is ‘to what extent can differences in internalization of the Protocol in Eurasia be explained using the extended norm life cycle focusing on internalization?’

The application of the central notion of the model of Acharya, the path-dependency of norms, might lead to answers. It acknowledges the interaction/contestation between local norms and international norms, and accounts for variety in local responses to the process of internalization of transnational norms. These responses form the basis for the hypotheses. The building blocks constituting these hypotheses are the conditions for progress.

The first three out of four conditions as described in the previous paragraph, are necessary and sufficient for localization to occur. The fourth condition, concerning the ‘ripple effect’, deals with further localization. This condition is considered necessary for localization to continue, but can only be present when the other three conditions are present. Rejection occurs when there is no demand for a new norm. Displacement will occur when there is demand for a new norm, but there are no credible norm entrepreneurs and there is no scope for consonance. The theoretical informed hypotheses are formulated as follows:

### **Rejection**

#### When to expect rejection?

If there is no demand for a new norm, there are no credible norm entrepreneurs and there is no consonance, then the norm will be rejected.

### **Localization**

#### When to expect localization?

1. If there is demand for a new norm, there are credible norm entrepreneurs and there is consonance, then localization will take place.
2. If there is wider recognition, then the norm will localize durable.

### **Norm displacement**

#### When to expect norm displacement?

If there is demand for a new norm, but there are no credible norm entrepreneurs and there is no consonance, then norm will displace the local norm.

In the next chapter, the methodological implications are discussed.

### 3 Methodology

The choice to research the topic of human trafficking brings along challenges. Despite the increasing coverage of the issue of human trafficking in media and policy documents, the research area remains vague. What is defined as human trafficking in these articles and reports is ambiguous, let alone the minimal (quantitative) data coverage (Lazcko, 2005; Limoncelli, 2009; Danailova-Trainor & Lazcko, 2010; Tyldum & Brunovskis, 2005). Then how to conduct meaningful research on the topic? It requires a thought-out framework that links the theoretical statements previous made to measurable concepts. Central in this chapter is, therefore, how this research is shaped methodologically to be able to make relevant and valid conclusions nonetheless. First ‘human trafficking’ will be defined, followed by an elaboration on the choice of method of research. Hereafter key concepts will be operationalized. This chapter is concluded with the specific methodological choices that are made concerning data gathering. The challenges that accompany these choices will also be discussed.

#### 3.1 Defining the central concepts

The concept human trafficking is often interpreted differently or confused with other terms in scholarly works (Vermeulen, 2001). The definition included in Palermo Protocol is as follows:

*“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.”* – United Nations (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, article 3 (a), p. 344 of UN Treaty Series, Vol. 2237, Doc. A/55/383.

According to the UN, three elements are important for defining human trafficking: ‘the act, the means, and the purpose’. In other words, what is done, how it is done and what is the objective. The act includes: recruitment, transport, transfer, harboring and/or the receipt of persons. Means are inter alia understood as: threat, use of violence, fraud, abduction, deception, abuse of power or abusing the weaker position of the other. The purpose is understood as exploitation of the other, including: sexual exploitation, forced labor and/or removal of organs.<sup>14</sup>

In figure 3.1 the definition is schematized. Due to restricting conditions as limited time and means, the focus of this thesis is narrowed down to ‘sexual exploitation’, highlighted in the scheme below. Sexual

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<sup>14</sup> See: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>. Last accessed: 19-08-2014.

exploitation is considered a significant part of human trafficking (UNODC, Global Report on Trafficking in Persons 2012, pp. 7, 11, 13, 56).

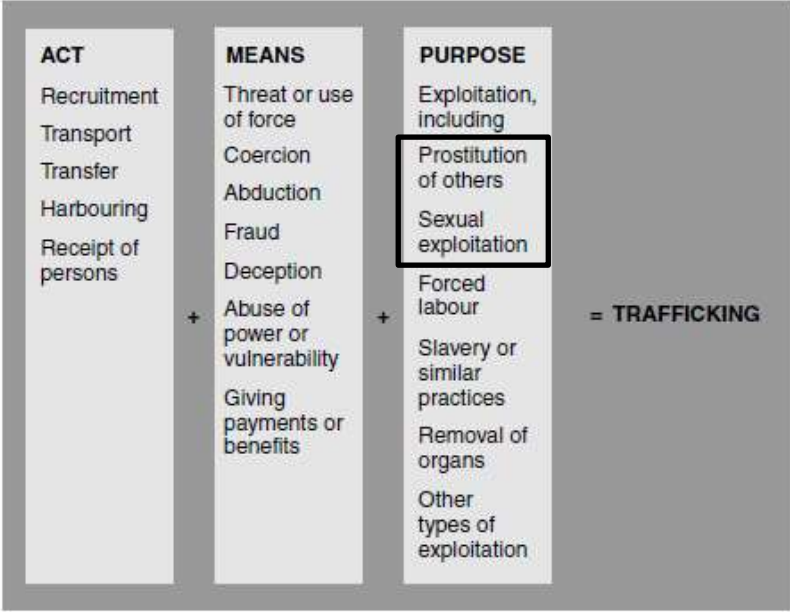


Fig. 3.1 UN definition human trafficking  
 Source: <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>,  
 last accessed: 27-07-2014

**3.2. Defining compliance to the Protocol**

The Palermo Protocol is considered a reference point in the combat of human trafficking. It sets the new norm on what is desired behavior of states. Having determined what is considered human trafficking, the question has to be answered what the content of the norm is and what is different comparing to the preceding norm.

As discussed in the introduction, the Palermo Protocol is preceded by the 1949 ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’. However, the content of the Palermo Protocol can be considered as new. Where the 1949 Convention focused on the moral aspects of human trafficking, the Palermo Protocol is clearly framed in a state security paradigm. The *reason* why human trafficking should be combatted has changed. Where the 1949 Convention emphasizes that citizens should be protected against the moral reprehensibility of the issue, the Palermo Protocol frames the matter as a state security issue. Human trafficking is considered a threatening international criminal issue. For this reason, the Palermo Protocol is embedded in the Convention against Transnational Crime.

To comply with the norm, the signatory states must transpose the Palermo Protocol into their national laws and policies. Guiding this transposition is the 4-P paradigm, four central building blocks of the main definition of human trafficking: *prevention* of human trafficking, *prosecution* of perpetrators, *protection* of victims, and strengthening of *partnerships* and coordination. Compliance to the Palermo Protocol is adopting the following articles into the local institutional body:

- 1) Criminalize involvement in human trafficking (Article 5);
- 2) Repatriate victims to their country of origin. The country of origin is obliged to accept the request (Article 8);
- 3) Strengthen legislative measures to prevent and combat trafficking and protect victims (Article 9);
- 4) Exchange information between law enforcement, immigration authorities or other relevant authorities of state parties to the Protocol (Article 10);
- 5) Strengthen border controls (Article 11);
- 6) Ensure the validity and security of identity documents (Article 12).

These are considered as the obligations of the new norm. These obligations reflect the underlying frame of human trafficking as state security issue.

Non-compliance does not lead to direct material restrictions; the legal instrument remains 'light'. However, influential signatory parties like the U.S. and European Union do try to 'socialize' other signatory parties to comply. For example, the U.S. government issues an annual report on the status of transposition of the paradigm into national policies among signatory parties. Via naming and shaming the US government tries to induce compliance.

### **3.3. Methods and case selection**

The process of internalization of the human trafficking norm –i.e. compliance to the Palermo Protocol– is depicted by variance in behavior of Eurasian states. The transnational norm has not the same influence since norms leave a “trail of communication among actors”, we can study the influence norms have on behavior (Finnemore & Sikkink, 1998, p. 892). In an attempt to specify the relative vague concept of a ‘norm’, Finnemore & Sikkink (1998) defined the notion as “a standard of appropriate behavior for actors with a given identity” (ibid., p. 897).<sup>15</sup> Acharya draws upon this conception of norms (Acharya, 2004, p. 240). In order to ultimately explain behavior, studies on normative change need to account for a variety of responses to emerging norms (Acharya, 2004, p. 242). These studies can either be quantitative or qualitatively oriented. There are various attempts to conduct research on human trafficking in a quantitative manner. Scholars and NGO’s seek to make the data more solid (Lazcko, 2005; UN Report 2009, 2012; IOM Report 2012). However, there is yet no reliable database for the scope of victims of human trafficking in the Eurasian region<sup>16</sup>–let alone a database with accurate statistics on effectiveness of government policies on the combat of it. Hence, there are no reliable figures to make valid generalizable inferences on a population of cases. A second argument for not choosing a quantitative focus is more substantive. Even if there would be a reliable database, the quantitative method would not be the best method to study human trafficking as case of norm internalization in Eurasia. It requires a research focus that can take the complexity of the

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<sup>15</sup> Providing a more detailed definition than the one Legro entails: “collective understandings of the proper behavior of actor” (Legro, 1997, p. 33).

<sup>16</sup> Tyldum and Brunovskis (2005) point in this respect at the problem of “hidden populations” complicating assessing the scope/size, therefore there are no sampling frames (Tyldum and Brunovskis, 2005, p.18).

normative process into account. Case study research is more capable of doing so. Furthermore, qualitative (case study) research, has “[t]he merit of providing a framework in which a scholar with modest time and resources can generate what may potentially be useful data on a particular case” (Collier, 1993, p. 105: see also Lijphart, 1971; Landman, 2003).

Case study research is used for both theory testing and generating in-depth knowledge of complex phenomena. Case study can be designed as comparative case study or single case study. Comparative case study compares several cases and allows for taking the specific context and background of cases into account. Single case studies are oriented on one single case, meant to provide in-depth knowledge of a phenomenon in one specific case. For this research design, the method of comparative case study fits best in answering the research question. Comparative case study can help to gain in-depth knowledge on the phenomenon, and understand and explain the process of internalization in these fragile states in Eurasia. Furthermore, the theory of Acharya is tested via process-tracing instead of comparative case study. The latter method can provide interesting information on how the process of internalization works simultaneously in different cases. Hence, comparative research can provide more information on various forms of internalization.

King, Keohane and Verba (1994) stipulate that a random selection of cases works best. However, when this is not possible considering the amount of cases, the selection must allow for variation on the dependent variable. Without variation it is not possible to assess the impact of different causal factors on the dependent variable. Comparative cases allow the researcher to select the cases on specific characteristics. This allows for necessary variation in outcome. In this research, it would be ideal to select three cases: successful localization, displacement and rejection. The following paragraphs address how the cases are selected.

### 3.3.1. Case selection

In the first chapter the importance of investigating the Eurasian region is made clear. By applying the theory of Acharya on Eurasian cases, the original question of internalization is expanded. In this region, there are twelve countries<sup>17</sup> that signed the Palermo Protocol, of which eight<sup>18</sup> ratified it. The annual Trafficking in Persons (TIP) report (2014)<sup>19</sup> show these eight countries differ in the way they implement the Palermo Protocol.

These differences result in a subdivision of the states into three tiers. The tiers are: tier one, tier two, tier two watch list and tier three. The countries placed on tier *one* are countries whose governments fully comply with the minimum standards. These minimum standards<sup>20</sup> deal with implementation of the 4-P-measures. The countries placed on tier *two* are those countries whose

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<sup>17</sup> The Republic of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Uzbekistan and Ukraine.

<sup>18</sup> From first to last: Belarus, the Republic of Armenia, Kyrgyzstan, Azerbaijan, Ukraine, the Russian Federation, Georgia and Uzbekistan ratified the Trafficking Protocol.

<sup>19</sup> See: <http://www.state.gov/j/tip/rls/tiprpt/2014/>. Last accessed 03-07-2014.

<sup>20</sup> See section 108 of the 2000 Trafficking Victims Protection Act (TVPA), <http://www.state.gov/j/tip/rls/tiprpt/2011/164236.htm>. Last accessed: 07-07-2014.

governments do not fully comply with the minimum standards, but are making significant efforts to bring themselves into compliance with those standards.<sup>21</sup> Tier *two watch list* include countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.<sup>22</sup> The countries placed on the last tier, tier *three*, are those countries whose governments do not comply with the minimum standards and are not making significant efforts to do so. The countries placed on this tier are confronted with sanctions.<sup>23</sup>

As this tier-based division relates to whether (and how) states comply with the Palermo Protocol, it can be used as a first indication for variation on dependent variable. In this respect, tier 3-countries can be examples of cases of rejection, tier 2-countries can be examples of localization, and tier 1-countries can be examples of norm displacement.

In the 2014 TIP report the Russian Federation is placed on tier 3, Georgia on tier 2 and The Republic of Armenia on tier 1.

#### *Tier 3: The Russian Federation*

The Russian Federation is (together with Azerbaijan) the first Eurasian country to sign the Palermo Protocol by signing the Protocol on December 12<sup>th</sup> 2000. However, of the eight Eurasian countries that signed and ratified the Protocol, the Russian Federation was the sixth to ratify it (June 26<sup>th</sup> 2004). The only countries that ratified the Protocol later are Georgia and Uzbekistan. In the latest report on the state of combat human trafficking by the US, the Russian Federation is rated on tier three. This implies that there are no efforts made to comply with the Palermo Protocol. Apart from the TIP report (2014), other sources point at the difficulty NGO's experience in their work. Despite the maximum of two warnings, no change has come about. The Russian Federation is –according to the US government– persistent in their refusal to comply with the Palermo Protocol. This might indicate resistance to the norm the Palermo Protocol embodies.

#### *Tier 2: Georgia*

Georgia signed the Protocol on 13 December 2000. Ratification of the Protocol took six years: September 5<sup>th</sup> 2006 Georgia ratified the Protocol. Georgia is the penultimate country ratifying the Palermo Protocol, only Uzbekistan ratified later of the Eurasian countries. The state of Georgia created

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<sup>21</sup> See: <http://www.state.gov/j/tip/rls/tiprpt/2012/192352.htm>. Last accessed 07-07-2014.

<sup>22</sup> See: <http://www.state.gov/j/tip/rls/tiprpt/2012/192352.htm>. Last accessed 07-07-2014.

<sup>23</sup> See: <http://www.state.gov/j/tip/rls/tiprpt/2012/192352.htm>. Last accessed 07-07-2014.

laws to combat trafficking, set up two shelters, and provide information for reports on combat of trafficking of the US and UN. However, considering the use of the laws and regulations, these tools do not seem to mean so much in practice. The government did made promises that they will try their best to combat trafficking according to the implications set by the Palermo Protocol, yet so far there is little progress on preventing human trafficking, protect victims, and prosecute perpetrators. On the other hand is the church active in the combat of human trafficking. This can indicate that the Georgian government adheres both to the old (emphasizing the moral aspect) and new norm in their own way, i.e. is a case of localization. How this works in practice has to be pointed out in the empirical analysis.

#### Tier 1: *Republic of Armenia*

The Republic of Armenia signed the Protocol, together with Ukraine, as last country of the Eurasian parties to the Protocol on 15 November 2001. The ratification, however, already took place on 1 July 2003, making the Republic of Armenia the second country of the Eurasian countries implementing the Protocol. Only Belarus was six days ahead of them. The Republic of Armenia is –according to the report- aims to make effort in transposing the 4-P’s into their national legislation and regulations. They are making efforts in preventing human trafficking, protect victims, and prosecute perpetrators. They receive support from the West as the Armenian diaspora is large and influential in both the US and France. This can indicate that the new norm is adopted at once, thus Armenia can be a case of norm displacement.

### **3.4. Operationalization**

#### **3.4.1. Pre-existing norm**

As described in the previous chapter, a crucial element of the trajectory of Acharya is the existence of a pre-existing norm. The situation *before* the signing of the Palermo Protocol is considered the prior existing situation. Hence, the ways institutions are organized before the signing of the Palermo Protocol are considered to reflect the pre-existing norm. Comparing legislation before and after the date of signing can indicate whether there are differences in the content, i.e. if the norm as embodied by the Palermo Protocol is transposed or not. The latest issue of legislative documents is considered as benchmark for the comparison.

The signing of the Protocol is understood as pivotal event, since the transnational norm is from that moment on a reality for the states. The transnational new norm is from that moment considered established.

Acharya (2004) focused merely on the process of localization of norms. However, localization is only one possible outcome. The internalization process of norms can also shift to either rejection of the transnational norm, or the displacement of the local norm by the transnational norm. The dependent variable central in this thesis (y) is therefore divided in a Y<sup>1</sup>, Y<sup>2</sup> and Y<sup>3</sup>: rejection<sup>(1)</sup>, localization<sup>(2)</sup> and

displacement<sup>(3)</sup>. To shed light on how this internalization process of norms works, the key concepts of both the dependent and independent variables are explained in this paragraph.

### **3.4.2. Operationalization Y<sup>1</sup>, Y<sup>2</sup> and Y<sup>3</sup>**

The behavior as prescribed by norms is reflected in the way institutions and regulations are shaped. An assessment of this institutional body has to be made in order to judge how states comply with the new norm set by the Palermo Protocol (see paragraph 3.1, aspect 1-6). The dependent variable is therefore determined by the concept of institutional change. Acharya describes two indicators in order to measure institutional change:

- 1) Change in “tasks”, i.e. expanding tasks of institutions, creating new legislation.
- 2) Change in “means”, i.e. how the new tasks are pursued, creation of institutions to govern implementation of the new norm (Acharya, 2004, p. 252).

These two indicators require further operationalization. First a general description will be provided, where after the application on the specific outcomes is discussed.

#### **Change in tasks**

Before being able to observe change in the tasks of institutions, there has to be determined what institutions are present involving anti-trafficking activities exist in the specific case. There are governmental institutions, created by the local government, and non-governmental organizations, created by local norm entrepreneurs. For measuring the dependent variable, the governmental institutions matter, as these are expected to reflect the prevalent standard for behavior (norm). After the institutions are determined, the change in the tasks can be assessed. Tasks can be considered ‘new’ if they were added *after* the Palermo Protocol is signed. Legislation serves as indicator for the extent it is *new* created *after* the signing of the Protocol. The ‘old’ legislation of the time before date of signing of the Protocol is not included in this operationalization.

#### **Change in means**

The change in means describes how the new tasks are pursued. Indicators: are changes made in the way the institutions operate? Are there new institutions created to govern implementation? (Acharya, 2004, p. 252).

### **3.4.3. Application to Y<sup>1</sup>, Y<sup>2</sup> and Y<sup>3</sup>**

In the case of Y<sup>1</sup> (*rejection*), the new norm as embodied by the Palermo Protocol (see paragraph 3.1, aspect 1-6) is not transposed into the national institutional framework. Hence, the institutions after the signing of the Palermo Protocol are not changed. There are no new tasks added. How the new tasks are pursued (means) is not relevant, as there are no new tasks added. Legislation is not ‘new’ created. When rejection of the norm occurs, the obligations of the Palermo Protocol are not endorsed.

In the case of Y<sup>2</sup> (*localization*), aspects of the preexisting norm are blended with aspects of the new norm. Hence, the existing institutions involved with anti-trafficking activities are assigned to new tasks, blending the obligations of the Palermo Protocol with the obligations of the prior existing framework. New legislation created after the signing the Palermo Protocol, however it reflects both aspects of the old and the new norm.

In the case of Y<sup>3</sup> (*displacement*) the original normative framework is supplanted by the new normative hierarchy. There is full compliance to the new norm. The pre-existing institutional framework is entirely replaced (for as far as necessary<sup>24</sup>) by new legislation that matches the obligations of the new norm as embodied by the Palermo Protocol (see paragraph 3.1, aspect 1-6). All references to the old norm are replaced.

#### **3.4.4. Operationalizing the theoretical hypotheses**

The theoretical hypotheses formulated in chapter two are based on the degree the conditions for progress are met. These conditions are: demand for a new norm, presence of credible norm entrepreneurs, scope for consonance, and receiving wider recognition.

The key concepts of the hypotheses will be operationalized, offering a starting point for the empirical analysis in chapter four. Recalling the hypotheses:

#### **Rejection**

##### When to expect rejection?

If there is no demand for a new norm (A), there are no credible norm entrepreneurs (B) and there is no consonance (C), then the norm will be rejected.

#### **Localization**

##### When to expect localization?

1. If there is demand for a new norm (A), there are credible norm entrepreneurs (B) and there is consonance (C), then localization will take place.
2. If there is wider recognition (D), then the norm will localize durably.

#### **Norm displacement**

##### When to expect norm displacement?

If there is demand for a new norm (A), and there are credible norm entrepreneurs (B), but there is no consonance (C), then norm will displace the local norm.

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<sup>24</sup> It could be that the pre-existing framework already matches the obligations of the new norm largely.

## **A**      *Demand for a new norm*

Demand for a new norm is investigating the reasons local actors engage in promoting certain normative frames. In the previous chapter, three main catalysts are discussed that can induce demand for a new norm. For operationalization of the demand for a new norm, only the catalyst that is considered most relevant is discussed. As the theory focuses on the influence of local actors, the third catalyst is considered most relevant. This third catalyst is concerned with change at the local level. Change can be operationalized by assessing whether a new political leader is elected before signing the Palermo Protocol (with a maximum of one year). If the new elected political leader aspires to introduce policies that reflect the frame of the new norm, it is likely that demand is created as the new political leader can use the new norm to enhance his or hers legitimacy.

The demand for a new norm has to be measured in relation to the pre-existing norm. As described in the previous paragraph, the prior existing norm can be operationalized as the extant institutional framework before signing of the Palermo Protocol. For measuring the demand, the strength of the pre-existing norm has to be determined. Legro (1997) provides an indicator for measuring the strength, if there is debate about the (meaning of) norm, a norm is considered non-influential (Legro, 1997, p. 34). Another indicator of demand can be found in the contestation of the new norm. If the obligations of the Palermo Protocol are criticized by the government, the new norm is considered contested. Lastly, interesting insights can be provided by assessing public opinion polls on the issue itself (how do citizens view the issue of human trafficking), and/or how they view the government conduct in this respect. This might influence the reasons of policy makers to engage in promoting certain normative frames. The strength of a pre-existing norm and the degree of contestation of the new norm can be assessed by reviewing national (and international) discourse. Official documentation of transnational norm entrepreneurs, local supporters of the transnational norm and the local government can serve as source.

## **B**      *Credibility of domestic norm entrepreneurs*

Prior to assessing indicators of the credibility of norm entrepreneurs, the concept of a norm entrepreneur will be explained. Norm entrepreneurs are (organized) individuals<sup>25</sup> who “call attention to issues or even ‘create’ issues by using language that names, interprets, and dramatizes them” (Finnemore & Sikkink, 1998, p. 897). Norm entrepreneurs have clear ideas on appropriate behavior (contrasting to the dominant norm), but need an organizational platform to convey these ideas. Platforms can be existing stages (a NGO or Transnational Advocacy Network) or to be constructed for the purpose of promotion of the new norm. Norm entrepreneurs need to be ‘physically present’ in order to influence policy makers and/or civil society groups (Acharya, 2004, p. 248-249). For successful entrepreneurship, i.e. persuading policy makers, the credibility or trustworthiness of

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<sup>25</sup> For example domestic/regional/transnational (NG)Organizations, et cetera.

domestic norm entrepreneurs is essential. This credibility hinges on their visibility; their voice needs to be heard, especially by the policy makers. Acharya argues, in alignment with Deakins (1999), Drucker (1999) and Burch (1986), that these domestic entrepreneurs need to be considered by the local audience as advocates of local values and identity, “and not simply ‘agents’ of outside forces or actors” (Acharya, 2004, p. 248). Their credibility is furthermore depending on “whether they are part of a local epistemic community that could claim a record of success in prior normative debates” (ibid.). Acharya focuses on local non-governmental actors that try to influence the government’s policies, the ‘target audience’ as they got the power to adjust the institutional framework. In their turn, the government needs to show receptiveness to the agency of these entrepreneurs. This indicates that the government considers the entrepreneurs as credible enough to cooperate with to combat trafficking.

The credibility of norm entrepreneurs can be thus determined by assessing whether the non-governmental organizations or civil society group is present in the region, actively promoting their ideas. If an organization is active in promoting a normative frame of combat of human trafficking (in the media), they are likely to be considered more credible than organizations that are less visible. If they are allowed to cooperate with the government, the organization is considered credible. Websites of local media, Official documentation of transnational norm entrepreneurs themselves, and official documentation of the local government can serve as source in determining strength of the local norm entrepreneur.

### C *Scope for consonance*

Consonance is the common ground between the transnational norm and the pre-existing local normative hierarchy. The measurement indicator for consonance is the whether the obligations of the new transnational norm match obligations of the prior existing legislation *before* signing the Protocol.<sup>26</sup> The scope for consonance is large if these obligations match. As described in the previous chapter, the scope for consonance is influenced by the sense of local identity. Are norm entrepreneurs engaging in disseminating local identity? When there is frequent dissemination of the local identity and the norm entrepreneurs manage to use this local identity in altering the transnational norm by, localization is likely to occur. Dissemination of local identity can be measured by assessing statements they make in the media. Is the entrepreneur relating itself to global norm entrepreneurs like UN and US or to specific local influential cultural/religious institutions like the church? An assessment of the scope for consonance can take place by reviewing laws and discourse concerning the Palermo Protocol and the local norm. This discourse is reflected in policy papers, speeches, laws and regulations, (mass) media articles, and government documents, these documents can serve as source.

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<sup>26</sup> This does seem similar to the operationalization of localization earlier, but the dynamic in the trajectory of localization overlaps when it comes to the end of the trajectory.

## **D**      *Receiving wider recognition*

As described in the previous chapter, wider recognition is determined by the scope for connecting elements to transnational norm. It is about connecting elements of the existing norm hierarchy to the transnational norm. Formulation of legislative articles or specific design of an institution can be borrowed from the framework of the transnational norm, and then modified and blended to something new. When the norm giver (e.g. writers of the Palermo Protocol, and/or influential signatory states like the US) embraces the way the legislation or institutional design is modified in the localization process, external recognition is reached. The outcome is incorporated in the regulative body of the norm giver and starts to advocate the new blended norm themselves. Hence, the way institutions and regulations are organized locally, are accepted by a wider audience. The documents resulting from the annual conferences on the implementation of the Palermo Protocol can show an adaptation of the ideas of localized Eurasian country.

### **3.5. Data collection**

As briefly pointed out in the introduction, there is ambiguity on the human trafficking data sets. To assess the theory empirically, this study will analyze available information about previous conducted research, legislative and regulatory documents, anti-trafficking initiatives, and preventive and legal practices. Most of this data is either written or translated in English, therefore accessible for the researcher. The data includes both primary and secondary sources:

#### *Primary sources:*

- Official documentation of relevant government departments and local and transnational norm entrepreneurs:
  - Legislative documents: conventions, treaties, protocols, regulations, guidelines
  - International documentation on the topic: declarations, proposals, policies, reports of transnational norm entrepreneurs, guidelines
  - Governmental documentation: declarations, proposals, policies, reports of the Ministry of Internal Affairs' briefings and other official meetings, reports of Ministries, guidelines, the ways the state propagate their vision on combat of human trafficking.
- Speeches of relevant actors
- Public opinion polls, such as the Caucasian Barometer and World Value Survey.

#### *Secondary sources:*

- Scientific literature that discusses human trafficking and norm localization, reports of academic conferences
- Analyses of relevant independent research institutes like Human Right Watch, Amnesty International and others.

The next chapter analyzes the empirical reality based on the presented theoretical model.

## 4 Analysis

In the previous two chapters the theoretical framework and methodology were presented. In this chapter the theory is tested in specific to explore and understand the relation between the internalization process of global norms and the observed behavior of states. According to the UNODOC (2012) and Wyler & Syskin (2013, 2010), all countries function as source, transit, and destination of and for trafficking victims (Mazur, 2012; UNODOC, 2012, pp. 4, 12, 97; Wyler & Syskin, 2013, pp. 75, 82 and 310; Chelidze, 2013). The Russian Federation, Georgia and the Republic of Armenia are all countries with a major trafficking problem. These countries might therefore be interesting cases for testing the theory. The first case on which the theoretical model will be applied is the Russian Federation, followed by Georgia and ultimately the Republic of Armenia.

### 4.1. The Russian Federation

Before the independent variables can be assessed based on the information that is extracted from the data, the pre-existing norm has to be identified. As discussed in the previous chapters, this pre-existing norm is presumed to be reflected in the institutional and legislative framework before the Palermo Protocol is signed. As indicated in the introductory chapter of this thesis, there is a preceding Convention concerning human trafficking: the 1949 ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’. The Russian Federation ratified both the 1949 Convention and the 2000 Palermo Protocol.<sup>27</sup> Hence, both normative frameworks should have been implemented by the Russian Federation into the local institutional and legislative structure. In the following paragraphs an assessment is made whether this is the case for the Russian Federation, and subsequently the conclusion that can be made concerning the classification of Russia as a case of rejection, localization or displacement.

#### 4.1.1. Demand for a new norm

The demand can be assessed by investigating whether the catalyst ‘change at the local level’ is present. In the case of the Russian Federation there was a new political leader elected right before the Palermo Protocol was signed with similar aspirations as. The 26<sup>th</sup> of March 2000 president Putin was elected into office. Putin is known for his focus on Russia’s state security.<sup>28</sup> In December 2003 the first anti-trafficking laws were passed, largely resembling the outline of the Protocol, a sign that Putin might

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<sup>27</sup> The 1949 Convention is ratified 11 August 1954. The Palermo Protocol is signed December 12<sup>th</sup> 2000. Ratification took place on June 24<sup>th</sup> 2004. See:

[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-11-a&chapter=7&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en) (last accessed: 28-09-2014) and [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en) (last accessed: 27-09-2014).

<sup>28</sup> See also his inauguration speech:

[http://archive.kremlin.ru/eng/speeches/2004/05/07/0100\\_type82917type127286\\_64200.shtml/](http://archive.kremlin.ru/eng/speeches/2004/05/07/0100_type82917type127286_64200.shtml/). Last accessed 05-01-2014.

indeed think of the Palermo Protocol as enhancing his legitimacy as a leader. However, there is no documentation about Putin engaging in disseminating normative frames of human trafficking as a state security issue. What is apparent, however, is that the Russian Federation turned away from the declaration previously made in relation to the 1949 Convention: ‘there is no issue of human trafficking in the Russian Federation’.<sup>29</sup> The declarations made to the Palermo Protocol are of a different kind. These remarks, consider the Palermo Protocol as the “necessary and sufficient treaty basis”.<sup>30</sup> The basis of why the Convention and Protocol was ratified by the Russian Federation seems to be different. Where the 1949 Convention is signed at the basis of “the international importance of suppressing these offences”,<sup>31</sup> the Palermo Protocol and its obligations seem to be taken much more seriously. This change indicates two things: first, the prior-existing norm is not salient as the issue is simply denied and neglected, and second, the critic on the new norm seems to be limited. Other evidence, such as speeches of government officials, documents of the Russian government concerning the Protocol and records of the working groups Russia participated in, do not reflect criticism on the obligations of the Palermo Protocol either. Thus, as far as evidence shows, the norm embodied by the 1949 Convention seems indeed not to be salient in the Russian Federation, while there is interest in actual implementation of the Palermo Protocol.

As the motives of government officials are cleared out to some extent, it is interesting to investigate the public opinion on the matter. Are officials possibly influenced by the general opinion in their country? Tverdova (2011) provides an interesting historical overview concerning the public opinion on the matter in her article on human trafficking in post-Soviet states. Tverdova (2011) states that during the larger part of the Soviet era, prostitution was not a topic of public debate, but in the late-eighties a report changed the situation. In 1986, a Russian newspaper wrote about the prosperous life elite prostitutes had. This romanticized image was copied and shared by various media, even resulting in a hit movie “Interdevochka” (Tverdova, 2011, p. 332). Tverdova (2011) further substantiates this argument by referring to two public opinion polls of 1989, showing that prostitution was considered by high school girls as part of the top ten of most prestigious and desirable professions you could do (ibid.). The trafficking issue that comes along in the slipstream of prostitution was not acknowledged. Nineteen years later, little seems to be left of the extant ‘enthusiasm’ about the profession. Despite increased attention from the Russian society to the subject, receptiveness towards a solution like adopting the Protocol was not necessarily there.

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<sup>29</sup> See: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-11-a&chapter=7&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en). Last accessed: 27-09-2014.

<sup>30</sup> See: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en#EndDec). Last accessed 28-09-2014.

<sup>31</sup> See: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-11-a&chapter=7&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en). Last accessed: 27-09-2014.

In 2008 the prominent Russian journalist Meshkov (2008) conducted field research on the issue of human trafficking. He studied the motives for women to enter the 'shady field of prostitution' and how they became a victim. After processing several interviews, Meshkov asserted that prostitutes are generally interested by the ease of earning money, sexual pleasure is regarded as a bonus. In his concluding remarks he stated that there might be some women being forced into prostitution, but this is certainly not the majority (Meshkov, 2008 in Tverdova, 2011, p. 333). The results of the survey conducted by Buckley (2009) in '*Public Opinion in Russia on the Politics of Human Trafficking*' share this conclusion. According to the survey, 40.8% of the respondents (N=1600) believed that 'women and girls that find themselves trafficked into sex trade abroad' were 'themselves to blame' (Buckley, 2009, p. 221). This is the highest score of the nine possible answers that could be given,<sup>32</sup> followed by 37.1% of the respondents who believed that these women and girls were looking for work abroad because of the lack of jobs. Buckley states that the latter answer reflects a popular view, also propagated in the *Duma* by political opponents of the 2003 anti-trafficking legislation (ibid.). In fact, Buckley (2009) states that these politicians "also used it as a reason for not offering help to returning trafficked women, effectively labelling them as 'bad' undeserving women" (ibid.). However, after both foreign and domestic pressure the law did pass the *Duma* (Buckley, 2009, p. 219).

Summarizing the argument, the Soviet Union and later the Russian Federation showed little interest in implementing the 1949 Convention. After all, human trafficking was not an issue in the Soviet Union at that time. However, as times changed, so did the attitude towards this subject. In 2000 the Palermo Protocol was considered a 'necessary and sufficient' instrument to combat human trafficking. This shift is also mirrored by public opinion. In the late eighties and early nineties prostitution was considered a good job perspective for young girls. Human trafficking was not considered a significant issue in this respect. Later on the issue is acknowledged in its existence, but the public opinion remains skeptical. Due to pressure of domestic and foreign interest groups the 2003 law got passed in the *Duma*, asserts Buckley. In conclusion it can be stated that for the case of the Russian Federation there is demand for the new norm to a certain extent. Eventually, politicians endorsed the local anti-trafficking law, though the public opinion seems to remain skeptical.

#### **4.1.2. Credibility of domestic norm entrepreneurs**

In order to be able to assess the credibility of domestic norm entrepreneurs, it is important to make clear who of these entrepreneurs promote the new norm (the Palermo Protocol) and who resists this new norm? Then, as argued in the previous chapter, two main indicators are used to be able to make

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<sup>32</sup> Answers could be: "1. Themselves to blame; 2. Duped by criminal gangs; 3. Sold into slavery by parents and friends; 4. Looking for work abroad because of lack of jobs; 5. In the main prostitutes, hoping to earn more in other countries; 6. Victims of the demand in the West for Slavic prostitutes; 7. A manifestation of the breakdown in social order and morality; 8. Other; 9. Do not know." (Buckley, 2009, p. 221).

conclusions on the credibility of domestic norm entrepreneurs: visibility of the norm entrepreneur and whether the government is willing to cooperate with the norm entrepreneurs.

The previous paragraph shows that the anti-trafficking law is not adopted due to immediate enthusiasm about implementing the Palermo Protocol into the national legislative framework. Apparent pressure was needed. In the Russian Federation, there are several civil society organizations present expressing their wish for a stronger anti-trafficking policy aligning with the Palermo Protocol (Tverkova, 2011; Tiurukanova, 2006; Khodyreva, 2008). Examples are: MiraMed,<sup>33</sup> Syostri (Sisters), and the Angel Coalition.<sup>34</sup> Both MiraMed and the Angel Coalition are large organizations and are known for strong US influences (US board members, donations). Because of this influence, these organizations are expected to be in favor of implementing the Palermo Protocol. After all, the US is an influential party to the Protocol, trying to influence other state parties to comply. The organizations were respectively active during 1999-2008 (MiraMed) and 1999-2005 (Angel Coalition). The organizations had a large backbone of 61 smaller NGO's and supporters operation in specific locales within Russia, attending the activities and spreading awareness on the issue locally.<sup>35</sup> MiraMed and the Angel Coalitions can therefore be considered being part of an epistemic community of organizations promoting respect for human rights –and human trafficking in specific– in the Russian Federation. MiraMed and the Angel Coalition both cooperated with the Russian government at some level. The cooperation entailed activities concerning the Trafficking Victim Assistance Center (TVAC) in Moscow, providing a hotline for victims to call, and the development of nine regional safe houses for trafficking victims.<sup>36</sup>

The main achievement of the organization Syostri is the development of a crisis center to offer a place for victims of sexual assault to recover. The organization organized activities from 1994-2001.<sup>37</sup> The main sponsors of the organization were the British Embassy and the American based Ford Foundation. The organization is however not part of a specific epistemic community, operating more or less solely. There is no evidence that the Russian government cooperated with this organization.

There are no new organizations identified employing similar objectives, neither organizations with an anti-Protocol basis.

Summarizing the argument, there are two organizations identified that could be considered credible domestic norm entrepreneurs: MiraMed and the Angel Coalition. Both organizations were active

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<sup>33</sup> <http://www.miramed.org/traffic.htm>. Last accessed 08-10-2014.

<sup>34</sup> <http://www.angelcoalition.org/>. Last accessed 08-10-2014.

<sup>35</sup> See <http://www.humantrafficking.org/updates/281>. Last accessed 28-12-2014.

<sup>36</sup> See: <http://www.humantrafficking.org/updates/281>. Last accessed: 05-01-2015.

<sup>37</sup> See <http://www.owl.ru/eng/women/aiwo/sisters.htm> and [http://www.europrofem.org/contri/2\\_04\\_en/en-viol/57en\\_vio.htm](http://www.europrofem.org/contri/2_04_en/en-viol/57en_vio.htm). Last accessed 08-11-2014.

during the period of signing of the Palermo Protocol and cooperated with the Russian government in the combat of human trafficking.

#### **4.1.3. Scope for consonance**

As described in the previous chapter, consonance is the common ground between the transnational norm and the local normative hierarchy. The measurement indicator for consonance is the whether the obligations of the new transnational norm match obligations of the prior existing legislation *before* signing the Protocol. A second indicator is the dissemination of the local identity.

As for the Russian Federation, there were no specific preceding trafficking laws when the first trafficking law was enforced in December 2003 (McCarthy, 2011). It is therefore difficult to find where the global norm intercepts with the local normative hierarchy, as there is no legislative framework concerning human trafficking *before* the date of signing of the Palermo Protocol. The preceding norm is not considered salient, the issue deemed not to require any action. Hence, it is difficult to assess whether the obligations of the Palermo Protocol can be linked to obligations of the prior-existing norm.

Considering dissemination of the local identity, the two influential and credible norm entrepreneurs were MiraMed and the Angel Coalition. Both organizations have shown a clear US basis, actively participating in for example the Economic and Social Council of the UN (ECOSOC). Specific local values are not discerned, both organizations mainly participate in the general human rights framework of the US and UN.<sup>38</sup>

Concluding, the scope for consonance is limited. The local norm is too weak for useful creation of linkages between the transnational norm and local norm. The creation of linkages is not fueled by the strong sense of local identity of the entrepreneurs, as this identity largely aligns with the ideas out of which the Palermo Protocol emerged from (human rights protection within state security paradigm).

#### **4.1.4. Wider recognition**

As the scope for consonance is limited, there might not be a localized norm that can receive wider recognition. A strong prior existing norm is necessary for the interaction, however, as stated earlier, the pre-existing norm is not considered salient. Instead, the prevalent motive was that implementation of the Convention was not necessary in Russia as there was no issue of human trafficking. As there is no 'blended' norm identified, wider recognition is not observed.

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<sup>38</sup> See for example: <http://www.miramed.org/sponsors.htm>. Last accessed 09-01-2015.

#### **4.1.5. Institutional change**

Having assessed each of the components of the trajectory, the presumed institutional change can be reviewed in order to judge whether the Russian Federation is a case of rejection (as expected), localization, displacement, or neither.

As discussed in the introduction to the case, the prior-existing normative framework is supposed to follow the ratification of the 1949 Convention. However, the norm embodied by this Convention does not seem to encounter a receptive audience. The Russian Federation simply states that there is no such issue of human trafficking present, thus no further action considering implementation of the Convention is required. The tide changed in 2000 when the Russian Federation decided to sign and ratify the Palermo Protocol. What this means for change in legislative and institutional framework is discussed in the following paragraphs.

Considering the transposition of the obligations of the Palermo Protocol into local legislation, the following remarks can be made. In December 2003 Vladimir Putin declared development of anti-trafficking law. Resulting in amendment of the general Criminal Code with article 127.1 and 127.2,<sup>39</sup> encompassing prohibition of both sex trafficking and forced labor, though also covering non-trafficking offenses. Furthermore, the organization of prostitution is regulated by article 241 Criminal Code, and illegal crossing of federal state borders by article 322 of the Criminal Code. The federal legislation roughly meets the obligations as put forth by the Palermo Protocol, however it is not entirely copied (Tiurukanova, 2006, p. 31; Tverdova, 2011; Mazur, 2012). For instance, the definition of ‘exploitation’ is formulated as a narrow concept and lacks a clear definition, it is in this respect not matching with the Protocol fully. The provisions listed are general, which is problematic in case of prosecution of traffickers employing different motives than specified (i.e. commercial sex act). Moreover, the legislation conflicts both article 7 and article 9 of the Trafficking Protocol. The federal law does not provide the prospect of extended stay on Russian territory if the victim is a foreigner or persons without citizenship, this is in conflict with article 7. Additionally, there is no compliance to article 9 of the Trafficking Protocol, as there are no specialized programs for the prevention and protection of (victims of) trafficking (Mukomel, 2013; Voinikov, 2013).

Considering institutional change, a similar argument can be made. There are no new institutions identified, though the government did invest to some extent in the activities organized by the Angel Coalition. The TVAC is an example. However, Tiurukanova (2006) shows the difficulty of the cooperation: “[most] NGO activity in the Russian Federation is limited by the lack of funding and support by governmental organizations” (Tiurukanova, 2006, p. 98). Nevertheless, these are not institutions developed or by the state itself.

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<sup>39</sup> See appendix.

Therefore, an assessment of whether there is a change in tasks and means of extant and/or new institutions is difficult. The new transnational norm cannot blend with the existing ideas as these were not salient. Also full displacement of the existing hierarchy is not observed. The Russian Federation seems to fall in the gap between localization and displacement.

#### **4.1.6. Concluding remarks on the case**

In conclusion, the Russian Federation seemed to be a case following the trajectory of localization. However, as the scope for consonance is limited, the trajectory strands. The theory states that if 1) there is demand for a new norm, and 2) there are credible norm entrepreneurs, but 3) there is no consonance, then norm will displace the local norm. The Russian case is according to the theory expected to be a case of displacement instead of a case of rejection. However, key for displacement is that there are complete new institutions developed in accordance with the obligations of the Palermo Protocol, and a legislative framework that has copied the obligations of the Protocol. This is not the case, the Russian Federation seems to fall in between. Therefore, there cannot be a full classification made concerning Russia as a case of rejection, displacement or localization.

## **4.2. Georgia**

As stated in the introductory paragraph to the case of the Russian Federation, the pre-existing normative framework can be assessed by researching the institutional and legislative framework before the Palermo Protocol signed. The 1949 Convention is considered to embody the pre-existing framework considering combat of human trafficking, however, this Convention is not signed and ratified by the state of Georgia. Though the country was part of the Soviet Union until 1991, and therefore could not sign the Convention at an early stage as independent country, the government never decided to sign and ratify the Convention after gaining independence. The Presidential Decree on fighting violence against women (N64, 25 February 2000) was the first of Georgian legislation mentioning the term “human trafficking”, embedding the issue in the (domestic) gender violence sphere (Chelidze, 2013, p. 2). The basis for the Decree was to be found in the ‘Beijing principles’,<sup>40</sup> referring to the Fourth World Conference on Women in Beijing in 1995, stressing equal rights for women.<sup>41</sup> On 13 December 2000 Georgia signed the Palermo Protocol. The first specific anti-trafficking law was enforced in 2003, and amended in 2006 and 2007. The framing turned away from the human trafficking as gender violence to human trafficking as organized crime (Chelidze, 2013; Gabrichidze, 2013).

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<sup>40</sup> See <http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>. Last accessed 11-01-2015.

<sup>41</sup> The Decree can be accessed via [http://www.childtrafficking.com/Docs/iom\\_2001\\_hardship\\_abroad\\_o.pdf](http://www.childtrafficking.com/Docs/iom_2001_hardship_abroad_o.pdf). Last accessed 11-01-2015.

There is no evidence available on the reasons why the 1949 Convention was not signed and ratified at the time, while the Palermo Protocol is. Interesting is that the issue was initially framed as part of fight against gender violence instead organized crime and state security. The Georgian government did not make reservations or declarations to the Palermo Protocol that shows an explanation for the change of the sentiment. The pre-existing normative framework as embodied by the 1949 Convention might not be considered salient in Georgia, however, the norm of human trafficking as part of gender violence (based on the Beijing principles) is salient instead.

#### **4.2.1. Demand for a new norm**

In the 1990s, the Georgian government showed just like the Russian government at that time no interest in the topic. As Chelidze (2013) states, the Georgian government was “not adequately aware of trafficking and the urgent need to provide solutions for this problem” (Chelidze, 2013, p. 2). It is therefore difficult to assess whether the pre-existing norm is debated, simply because it was not considered an issue. Times changed in 2000; the Presidential Decree on violence against women was developed in February, addressing for the first time the term “human trafficking”, however a new president was about to be elected that jeopardized the content of Decree N64. On 9 April 2000 the presidential elections were held. Eduard Shevardnadze was elected into office. Although there is no specific documentation about Shevardnadze engaging in disseminating normative frames representing human trafficking as a state security issue, he did not enforce de Decree N64 (Chelidze, 2013, p. 2). Furthermore, it is under his auspices that Georgia signed the Palermo Protocol and started to address the issue of human trafficking in the national legislation.

Critic of the Georgian the government on the new transnational norm is not discerned. On the contrary, the Georgian government is rather positive towards the Palermo Protocol. This standpoint is endorsed by Neli Shiolashvili, Counsellor at the Permanent Representation of Georgia at the UN, during the General Assembly:

*“Georgia welcomes this high-level meeting as a good opportunity to discuss the achievements and challenges presented by implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons. My delegation aligns itself with the statement delivered by the observer of the European Union...In conclusion, allow me to reaffirm Georgia’s commitment to addressing human trafficking in a comprehensive manner by continuing to work with all regional and international actors in this regard.”*<sup>42</sup> – Neli Shiolashvili, 15 May 2013.

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<sup>42</sup> See: General Assembly of the United Nations. 67th Session. 81<sup>st</sup> Plenary Meeting, 15 May 2013, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/335/16/PDF/N1333516.pdf?OpenElement>. Last accessed 01-10-2014.

The EU standpoint Shiolashvili refers to is declared by Thomas Mayr-Harting, on behalf of the European Union: “Trafficking in Persons is the slavery of our times. It is a gross violation of human rights and extremely complex and everchanging form of organized crime. In that regard, we reiterate the crucial importance of the United Nations Convention against Transnational Organized Crime.”<sup>43</sup> Though the statements mentioned above are made in 2013, and not at the time when the Palermo Protocol was actually signed, it is believed that the influence of the EU on Georgia of which the statement is an example, has only increased. The EU possesses the tool for prosperity for Georgia: partnership. That this promise of prosperity includes the requirement of improving human rights obedience in correspondence to the framework of Palermo Protocol,<sup>44</sup> is what Georgian government is apparently willing to accept. Over the years, the cooperation with the European Union intensified, an example is their engagement in the Partnership program in June 2014.<sup>45</sup> This opinion generally endorsed by the population, according to the Survey on ‘knowledge and attitudes toward the EU in Georgia’ (2013).<sup>46</sup> Assessing how Georgians feel on EU membership shows that 82% answered to be pro membership. This sentiment comes forth in related questions as well, such as ‘I would vote for EU membership’ (78%) and ‘I am Georgian, therefore European’ (53%). However, this measurement remains indirect as it is not directly on the issue of human trafficking or the adoption of the Protocol. However, the EU translated the Palermo Protocol quite literally, therefore the results can serve as precarious indicator that the Georgian government is receptive towards the Palermo-norm. Direct evidence on the opinion of the public on human trafficking and how it should be combatted remains absent.

In conclusion, the Georgian government did not acknowledge the need to provide solutions for human trafficking in Georgia at first. The rationale seems similar to that of the Russian Federation: what is the problem? However, in the early 2000 the Decree N64 was published, embodying human trafficking within the framework of the Beijing principles. However, the Decree was never enforced. The new elected President decided to develop legislation of a different kind. In this light, the Palermo Protocol is referred to as of crucial importance. All in all, there is evidence to make the (precautious) claim that there is demand for the new norm.

#### **4.2.2. Credibility of domestic norm entrepreneurs**

After researching for (the opinion of) norm entrepreneurs engaging in the combat of trafficking, it can be concluded that these entrepreneurs are hard to find. The Analytical Report of the CIVICUS Civil

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<sup>43</sup> See previous footnote.

<sup>44</sup> The EU adopts the framework of the Palermo Protocol in its legislation quite direct, see <http://ec.europa.eu/anti-trafficking/>. Last accessed 10-01-2015.

<sup>45</sup> On 27 June 2014 the Association Agreement was signed between the EU and Georgia. See also: <http://issuu.com/georgiatodaygroup/docs/>. Last accessed 10-10-2014.

<sup>46</sup> Caucasus Research Resource Centers (CRRC) project, led by Zurabishvili. 2462 respondents are included, response rate is 80%.

Society Index (2010) illustrates the state of civil society in Georgia: “A positive development that has recently emerged in the wake of the government’s diminishing credibility is that authorities have given a clear signal that they would like to cooperate more with civil society groups on numerous issues. Unfortunately, civil society has been substantially weakened in the last seven years and is thus no longer usually able to respond adequately to new challenges” (CIVICUS, 2010, p. 8). In this respect, the norm entrepreneurs might use the frames of the Palermo Protocol as tool to be able (again) to meet these new challenges. The following paragraph address whether the norm entrepreneurs indeed adhere to the frames of Protocol and if they can be considered credible.

The non-governmental organization active during the period of signing and ratification of the Palermo Protocol is the Saxli Advice Centre for Women (2000-2010). This organization is currently non-existent, but was active in writing leaflets and organizing activities concerning empowering women in Georgia at the time of signing the Palermo Protocol. The organization embedded the trafficking issue within the larger framework of domestic violence against women.<sup>47</sup> With this focus on addressing violence against women, it cannot be concluded that the organization necessarily subscribes to the specific framework of the Palermo Protocol. In fact, the Protocol and its obligations is not mentioned in their (numerous) papers and articles. Instead, the organization engaged in a different frame, quite successful at first sight; the publications provided inspiration for the Presidential Decree on fighting violence against women (N64, 25 February 2000). It was the first of Georgian legislation mentioning the term “human trafficking”, embedding the issue in the (domestic) gender violence sphere (Chelidze, 2013, p. 2).

Though the Georgian government seemed to adopted the frame of human trafficking as part of violence against women, evidence shows (or rather, does not show) reluctance in their cooperation with this organization. Shortly after the Decree was published, the new anti-trafficking legislation showed a different focal point concerning the issue. This change in path is discussed more in detail in the paragraph on institutional change. For assessing the credibility of Saxli Advice Centre for Women, (precautious) evidence is there that the organization is visible and credible to some extent. After all, the decree was based on their publications. However, the government decided to address the issue of trafficking differently. There is no evidence directing at further cooperation.

Other examples of norm entrepreneurs are not identified in Georgia.

#### **4.2.3. Scope for consonance**

Consonance is the common ground between the transnational norm and the local normative hierarchy. At first sight, it seemed that there was no salient prior existing norm. However, only a few months

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<sup>47</sup> See <http://saxli.hol.es/>. Last accessed 10-01-2015.

before the Palermo signature date, Decree N64 was published. The basis of the Decree is to be found in the Beijing principles. These principles are translated into the Decree as directives for the fight of abuse of women. However, there is no intercept found, except that both documents use de term “human trafficking”. The Decree discussed human trafficking hardly, mainly focusing on how to fight abuse of women, while the Palermo Protocol centralizes the combat of human trafficking. The normative frames differ too much.

The scope for consonance is neither increased by the dissemination of local identity. The Saxli Advice Centre for Women is influenced by its main donors considering the tone of voice of their publications and activities. The main donors and cooperative actors of the NGO are found outside Georgia, examples are: Oxfam (the organization that founded the organization), the UN, and the US.<sup>48</sup>

In conclusion, the Palermo Protocol hardly intercepts the Decree N64. Furthermore, as the Decree was not invoked and rather swiftly placed in the background by the new elected President, the scope for consonance is not considered large. The local norm is too weak for useful creation of linkages between the transnational norm and local norm.

#### **4.2.4. Wider recognition**

As the scope for consonance is limited, there might not be a localized norm that can receive wider recognition. A strong prior existing norm is necessary for the interaction, however, as stated earlier, the pre-existing norm is not considered salient. Instead, the prevalent motive was that implementation of the Convention was not necessary in Russia as there was no issue of human trafficking. As there is no ‘blended’ norm identified, wider recognition is therefore not observed.

#### **4.2.5. Institutional change**

As discussed in the introduction to the case, the prior-existing normative framework is not as expected induced by the 1949 Convention, but by the Beijing principles. The issue of human trafficking was framed as part of gender violence. However, the regulative Decree is never invoked. The first legislation on human trafficking was enforced in December 2003, *after* the Protocol was signed. In the following paragraphs the presumed institutional change will be discussed in order to be able to make a judgment on the classification of Georgia as a case of rejection (as expected), localization, displacement, or perhaps neither.

The Decree N64, the first legislative tool mentioning ‘human trafficking’, was soon replaced by the Decree ‘On measures to ensure protection of human rights in Georgia’. Decree N240 of May 2002 ensured under the auspices of the Ministry of Justice the elaboration of a governmental anti-trafficking policy (Chelidze, 2013, p. 2). Building on this Decree, small amendments to the Criminal Code were

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<sup>48</sup> See ‘donors’ at previous mentioned website (footnote 45).

made, criminalizing human trafficking and determine the act as punishable. Swift change came with the implementation of the ‘Action Plan for Combating Trafficking in Persons for 2003-2005’. The amendment of the Criminal Code in 2003 resulted in further alignment with the Protocol (Chelidze, 2013, p. 2). For example, article 143-1 is aligned with the Palermo Protocol in defining human trafficking. The same phrases and words are used. The adoption of the Law on the Fight Against Trafficking In Persons<sup>49</sup> in 2006 offers even further alignment. Georgia states in the document that it considers itself bound to international treaties, but also offer a clear institutional framework by regulating the competences of each of the state agencies involved in combat human trafficking (for instance article 6, 7, 17). With this legislative framework the Georgian government turned away from the initial gender violence approach of human trafficking.

According to the website of the Georgian government law-enforcement gained extra tasks based on these amendments.<sup>50</sup> A Division for Combatting Human Trafficking and Irregular Migration is created as part of the Central Criminal Police Department to monitor combat of trafficking.

The Georgian Young Lawyers’ Association (GYLA)<sup>51</sup> (2012 – current) cooperates closely with the government in assessing gaps in anti-trafficking law. GYLA is an example of a largely government based organization created to contribute to the combat of trafficking. In terms of institutional framework, GYLA is an example of a new created organization contributing to help the Georgian government meet the obligations. For example, GYLA is currently involved in the project “Promoting Well Managed Migration Between the EU and Georgia” (2012-2015). One of the main aims of this project is to ‘Fight irregular migration and support the fight against trafficking in human being’. This fits well within the framework of the Palermo Protocol.<sup>52</sup>

Atipfund<sup>53</sup> is another example of new organization developed to manage the implementation of the Palermo Protocol. Atipfund is founded in 2010 and focusing on providing assistance to victims. However, the translations of the publications of Atipfund is limited, therefore a full assessment cannot take place.

Summarizing, the Georgian government turned away from the gender violence perspective and moved towards human trafficking as organized crime-state security issue. There is a clear focus on for instance fighting irregular migration. The amendment of the laws in 2003 and 2006 show a stronger focus on the latter perspective. Also institutions have changed and expanded. The creation of GYLA showed that the government is concerned with implementing the Protocol in legislation. The

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<sup>49</sup> See: [https://www.lexisnexis.com/documents/pdf/20081027094649\\_large.pdf](https://www.lexisnexis.com/documents/pdf/20081027094649_large.pdf). Last accessed 07-06-2014.

<sup>50</sup> See: <http://police.ge/en/projects/you-are-not-for-sale>. Last accessed 08-01-2015.

<sup>51</sup> See: <http://gyla.ge/eng/news>. Last accessed 12-10-2014.

<sup>52</sup> See: <http://www.eu-nato.gov.ge/en/eu/mobility-partnership>. Last accessed: 10-10-2014.

<sup>53</sup> See: <http://www.atipfund.gov.ge/>. Last accessed: 03-10-2014.

expansion of the law enforcement by special division shows that these laws are meant to be actually used in the combat of trafficking.

#### **4.2.6. Concluding remarks on the case**

In conclusion, although the case of Georgia was initially expected to be a case of localization, based on the empirical assessment, the argument can be made that Georgia is more likely to be a case of norm displacement. There is no consonance between the pre-existing norm and the new global norm. The pre-existing framework is not reflected in the new legislation, implemented after the Protocol was signed and ratified. The same observation can be made for institutions. There are new institutions created and existing ones altered to match the obligations of the Palermo Protocol. See the example of GYLA and the law enforcement division. However, for Georgia to be a convincing case of displacement, the assessment of the credible norm entrepreneurs can be further substantiated. The norm entrepreneur present did not envisage the obligations of the Palermo Protocol in their activities. After initial success, the Georgian government did not adopt their views. Perhaps there are more organizations that influenced the Georgian government in choosing this path, or there were actors within the political elite that pushed Georgia to implement the Protocol fully. So far, the Georgian government seems to have used the institutionalization of the Palermo Protocol to enhance their legitimacy at the local and international level. More data is necessary to further substantiate this claim. Nevertheless, Georgia can be considered to be a case of (at least preliminary) norm displacement.

### **4.3. The Republic of Armenia**

As stated in the introductory paragraph to the case of the Russian Federation and Georgia, the pre-existing normative framework can be assessed by researching the institutional and legislative framework before the Palermo Protocol is signed, or in other words, the implementation of the 1949 Convention. However, this Convention is not signed and ratified by the state of Armenia. Just like Georgia, the country could not sign the Convention at an early stage as they were part of the Soviet Union, however, the government never decided to sign and ratify the Convention after independence.

The Republic of Armenia signed the Palermo Protocol on November 15<sup>th</sup> 2001 and ratified the Protocol July 1<sup>st</sup> 2003. A pre-existing normative framework in Armenia is not present; according to Aghababayan (2013), the Armenian government enforced the first law criminalizing human trafficking in 2003. From this year, the Armenian government pledged in an official statement to “uproot” human trafficking by continuing implement 2004-2006 action plan.<sup>54</sup> The Armenian Republic seemed to have changed from not caring about the issue at first, to active engagement in the combat of trafficking.

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<sup>54</sup> See: <http://www.un.org/ga/60/elect/hrc/armenia.pdf>. Last accessed: 10-10-2014.

Because of this silence of Armenian policy makers before the signature date, the pre-existing norm is therefore hard to discern. It might be the case that the norm was not salient.

#### **4.3.1. Demand for a new norm**

There is no catalyst for demand for a new norm identified. There is no ‘change at the local (norm-taker) level’. There were no elections in the year of signing the Protocol. Critic of the Armenian the government on the new transnational norm can is neither discerned. Armen Gevorgyan, the Deputy Prime Minister, Minister of Territorial Administration of the Republic of Armenia, asserted that the Republic of Armenia prioritizes the combat of human trafficking.<sup>55</sup> In his speech of May 2013, Armen Gevorgyan states: “Armenia was among the countries which from the very beginning supported the adoption of UN Global Plan of Action against Trafficking in persons...allow me to emphasize the importance of close cooperation among countries at regional and international levels in order to achieve greater progress in the implementation and further development of the respective provisions of the United Nations Global Plan of Action to Combat Trafficking in Persons.”<sup>56</sup> And in in another speech in the same year: “the Armenian Government considers UNDP as an important partner and the programs implemented by UNDP in Armenia are in a line with Armenian Government priorities.”<sup>57</sup>

These statements can be aligned with the statement made by Andranik Margaryan, Armenian Prime Minister (from 1951 – 2007) earlier: “we find ourselves in the need of developing a common strategy to counteract effectively the most dangerous manifestations of crime...It seems obvious that the fight against [human trafficking] will be doomed to failure if waged by a single State.”<sup>58</sup>

On the policy making level, the contestation of both the pre-existing (as far as present) and the new transnational norm seems limited. Considering the public opinion on the matter might lead to interesting insights. There are no specified public opinion polls evaluating the ideas of the Armenian population concerning the point of view on the combat of trafficking as promoted by the Palermo Protocol. However, World Value Survey (2010–2014) included the variable indicating how the population views prostitution in general. See figure 4.1 for an overview.

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<sup>55</sup> See: General Assembly of the United Nations. 67th Session. 77th Plenary Meeting, 13 May 2013. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/330/91/PDF/N1333091.pdf?OpenElement>. Last accessed 01-10-2014.

<sup>56</sup> See General Assembly of the United Nations. 67th Session. 77th Plenary Meeting, 13 May 2013. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/330/91/PDF/N1333091.pdf?OpenElement>. Last accessed 01-10-2014.

<sup>57</sup> See <http://www.mta.gov.am/en/news/item/2013/05/24/67/>. Meeting between Armen Gevorgyan and Bradley Busetto, the UN Resident Coordinator and UNDP Resident Representative for the Republic of Armenia: 25 May 2013. Last accessed: 05-10-2014.

<sup>58</sup> See: <http://www.gov.am/en/news/item/308/>. Speech of 29 September 2005. Last accessed: 21-08-2014.

	Number of cases	%/Total
Never justifiable	1,038	94.4%
2	22	2.0%
3	6	0.5%
4	3	0.2%
5	11	1.0%
6	6	0.5%
9	4	0.3%
Always justifiable	6	0.6%
No answer	3	0.2%
Don't know	1	0.1%
(N)	(1,100)	100%
Mean		1.19
Standard Deviation		1.01
N		1,097

*Selected sample: Armenia 2011 (1100)*

Figure 4.1. World Value Survey, wave 6 (2010-2014): V203A.- Justifiable: Prostitution.

The World Value Survey showed a stunning 94.4% of the population that gave the answer that prostitution is *never* justifiable. Additionally, 68.6% of the respondents believe that sex before marriage is *never* justifiable.<sup>59</sup> It shows that the Armenian public opinion (for as far the sample can be seen as mirror of Armenian society) is conservative in their opinion on prostitution. This firm rejection could help in supporting the government receptiveness to eradicate human trafficking. Nevertheless, stronger evidence is yet needed to be able to make true statements on the public opinion on the issue of human trafficking in specific.

In conclusion, the Armenian government is considered receptive towards the new norm. Although the 1949 Convention was not signed and ratified by the government, since the signing of the Palermo Protocol in 2001 the progress concerning the combat of trafficking is swift. The policy makers are expressing themselves in favor of the content of the Palermo Protocol and seek cooperation with the UN on this matter.

Full comprehension of whether there is (strong) demand for a new norm is difficult, as there is more data required for a better understanding. Moreover, there is no pre-existing norm identified. The new norm does not seem to clash (nor harmonize) with a prior-existing normative framework. Nevertheless, the policy makers do seem to embrace the Protocol and its obligations. The conclusion is that there is demand for a new norm to a certain extent.

<sup>59</sup> See <http://www.worldvaluessurvey.org/WVSONline.jsp>. Last accessed: 05-10-2014.

#### 4.3.2. Credibility of domestic norm entrepreneurs

In the Armenian Republic there are the following organizations active in the field of combat human trafficking: United Methodist Committee on Relief (UMCOR) Armenia,<sup>60</sup> Hope & Help,<sup>61</sup> and Armenian Caritas.<sup>62</sup> Whether the organizations are credible norm entrepreneurs their visibility and cooperation with the government needs to be assessed.

UMCOR Armenia was founded in 1994 and is still active. The organization is mentioned in articles online and is visible via their projects throughout the country. An example to consider is their anti-trafficking project, a large project supported by fellow Methodists around the world. The Armenian government is receptive for cooperation with the organization. The government let the organization provide the Armenian police with training on effective combat of human trafficking and alignment of policies with the transnational (Palermo) framework.<sup>63</sup> The organization aligns itself in their activities with the focus the Palermo Protocol entails, the criminal aspect of the issue (organized crime, illegal immigration) are addressed largely. Based on the data, the organization can be considered a credible norm entrepreneur.

Hope & Help Armenia was established in 1998 and focuses on improving sexual, mental and reproductive health. The organization is active in HIV campaigns for sex workers and providing health assistance to trafficking victims. The number one objective of the organization is to help vulnerable trafficking victims and sex workers, advocacy is considered as the tool in doing so. The organization published numerous articles on the matter and is active in several projects. Hope & Help publishes several reports on combat human trafficking in specific, though the focus is on the health aspect instead of the perspective the Palermo Protocol offers. The organization helped in drafting the anti-trafficking law in Armenia and participated in cooperation with the government in projects such as ‘Assistance and Reintegration of Victims of Trafficking in Armenia, Capacity Building of Regional Law Enforcement Bodies.’ The Armenian police and law-enforcement are explicitly connoted as their partners in their activities. Considering the information, the organization Hope & Help is considered a credible norm entrepreneur.

Armenian Caritas is a Catholic organization founded in 1995. The Armenian Ministry of Justice acknowledged the organization as local NGO in 1997. The website states that the organization works closely with the governmental Anti-Trafficking Commission. However, the main focus of the organization is not the combat of human trafficking. Caritas focuses on ‘social protection, care, improve educational conditions, improve public health.’ The organization is active on Facebook and

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<sup>60</sup> See: <http://www.umcor.org/UMCOR/Programs/Country-Offices/Armenia>. Last accessed 08-01-2015.

<sup>61</sup> See: [http://hopehelp.am/about\\_us.html](http://hopehelp.am/about_us.html). Last accessed 07-10-2014.

<sup>62</sup> See: <http://www.caritasarm.am/en/>. Last accessed 07-10-2014.

<sup>63</sup> See for example: <http://armenia.usembassy.gov/news120808.html>. Last accessed 08-01-2015.

other social media, improving their visibility. However, the topic of human trafficking is not mentioned here. Furthermore, of the list of publications, very few of them address the topic of human trafficking. The visibility of their agency for improvement of the legal system is not identified. Government documents do not refer to the ‘close collaboration’ which the organization claims. The organization is not considered as clear norm entrepreneur, though even if they were, their credibility is questioned.

Summarizing the argument, there were three organizations expected to be examples of credible norm entrepreneurs. After assessment of the data, two norm entrepreneurs were identified, both considered credible.

#### **4.3.3. Scope for consonance**

In the introduction is explained that there is no pre-existing norm present in Armenia. For measuring the scope of consonance, the transnational norm must relate to a local counterpart to interact with. In the Armenian case, no assessment can be made whether the obligations of the Protocol match the prior existing ideas.

As argued previously, the global norm seems to land in a sphere with no prior existing norm. No linkages can be made between the global and local norm.

#### **4.3.4. Wider recognition**

The scope for consonance is considered not existent, as argued above. However, a strong prior existing norm is necessary for the interaction in order for a norm to blend into something new. Having determined earlier that there is not a clear blended norm present, wider recognition cannot be assessed.

#### **4.3.5. Institutional change**

As the components of the trajectory are discussed, an assessment is made how institutional change is shaped. The norm as embodied by the 1949 Convention has not shown to be salient in Armenia. However, the situation changed when the country signed and subsequently ratified the Palermo Protocol. The first legislation on human trafficking was enforced in December 2003. Aghababayan (2013) show that the Armenian Republic enforced specified legislative articles that are in line with the obligations of the Protocol as listed in Chapter three, paragraph 3.1. As example, article 8 of the Armenian law ‘On Foreigners’ is discussed, this article concerns the strict conditions an entry visa is refused or blocked. Both Grigorian (2005) and the GRETA report (2012) endorse the implementation of the Protocol in national legislation (Grigorian, 2005, p. 13; GRETA report, 2012, p. 11-12).

Also the institutional framework changed. In 2003 the Audio-Visual Reporters Association (AAVR)<sup>64</sup> is founded. A large organization in Armenia developed for contributing to Armenian civil society. The organization is engaged in many projects of various kind concerning combat of human trafficking. The organization is deeply intertwined with the government, cooperating intensively with: “The Republic of Armenia National Assembly, the Government’s High Commission on Anti-Trafficking, the Ministry of Social Security, the Ministries of Health and Environmental Protection, Ministry of territorial administration, Ministry of Sport, local authorities...” et cetera.<sup>65</sup>

The GRETA report (2012) shows that the Armenian government developed the Council to Combat Trafficking in Human Beings in 2002. The Council was created to function as coordinating structure and is meant to include all relevant public bodies, as well as representatives of non-governmental and international organizations (GRETA report, 2012, p. 7). In 2008, a National Referral Mechanism for Trafficked Persons was established (GRETA, 2012, p. 13).

Summarizing, the Armenian government changed their law to fit the obligations of the Palermo Protocol and there are new institutions developed showing that the combat of human trafficking is institutionalized.

#### **4.3.6. Concluding remarks on the case**

Concluding on the case, the Armenian Republic might indeed be a case of displacement. There is demand for a new norm and there are credible norm entrepreneurs, while there is no consonance. The assessment of institutional change seems to direct to Armenia as case of displacement. The hypothesis can be preliminary accepted, as further data is still necessary to be able to substantiate the claim. Especially the aspect of the demand for a new norm can be supported more substantively. For instance, unlike in the case of the Russian Federation, there were no public opinion polls on the ideas on combat of human trafficking. Therefore, for accepting demand, there is only evidence of the government to rely on.

The next chapter will provide an overview of the conclusions of this research.

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<sup>64</sup> See <http://antitrafficking.am/eng/>. Last accessed: 10-09-2014.

<sup>65</sup> See: <http://antitrafficking.am/eng/%D5%B4%D5%A5%D6%80-%D5%B4%D5%A1%D5%BD%D5%AB%D5%B6/>. Last accessed: 15-09-20140

## 5 Conclusion

Central issue throughout this research is under what conditions a (new) transnational norm is transposed into the legislative and institutional body within states. What are the mechanisms influencing the behavior in relation to compliance?

The central nom in this thesis is embodied by the 2000 Palermo Protocol. This Protocol replaces the 1949 ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’. In the time period between the two legislative instruments, an interesting shift took place. The underlying normative frames asserting *why* human trafficking should be combated, shifted from protection of citizens to protection of the state. The new prevalent idea was that human trafficking jeopardizes state security. Human trafficking stimulates organized crime, illegal immigration, and so on. Though the shift itself is interesting to investigate, this thesis aimed to provide answers about why the new transnational norm is transposed so differently in the various specific locales that are the home countries of the officials signing the Protocol in Palermo.

The Palermo Protocol is adopted by more state parties than the previous Conventions and Protocols on human trafficking, indicating a wide support to this specific Protocol. Yet, compliance to the obligations of the Palermo Protocol is diffuse. Especially the Eurasian region is interesting to investigate. There is no research on human trafficking in this specific region, while there is certainly a high trafficking rate across the region. Furthermore, the Eurasian countries are source, as well as transit and destination countries for trafficking victims, an unusual combination according to the UN reports as well as the TIP reports. Moreover, the region is interesting to explore as there is no influential regional organization similar to ASEAN or the European Union. Due to the absence of a powerful regional actor functioning as ‘intervening variable’, the dynamic of norm internalization might be stronger. Hence, investigating compliance to the Palermo Protocol in this specific region might provide interesting insights on under what conditions a transnational norm is adopted locally. It enables the researcher to test whether the issue of internalization of a transnational norm proceeds according a similar trajectory when applied to a different kind of region.

In order find an explanation for the puzzle, a theoretical framework is developed based on the notion of localization as introduced by Acharya in 2004. The model is constructed of four conditions: A) the demand for a new norm; B) presence of credible norm entrepreneurs; C) the scope for consonance; and D) receiving wider recognition. These conditions form the components for the hypotheses:

## **Rejection**

If there is no demand for a new norm, there are no credible norm entrepreneurs and there is no consonance, then the norm will be rejected.

## **Localization**

1. If there is demand for a new norm, there are credible norm entrepreneurs and there is consonance, then localization will take place.
2. If there is wider recognition, then the norm will localize durably.

## **Norm displacement**

If there is demand for a new norm, and there are credible norm entrepreneurs, but there is no consonance, then norm will displace the local norm.

The theory is tested in three cases: the Russian Federation, Georgia and the Republic of Armenia. The first cut case selection is based on the tier-ranking in the 2014 TIP report. Based on this first cut selection, the Russian Federation is expected to be a case of rejection. The country is rated on tier 3 in the 2014 TIP report, implying that the country does not make significant efforts to combat trafficking according to the Palermo Protocol. The expectation is therefore that the country is not receptive towards implementing the transnational norm. Georgia is expected to be a potential case of localization. The country is rated tier 2 watch list in the 2014 TIP report, the country is expected to maintain an ambivalent attitude towards the Palermo Protocol. The Republic of Armenia is considered a case of norm displacement. The country is ranked on tier 1, signifying high commitment in implementing obligations of the Protocol. The following paragraph addresses the conclusions based on the empirical testing of the hypotheses in these cases. An answer to the research question will be formulated.

### **5.1. Answering the research question**

The research question is: *To what extent can differences in internalization of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in The Republic of Armenia, Georgia and the Russian Federation be explained using the extended norm life cycle focusing on internalization?*

#### **5.1.1. Russian Federation**

The Russian Federation proved to be an interesting case. Though the Russian Federation was expected to be a case of rejection, the reality is more complex. The empirical analysis show that Russia cannot be classified as a case of rejection, though what kind of case it *is* is difficult to say. According to the theory the Russian Federation follows the path of norm displacement. However, the institutional change that should be expected accordingly is not observed. There are no new institutions developed

aligning with the obligations of the Protocol. The Russian Federation seem to fall in the gap between outcome localization and outcome norm displacement. There is no clear ‘blended’ norm identified, neither full replacement of the old hierarchy with the new hierarchy. There are no complete new institutions developed in accordance with the obligations of the Palermo Protocol, neither a legislative framework that has copied the obligations of the Protocol. There is no full compliance with the Protocol. The empirical reality is too ambiguous for a full classification to be made. The theory is not able to explain sufficiently why the state behaved like it did.

### **5.1.2. Georgia**

Although the case of Georgia was expected to be a case of localization, the empirical testing of the theory showed that Georgia is more likely to be a case of norm displacement. The prior existing norm is not reflected in the legislation after the Protocol was signed and ratified. Also the institutional framework was altered significantly. There were new institutions created and existing institutions were altered to match the obligations of the Palermo Protocol.

The situation before and after the signing and ratification of the Palermo Protocol is specifically interesting in the case of Georgia. The pre-existing framework is not the salience of the obligations of the 1949 Convention, but the Beijing Principles seem to be salient instead. The pre-existing framework is embodied by an approach framing human trafficking as an issue of gender violence. Hence, the new norm meets a prior existing framework of a different kind. However, the norm does not blend with this prior existing framework. Instead the political leaders seem to use the Protocol to establish their legitimacy. There is no consonance between the prior-existing framework and the new global norm, but the leaders nonetheless implemented the new norm fully into their institutional and legislative framework. Though more data on norm entrepreneurs is needed to further validate the claims made, by applying the theory one is able to grasp the mechanism why Georgian politicians behaved like they did.

### **5.1.3. The Armenian Republic**

In the Armenian case the transnational norm seem to land in a ‘norm vacuum’. There is no clear prior existing norm observed. As there is demand for a new norm and there are credible norm entrepreneurs, but no scope for consonance, the Armenian Republic might indeed be a case of displacement.. The assessment of institutional change seems to point in that direction. The hypothesis can be preliminary accepted, although more data is necessary in order to substantiate the claim. The aspect of the demand can be substantiated in specific. For instance, unlike in the case of the Russian Federation, there were no public opinion polls on the ideas on combat of human trafficking. Therefore, in accepting demand, there is only evidence of the government to rely on. The theory does seem to be able to explain why the Armenian politicians behaved like they did, though more data is yet necessary.

## 5.2. Reflection

As described in the introductory paragraph of this chapter, the central model in this research is based on the trajectory of localization as introduced by Acharya in 2004. The major difficulty of the model is that Acharya is imprecise in describing the scope conditions. Although this research tried to clarify the scope conditions, the empirical analysis show that further clarification is needed in order to improve the testability of the theory. For example, the theory has difficulty to explain ambiguous cases like the Russian Federation as the exact difference in incentives that pushes states to either displace or localize is not described well by the theory. This leaves room for interpretation for the researcher. When a theory is too open for individual interpretations, the reliability of the theory diminishes. Furthermore, Acharya pays little (methodological) attention to the pre-existing norm. The notion of a prior existing normative hierarchy is central to the theory, yet how and under which conditions this prior existing framework exists can be clarified. This argument comes forth in the case of Georgia in particular, where there is a different prior existing norm than expected. It raises questions of how and why this prior existing norm was salient at first and got (more or less) replaced by the new norm; questions the theory cannot provide answers to. These answers will help in understanding the mechanism at stake, motivating politicians to engage in certain normative discourse.

For this research the operationalization of the key concepts could be more precisely formulated. For example, the concept of a prior-existing normative framework could be extended in order to increase the chances of identifying such prior existing norm. In this thesis it was operationalized by governmental anti-trafficking institutions and legislation. However, the measurement indices at the basis of the operationalization of credibility of norm entrepreneurs could be substantiated. The explanation of whom the norm localizers are and their credibility could be expanded to be able to explain why they did or did not succeed in promoting the (new) norm.

An extra challenge is the fact that there is hardly any research conducted on the issue of human trafficking in the Eurasian region. It proves to be a difficult region to gather valid and legitimate evidence on the subject. The need for clear data on the issue of human trafficking in this region remains pressing. If more information could be gathered on the decision making process within governments, better conclusions can be drawn concerning the motives of states to create certain policies and engage in certain normative discourse. However, the lack of transparency and corruption complicates this quest.

If there is more reliable data on human trafficking in Eurasia available, instead of the three countries central in this thesis, the cases could be picked in a more random order than the case selection in this thesis is organized. This will benefit the methodological strength of the research.

Human trafficking is believed to jeopardize state security, fuel organized crime, hinder development of states, and not to mention, is an infringement of personal integrity. Gaining greater understanding of the complex issue at stake is important for understanding the success or failure of the process of transposing transnational policies to the local level. Applying the theory in Eurasia showed interesting results. The political dynamics within this region are changing and of a complex kind. This complexity is constructed of organic cultural beliefs, but also influenced by the short independence of Georgia and Armenia, and role of the Russian Federation as both aggressor and comrade. Eurasia is not only Russia's backyard, it is becoming that of the EU too. This dynamic of sphere of influence effects the way a global (Western) norm is adopted and complied with at the local (Eurasian) level.

This research learns that the mechanism of contestation of local ideas and transnational ideas is influenced by prior existing normative ideas. The 'cultural mindset' of local actors has to be taken into account when deciding on normative issues at the transnational table. The understanding that global norms are subject to contestation, and therefore can change meaning, is relevant for explaining the behavior of states. This research shows the relevance of this notion, opening the door for further development of the theory in order to explain empirical puzzles in other fields of interest.

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## Appendix

Extracts of the Criminal Code of the Russian Federation, Georgia and the Republic of Armenia.

Criminal Code of the Russian Federation	Criminal Code of Georgia	Criminal Code of the Republic of Armenia
<p><b>Article 127. Illegal Deprivation of Liberty</b></p> <p>1. Illegal deprivation of a person's liberty, which is not related to his abduction, shall be punishable by restraint of liberty for a term of up to three years, or by arrest for a term of three to six months, or deprivation of liberty for a term of up to two years.</p> <p>2. The same deed committed:</p> <ul style="list-style-type: none"> <li>a) by a group of persons under a preliminary conspiracy;</li> <li>b) repeatedly;</li> <li>c) with the use of violence with danger for human life and health;</li> <li>d) with the use of weapons or objects used as weapons;</li> <li>e) against an obvious juvenile;</li> <li>f) against a woman who is in a state of pregnancy, which is evident to the convicted person;</li> <li>g) against two or more persons,</li> </ul> <p>shall be punishable by deprivation of liberty for a term of three to five years.</p> <p>3. Deeds provided for by the first or second parts of this Article, if they have been committed by an organized group or have entailed by negligence the death of the victim, or any other grave consequences, shall be punishable by deprivation of liberty for a term of four to eight years.</p>	<p><b>Article 143(1). Illegal Imprisonment</b></p> <p>1. Selling or buying of persons, or subjecting them to other illegal deals, also recruiting, transporting, harboring, or taking them on for purposes of exploitation, with the use of force, blackmail or deception— —Is punishable by imprisonment from 5 to 12 years.</p> <p>2. the same offense, committed: a) Repeatedly; (b) Against two or more persons; (c) Against a pregnant woman, knowing about her pregnancy; (d) With the abuse of official authority; (e) By taking a victim abroad; (f) With the use of life threatening or health threatening coercion, or threatening to use such force; (g) Knowingly, against a vulnerable person, or against a person who is financially or otherwise dependent on the offender;— —Is punishable by imprisonment from 8 to 15 years.</p> <p>3. Offense, stipulated by first and second paragraphs of this article:</p> <ul style="list-style-type: none"> <li>a) Committed by an organized group;</li> <li>b) Which resulted in a death of a victim or caused other serious consequences;—</li> </ul> <p>—Is punishable by imprisonment from 12 to 20 years.</p> <p><b>Note: For purposes of Article 143 Exploitation means, using persons with the intention to:</b> Engage them in forced labor, criminal or other antisocial activity, or prostitution; Subject them to sexual exploitation or other work; Put them in modern conditions of slavery; Use human organ, part of a human's organ or its cell, for transplantation, or other purpose; <b>Putting persons in modern conditions of slavery means:</b> Taking away their ID; Limiting their right for free transportation; Prohibiting them to contact their families (by correspondence or telephone) Putting them in cultural isolation; Forcing them to work for free, or giving them in a dequate compensation; or Putting them in conditions which are assaulting to human dignity.</p>	<p><b>Article 132. Trafficking</b></p> <p>1. Recruitment, transportation, transfer, harboring, or receipt of persons for the purpose of sexual exploitation or forced labor, by means of the threat or use of force, of fraud, of using the dependence, of blackmail, of threat of destruction or damage to property, if this was done for mercenary purposes, is punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for up to 1 year, or arrest for up to 2 months, or imprisonment for the term of 1 to 4 years.</p> <p>2. The same act committed:</p> <ul style="list-style-type: none"> <li>1) by a group of persons with prior agreement;</li> <li>2) with violence dangerous for life or health, or threat thereof;</li> <li>3) against a minor;</li> <li>4) against 2 or more persons;</li> </ul> <p>is punished with correctional labor for up to 2 years, or imprisonment for up to 4 to 7 years.</p> <p>3. Actions envisaged in parts 1 or 2 of this Article, which:</p> <ul style="list-style-type: none"> <li>1) were done by an organized group;</li> <li>2) caused the death of the aggrieved by negligence or other grave consequences, is punished with imprisonment for 5 to 8 years.</li> </ul>

