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# Policing the Traffic: The Capacity of Legal Change to Arrest Human Trafficking in the European Union

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*Policing the Traffic: The Capacity of Legal Change to Arrest Human Trafficking in  
the European Union*

An Honors Thesis submitted in partial fulfillment of the requirements for Honors in  
International Studies

By

Charlotte McDonald

Under the Mentorship of Dr. Maureen Stobb

Abstract

Intense violence in the Middle East continues to force millions of displaced people to immigrate to Europe. Governments tighten border controls to stem the influx, and desperate individuals fall victim to human traffickers. Though European Union members have made progress in developing a legal framework for combatting this evil, past attempts to coordinate national laws failed to address the growing need. Research is needed to understand the causes of success and failure in this endeavor. Through a comparative case study of three states from different parts of Europe- Germany, Hungary and Turkey- I examine the extent to which adoption of the European Union's Council Framework Decision on Combating Human Trafficking in Human Beings of July 2002 is associated with change in law and in fact. In particular, I focus on the effect of each state's European Union membership status. The findings of this research not only aid scholars in understanding the capacity for legal change to address the crisis of human trafficking, but help policymakers in identifying political environments that foster better compliance with interstate human trafficking measures.

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Dr. Steven Engel

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Oh, and my family. You guys heard all of my complaints, and I’m pretty sure you still don’t know what I researched. But that’s okay, at least you pretended to care.

## **Introduction**

The global community has recognized that human trafficking is a serious problem. States have responded with international and regional efforts at legal change. For example, the European Union adopted a Framework Decision on Combatting Trafficking in Human Beings in 2002, and amended it in 2011. European states' commitment to this effort has been tested, however, by the influx of migrants stemming from violence in the Middle East. In this paper, I argue that European Union membership status (member of the European Union, nonmember of the European Union, candidate for the European Union) and length of membership will impact states compliance with anti-trafficking legislation in the face of the refugee crisis. In particular, nations that are long-time members of the European Union will decrease efforts to comply with anti-human trafficking legislation in response to legal change because, facing refugee pressures, they lack incentive.

Despite socialization and the resulting ease of implementation, the cost of victim protection will outweigh the costs of noncompliance. I focus on compliance with the Framework Decision, demonstrating this dynamic with a case study of Germany, a long term European Union member facing one of the highest rates of refugee arrival, Hungary, a new member with the highest per capita number of refugees, and Turkey, a candidate state that is both a source and destination country for refugees.

I find that, indeed, Germany reduced its efforts to comply with anti-trafficking legislation, particularly in the area of victim protection, in response to the growing migrant crisis. Hungary has attempted to bolster efforts to combat human trafficking since joining the European Union, but still faces large deficiencies in capacity. Turkey

has struggled the most implementing policy due to lack of capacity and huge migrant pressures and showed the lowest levels of compliance.

This research is important because the magnitude of the challenge posed by human trafficking, and the manner in which this problem is exacerbated by the refugee crisis. Human trafficking is ranked as the second largest international crime in the world and the fastest growing criminal industry, profiting more than \$32 billion per year (Atak & Simeon 2014). It affects all states in the world. In 1998, the International Criminal Court named trafficking in persons a crime against humanity (Atak & Simeon 2014). The United Nations considers it a top international priority (United Nations Office on Drugs and Crime).

Recently, Europe has seen a surge of both refugees and human trafficking. According to the United Nations Refugee Agency 135,711 people have reached Europe illegally since the start of 2016, and the majority of them are trafficking victims (UNHCR). The United Nations' Office on Drugs and Crimes identified 7,300 victims of human trafficking in Europe in 2006. Because only 1 in 20 victims of human trafficking are actually identified, the number is likely closer to 140,000 (UNHCR). Human trafficking is particularly difficult to combat because victims are seen as criminals; they break the law when they enter the host country illegally (Framework Decision 2002/629/JHA). This research will help scholars define political environments that foster the best compliance with international human trafficking legislation, enabling more effective efforts to combat this growing international crime.

## **The European Union's Legislative Efforts to Combat Human Trafficking**

Many states recognize that a multilateral approach is needed to combat human trafficking. Therefore, intergovernmental organizations have crafted policy that member states are expected to implement domestically. Legislation tends to address three main issues: the prosecution of human traffickers; the prevention of future offenses, and the protection of victims. Prosecution involves the conviction of offenders and sentencing to significant prison sentences, generally greater than four years (Framework Decision 2002/629/JHA). Prevention efforts include: public awareness campaigns; support for nongovernmental organizations and partnerships between NGOs, police, and the government; and reductions in labor law penalties in sectors where trafficking is common (US Department of State). Victim protection involves rescue, rehabilitation, and reintegration. Governments must identify victims, prioritize victims' rights and safety, and provide victims with avenues to work legally, temporarily reside, or obtain citizenship in the country (US Department of State). Long-term rehabilitation and cooperation between police and NGOs are essential (US Department of State).

The European Union's 2002 Framework Decision on Combatting Trafficking in Human Beings (2002 Framework Decision) is one of the leading multilateral approaches to the problem. Legislative implementation of the Framework Decision began in 2002, with a standard of universal compliance by signing countries set for August 1, 2004. As stated in Article 43 of the Treaty on European Union and Article 9 of the Lisbon Treaty, all members of the European Union are subject to framework decisions. The EU gives member states autonomy in transposing all aspects of the 2002 Framework Decision. Yet members are expected to accept the definition of human trafficking in Article 1 of the

Framework Decision. According to this definition, human trafficking involves trafficking in human beings for the purposes of labor or sexual exploitation. Punishable acts include: recruitment, transportation, transfer, harboring, exchange or transfer, or control over people for the purpose of exploitation of the victim's labor or services (including sexual services). The use of coercion, force, threat, deceit, fraud, or the abuse of authority must be a factor. Instigation, aiding, abetting, and attempt to commit these offenses are also crimes (Article 2). The acts are punishable if the offence deliberately endangers the life of the victim, the victim is particularly vulnerable, serious violence is employed, or the offense committed as part of a larger criminal enterprise (Article 3). Member states must ensure that the offenses are punishable to the proportionate level, with a maximum penalty of at least 8 years imprisonment (Articles 3, 4,5). Legal persons must also be punished with appropriate penalties, such as exclusion from public benefits (Article 4). States must establish jurisdiction over an offense if committed in their territory, the offender is a national or, in the case of a legal person, established in their territory (Article 6) (Framework Decision 2002/629/JHA).

The 2002 Framework Decision is relatively straightforward and thorough in establishing a basis for prosecution. Guidelines for the protection and assistance to victims are minimal, however. Article 6 also further states that children should be considered particularly vulnerable victims, adding that when the victim is a minor the member state should ensure appropriate assistance for his or her family (Framework Decision 2002/629/JHA). Primarily to address the need for victim protection, and following an international trend in this direction (UN Office on Drugs and Crime), the European Parliament and the Council of the European Union passed an amendment to the

Framework Decision in 2011, replacing the Council Framework Decision from 2002. Highlighting its emphasis, the 2011 Framework Decision is named: “Directive on preventing and combating trafficking in human beings and protecting its victims” (Directive 2011/36/EU). It calls for new initiatives taking a gender and children’s rights approach to prevention, with an emphasis on protecting vulnerable persons and preventing discrimination. In addition, victims should be immune from prosecution for the use of false documents or punishments for crimes they took part in as part of their human trafficking experience. The focus should be on protecting their human rights, avoiding further victimization by accusing them of crimes, and encouraging them to act as witnesses against their perpetrators (Directive 2011/36/2011). The 2011 Framework Decision also added new criminal activities categorized as human trafficking,<sup>1</sup> increased penalties for offenders, drew attention to the differences between labor and sex trafficking, and called for the establishment of national monitoring systems (Directive 2011/36/EU).

The European Court of Justice (ECJ) interprets the meaning of framework decisions in an effort to spur uniform implementation in domestic laws. However, the ECJ has not laid down specific guidelines or principles for the interpretation of the Framework Decision (Lebeck 2007). Therefore, states have freedom in drafting their own legislation, and vary in compliance in terms of clarity of standards and effectiveness of implementation (Eriksson 2013). At the same time, research indicates that regional and international organizations have generally held states accountable for failure to comply

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<sup>1</sup> Additional offenses include: forced begging; exploitation of a person to commit crimes such as pick-pocketing, shop-lifting, drug trafficking; and trafficking human beings for the purpose of removal of organs, illegal adoption, or forced marriage.

(Eriksson 2013). I therefore expect that European Union members have an incentive to implement the Framework Decisions of 2002 and 2011.

### **Rethinking Legislative Change in the Midst of a Refugee Crisis**

Although European states have incentives to comply with the Framework Decisions, they also face tremendous pressure stemming from the recent refugee crisis in the region. Many European states have revised their anti-trafficking legislation to criminalize trafficking victims (Beale & Sterck 2015), and made it more difficult for individuals to obtain refugee status (Atak & Simeon 2014). EU states have responded with higher levels of prosecution, but not prevention and protection (Beale & Sterck, 2015). The human trafficking legislation has become highly security focused, with an emphasis on preventing terrorism instead of victim protection (Beale & Sterck 2015). Beale and Sterck's quantitative work found that European Union immigration legislation has an abnormally high level words such as "Al-Qaeda", "attack", "bomb", "emergency", and "enemy." The prevailing approach focuses on law enforcement, and limiting irregular migration (Krieg 2009). As human trafficking increases exponentially during the refugee crisis, variations in domestic laws cause tension in an already hostile situation (Hasani 2015). A balanced, all-inclusive immigration policy is required for the European Union to better monitor and implement legislation in individual states (Orlowska 2011). A member state's failure to comply with regional standards for victim protection is an issue for regional organizations, such as the European Union, and intervention is needed to induce compliance.

## **Theoretical Approach to the Impact of European Union Status in the Face of Crisis**

Scholars theorize two main explanations for compliance with regional and international agreements: the rational actor and the socialization or norm-based approaches (Keith 2010). According to the rational actor approach, states comply with multilateral agreements only when the benefits exceed the costs (Hathaway 2005). Examples of costs include damage to the state's reputation and denial of aid in the global community; and accountability through domestic political institutions (Keith 2010; Hathaway 2002; Simmons 2009). Followers of this approach generally conclude that states will ignore their agreements when compliance conflicts with their interests (Waltz 1979). In contrast, adherents of the socialization approach contend that socialization in international norms drives compliance (Keith 2010). Some of these scholars argue that states, particularly newer and smaller states, comply because they have been socialized to believe that the required behavior is linked to legitimacy in the world polity (Wotopika and Ramirez 2007; Goodman and Jinks 2004). Others maintain that states internalize norms, and feel the pull from obligation to obedience (Chayes and Chayes 1993). They may fail to comply because they lack the capacity to do so (Chayes and Chayes 1993; Cole 2015).

A study of the compliance by European Union states with regional agreements found support for all three of these approaches (Börzel, Hofmann, Panke, and Sprungk 2010). Global ties, such as membership in an intergovernmental organization like the European Union, have been shown to improve the likelihood of compliance with human trafficking agreements, particularly in the less defined areas of prevention and prosecution (Yoo and Boyle, 2015). Eastern European countries, which face capacity

problems, that are members of the European Union comply better with prosecution demands (Yoo and Boyle, 2015). Therefore, I expect that socialization will push EU states toward compliance. At the same time, states will calculate the costs and benefits of adhering to their commitments. A powerful state that can bear financial sanctions and possible negative judicial decisions by the European Court of Justice will be more willing to violate the agreement when the cost of compliance becomes too high (Börzel et al., 2010). Established states, facing the burdens stemming from the refugee crisis, may find the costs of noncompliance are not high enough to deter violation.

Drawing on this theoretical foundation, I make the following prediction:

I contend that Membership status- member of the European Union (EU), nonmember of the European Union, candidate for the European Union- as well as length of membership in the European Union, influences the level of compliance with the European Union's Council Framework Decision on Combating Trafficking in Human Beings. I base this argument on several grounds. First, all European Union member states fall under the scope of European Union framework decisions as stated in Article 34 of the Treaty on the European Union and Article 9 of the Lisbon Treaty. These decisions require member states to achieve particular results without dictating the means of achieving that result. For instance, for the Framework Decision on Combating Trafficking in Human Beings member states "must punish any form of recruitment, transportation, transfer or harbouring of a person who has been deprived of his/her fundamental rights." However, the framework decision leaves the methods in which member states punish the crime up to the individual member state (Framework Decision 2002/629/JHA, pg. 2).

Second, the European Court of Justice (ECJ) holds jurisdiction to interpret the meaning of framework decisions in an effort to create a trend of more uniform implementation in domestic laws. However, the ECJ has not laid down clear guidelines or principles for the interpretation of framework decisions into domestic law (Lebeck, 2007). For example, the Framework Decision to Combat Trafficking in Human Beings has no specific interpretation guidelines for member states. This causes high levels of variance in implementation and compliance with these directives and is especially true in criminal matters. In order to counter this trend, the ECJ has increasingly promoted institutional logic over that of constitutional choices of member states. This poses dangers for the legitimacy of member states because as they interpret framework decisions into domestic laws the ECJ can easily restrict these choices, even though they gave them the sovereignty to do so in the first place (Lebeck, 2007).

Socialization, Enforcement, and Capacity approaches all play an important role in a state's level of compliance to international law.

1. Socialization consists of specific guidelines to states about how they should behave in the international system. The socialization approach asserts that states comply out of the belief that an international system, such as the EU, should be obeyed, rather than compliance with the law suiting their own self-interests (Börzel et al., 2010). This is particularly true for the European Union's laws because of the supremacy and directness of the EU.

Socialization theorists believe that compliance based on socialization legitimizes small states in the international arena.

2. Enforcement school of thought assumes that states choose to violate international law because the cost of compliance is considered too high. There is a positive relation between the power of a state and its noncompliance record. Powerful states can bear the financial sanctions and possible judicial procedure before the European Court of Justice, while weaker states cannot (Börzel et al., 2010). Therefore, powerful states can be much more resistant to international law and often fall into this school of thought.
3. Capacity theorists believe noncompliance is involuntary. States may be willing to comply with international law, but cannot because of lacking or insufficient state capabilities, ambiguous definitions of norms, and/or inadequate timetables (Börzel et al., 2010). Noncompliance to treaties must be looked at as deviant rather than expected behavior (Chayes & Chayes, 1993).

I argue that socialization is the driving factor for members of intergovernmental organizations as they look to inherit and disseminate norms and values, including legislation, of that intergovernmental organization. Additionally, I argue that the benefits that member states receive for sacrificing sovereignty are enough to ensure compliance with international laws. While on the contrary, costs are not high enough for established member states to be deterred from noncompliance.

I argue that all three of these compliance theories drive the states, with different membership statuses, in my case study to comply.

### **Data and Methodology**

Through a qualitative case study of United States State Department Trafficking in Persons Reports under the Office to Monitor and Combat Trafficking in Persons, the 3P

anti-trafficking index (Cho, Dreher, and Neumayer 2015), as well as domestic German, Hungarian, and Turkish law, I study the level of compliance with the European Union's Council Framework Decision on Combating Trafficking in Human Beings. I also examine political and economic control variables such GDP per capita, Control of Corruption, and level of democracy for effects on compliance. Additionally, I examine refugee and asylum data for the impact of these pressures on compliance.

I argue that all three of these compliance theories drive the states, with different membership statuses, in my case study to comply. Specifically;

H<sub>1</sub>: Newer members of the European Union or states seeking membership will comply - with international human trafficking treaties.

H<sub>2</sub>: Socialization is the driving factor for new or candidate members of intergovernmental organizations as they look to inherit and disseminate norms and values, including legislation, of that intergovernmental organization.

Newer members of the European Union or states seeking membership into the European Union are more likely to comply with regional and international human trafficking treaties, because they want to further promote their case for membership. A higher level of compliance, measured by a Tier 1 ranking by the United States Department of State, a three or above on the 3P anti-trafficking index, as well as domestic initiatives, will show a willingness to work with the international community and help candidate countries appear more progressive in their international political

decisions. Compliance with regional and international treaties will legitimize their country and advance their position in the European Union. These trends will be seen with my cases Hungary and Turkey.

H<sub>3</sub>: When new or candidate states do not comply it is most likely due to a lack of capacity, in the form of government resources or hindering bureaucracy.

I expect that the cases of Turkey and Hungary, states that have fewer resources than Germany, will support this hypothesis. For example, Turkey and Hungary may have a smaller police force, less control over their borders, or a sluggish judicial system.

H<sub>4</sub>: More powerful states in the international organization will comply less because they can bear the sanctions associated with noncompliance and no longer need the incentives offered to comply.

I expect to find support for this hypothesis in my case study of Germany, an established, more powerful, member state. If Germany fails to comply with European Union law, it is most likely because leaders have weighed the costs and benefits and decided the benefits of noncompliance are higher than the costs. To be in this position, a country must have a high level of bargaining power and/or resources so that the costs, most likely sanctions, are a non-deterrent for international law compliance.

In sum, I argue that newer members of the European Union or states seeking membership into the European Union are more likely to comply with regional and

international human trafficking treaties, because they want to further promote their case for membership. A higher level of compliance will show a willingness to work with the international community and help candidate countries appear more progressive in their international political decisions. These new, or candidate, member states are concerned mainly about increasing their image in the international arena, in this case the European Union. Compliance with regional and international treaties will legitimize their country and advance their position in the European Union.

I gathered the data and information from sources such as World Bank, Eurostat, United States Department of State Reports, United Nations Office on Drugs and other Crimes reports, and the 3P database published by Cho, Dreher, and Neumeyer (2014). I looked for trends in member versus non-member states to the European Union. Specifically, I looked for the specific mechanism by which membership in the European Union affects the level of compliance.

## **Dependent Variables**

### *US State Department Reports*

The main watchdog of compliance to human trafficking treaties around the world is the United States Department of State. Through the US State Department Trafficking in Persons Reports we measure compliance with the 3Ps of human trafficking, prosecution of offenders, prevention of the crime, and protection of the victims, with my main focus on protection efforts. I look at shifts in Germany's, Hungary's, and Turkey's rankings through the scale and anecdotes of the reports before the Framework Decision of 2002, after the decision was implemented but before the 2011 amendment, and then

after the amendment of 2011. Additionally, I compound these reports with domestic criminal codes, which allow me to see how the law actually shifted and not just compliance. I examine how the international legislation has been implemented into domestic laws as well as how the state actually complies with these laws in practice through prosecution of offenders, prevention of the crime, and protection of the victims, with a centralized focus on protection of victims.

The United States Department of State released their first Trafficking in Persons Report in 2001, before the European Union drafted the 2002 Council Framework Decision on Combating Trafficking in Human Beings, and continues to release reports annually. It catalogs and ranks countries based on their anti-human trafficking efforts the previous year. The Trafficking in Persons Report (TIP) has four tiers of compliance to anti-human trafficking efforts. These tiers are, in decreasing order of compliance, Tier 1, Tier 2, Tier 2 Watch List, Tier 3.

Tier 1 includes countries whose governments fully meet the Trafficking Victims Protection Act's (TVPA) minimum standards. This ranking does not mean a country has no human trafficking problem, rather that the country is actively pursuing efforts to combat it. Tier 2 includes countries whose governments do not fully meet the TVPA's minimum standards, but they are making significant progress and efforts to meet the standards. Tier 2 Watch List includes countries whose governments do not fully meet the TVPA's minimum standards, but are making significant progress and efforts to do so. This is further defined as;

- a) the absolute number of victims of severe forms of trafficking is very significant or is increasing;

- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials;
- c) the determination that a country is making significant efforts to meet the minimum standards was based on commitments by the country to take additional future steps over the next year. Tier 3 includes countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so. (United States Department of State, 2001).

*“3P” Anti-Trafficking Policy Index*

In addition to the US State Department Reports, I examine Cho, Dreher, and Neumayer’s (2011) “3P” Anti-Trafficking Policy Index. This index measures compliance with prosecution, prevention, and protection in human trafficking by country. They evaluate seven areas, such as: the implementation of campaigns for anti-trafficking awareness; training government and military officials (including peace keepers); facilitating information exchange among relevant authorities; monitoring borders, train stations, airports, etc.; adopting national action plans to combat trafficking in persons; promoting cooperation with non-governmental organizations (NGOs) and international organizations; facilitating cooperation with other governments. The index ranks countries on a 1-5 scale, 1 being no compliance and 5 being full compliance. There is also an aggregate score of 3-15, with 3 being no compliance and 15 being full compliance, when combining all three areas of prosecution, prevention, and protection.

## **Independent Variable**

### *Membership Status*

Germany is a founding member of the European Union, having founded the European Coal and Steel Community following World War II in 1950. Hungary acceded into the European Union in 2004. Turkey has been actively trying to join the EU for decades, but official negotiations started in 2005. When testing our hypothesis, this should show how Germany complies less with the Framework Decision compared to other countries in the European Union because it can bear the costs associated with noncompliance and no longer need the incentives. I expect to see that Hungary and Turkey comply at a higher level in the European Union in order to legitimize themselves in the international arena, and only fail due to capacity limitations.

## **Control Variables**

I control for ratification of the United Nations Trafficking Protocol (2000) and the Council of Europe's Convention on Action against Trafficking in Human Beings (2005) as controls; all states studied have ratified these treaties. These variables are ratification of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), as well as ratification of the European Union's Framework Decision on Combating Trafficking in Human Beings. I recognize that my cases have signed on to the United Nations Trafficking Protocol, Germany

(2000)<sup>2</sup>, Hungary (2000)<sup>3</sup> as well as Turkey (2000)<sup>4</sup>. Germany signed the Council of Europe's Convention on Action against Trafficking in Human Beings 2005, Hungary signed in 2007, and Turkey in 2009. I consider the effects of this status. In addition, Germany, Hungary, and Turkey have ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).<sup>5</sup>

I examine the economic and political characteristics of Germany, Hungary, and Turkey, including: control of corruption (The World Bank), Gross Domestic Product per Capita (The World Bank); level of democracy (Polity IV index); percentage of women in national politics (Inter-Parliamentary Union); US Aid (United States Government); refugee inflows (Eurostat); refugee source or recipient country(Eurostat); and number of asylum applications or residence permits (Eurostat).

Control of Corruption captures perceptions of the extent to which public power is used for private gain through using Worldwide Governance Indicators (The World Bank). Scores range from a -2.5 to 2.5, a higher score indicates better control of corruption. Gross Domestic Product is measured through GDP per capita in this analysis. Level of democracy is measured on a -10 to 10 scale by Polity IV. A higher score signals a higher level of human rights within a country.

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<sup>2</sup> Germany signed the Trafficking Protocol in 2000. They ratified the protocol on June 14, 2006.

<sup>3</sup> Hungary signed the Trafficking Protocol in 2000. They ratified the protocol on December 22, 2006.

<sup>4</sup> Turkey signed the Trafficking Protocol in 2000. They ratified the protocol on March 25, 2003.

<sup>5</sup> Germany signed onto CEDAW on June 25, 1980 and ratified on July 9, 1980. Hungary signed on June 6, 1980 and signed December 22, 1980. Turkey joined via accession on December 20, 1985.

## **Results**

### *Germany*

I find the greatest support for H<sub>4</sub> in my examination of Germany's scores on the Cho, Dreher, and Neumayer's "3P Anti-Trafficking Policy Index" (2015). With regard to victim protection, Germany's protection ranking on the index decreased from 5 (full compliance) to a 3 (moderate compliance) in every year following the implementation of the amendment to the Framework Decision. Specifically, Germany has had difficulties in complying with standards regarding the criminalization of victims and repatriation. Germany's score on prevention decreased from a 5 in 2014 to a 4 in 2015. In addition, Germany's score on prosecution decreased from 5 to 4 between 2011 and 2014. Prison sentences were rarely given and were disproportionate to the crimes. I suggest that Germany reduced its efforts in victim protection, prevention of the crime and prosecution of offenders to reduce domestic costs as it dealt with the increasing number of refugees. After the 2011 Amendment, states were expected to strengthen domestic policies on protection and establish national monitoring systems that would track crimes, collect data, carry out assessments, and regularly report statistics. Germany may have decided it could bear any costs of noncompliance.

The results obtained from the U.S. Department of State's Reports provide less support for my argument. In essence, Germany has been ranked as a Tier 1 country before and after the Framework Decision and its Amendment. Thus, Germany's efforts have been considered as fully complying with the minimum standards set by the United States government. They have made improvements. However, as I discuss below, the U.S. State Department finds Germany lacking in the provision of residence options to

victims, and in victim assistance measures, which vary across the German states (United States Department of State 2013). Germany also fails to comply with requirements for the punishment of offenders (United States Department of State 2013)

Before the Framework Decision, Germany's Criminal Code included a loose definition of human trafficking as an offense involving crimes against personal freedom including, but not limited to, sexual coercion, rape, kidnapping, and false imprisonment (United States Department of State 2004). Later, Germany further defined human trafficking to encompass work exploitation in the forms of slavery, servitude or bonded labor, and sex work and exploitation; and included recruiting, transporting, or harboring as fundamentals to the crime of human trafficking (German Criminal Code 2016 §§232, 233, and 233a). In terms of penalties, Germany had much weaker sentences for convicted offenders than the EU Framework Decision requires. The Trafficking in Person's Report in 2004 recommended that Germany increase their penalties. In addition, Germany had a trafficking in persons team, within its Federal Office for Criminal Investigation, that published reports annually on domestic trafficking updates. Between 2002-2004 this office conducted 289 trials and 159 convictions, an increase from 148 in 2001. 151 of those 159 convicted served prison sentences (US State Department 2004).

The German government's assistance to victims at that time heavily criminalized victims, following the overall global trend. The German government offered a 4 week "reflection" period that allowed victims to testify against their offenders in exchange for a more lenient deportation process. The program also offered "temporary toleration," allowing victims to gain temporary work permits and receive compensation under the Victim's Protection Act for testifying against their offender. Germany granted temporary

toleration status to 104 individuals in 2002 (US State Department 2003). Many victims were repatriated after their help in the investigation was no longer needed. Additionally, in 2004, 25 state funded trafficking centers and 12 NGOs concerned with human trafficking were present (US State Department 2004).

After 2004 Germany continued to be ranked high on the US State Department's scale. In 2010, one year before the European Union amended to the Framework Decision on Combating Trafficking in Human Beings, Germany was ranked as a Tier 1 country. The United States Department of State identified that Germany had progressed in addressing forced labor, one of the two main trafficking forms along with sex trafficking. However, Germany severely lacked in punishments for prosecuted and convicted traffickers (US State Department 2010). The German Criminal Code criminalizes sexual exploitation and forced labor, with these crimes qualifying for prison sentences between six months and ten years (German Criminal Code 2016 §§232 and 233) (United States Department of State). Germany handed out very few prison sentences for these crimes. In 2008, 173 people were prosecuted for sexual exploitation, 138 were convicted, but only 46 served any prison sentence. Additionally, 25 people were prosecuted for forced labor crimes, 16 were convicted, but only 1 served a prison sentence (United States Department of State 2010).

Victim protection was also severely lacking in Germany before the Framework Decision was amended. Non-governmental organizations and government agencies only identified an estimated 38% of all victims in 2008, which equaled 676 sexual exploitation victims and 96 forced labor victims. Germany continued to offer only a 30-day reflection period, in which victims can decide to aid law enforcement in exchange for a temporary

residence permit. At the same time, Germany reported there were no criminal punishments of victims (United States Department of State).

In 2013, two years after the amendment to the Framework Decision on Combating Trafficking in Human Beings, when European Union member states were required to implement the Directive in national laws, Germany was ranked as a Tier 1 country. In the reporting period, Germany experienced successes in both prosecution and victim protection. Germany, since 2010, worked to improve efforts in national legislation to ensure residence permits to victims, mirroring EU legislation. However, sentencing for offenders still lacked. Additionally, in victim protection, the drafting of a new labor trafficking statute, Section 233 of German Criminal Code, hindered victim identification and offender prosecution by imposing a high burden of proof of crime (US State Department 2013) (German Criminal Code 2016 §233).

Germany continued to improve on victim identification. The Federal Family Ministry funded 39 NGOs counseling centers in 45 cities that worked to identify victims and provide services such as medical and psychological care, legal assistance, vocational support, and other services. These services directly aided in applications for residence permits as well. Resources for male victims continued to lag behind those for women. Overall, 626 trafficking victims were identified in 2013, a decrease from 672 victims in 2012. These victims were offered a reflection period of 12 weeks, work permits, and residence permits conditional on cooperation with law enforcement. Long term residence permits were granted to victims with threats to their personal safety or freedom in their origin states. NGOs reported that in most cases there were no charges against victims of trafficking, however some victims faced small fines (US State Department 2013).

In 2013, Germany's main area of noncompliance concerned the appropriate prison sentences for convicted offenders; its prison sentences were much too short compared to international standards (US State Department 2013). The United States State Department pushed Germany to expand their residence permits for victims to not be contingent on their participation in trials for offenders. Germany also needed to standardize their victim assistance measures across the 16 federal states; a national monitoring system, much like the US State Department, would be the most effective way to do so (U.S. State Department 2013). Considering these findings together with the results from the "3P" Anti-Trafficking Policy Index, I conclude that Germany has not complied to the extent one would expect, given its political and economic conditions.

The findings concerning the control variables lend further support to this conclusion. Germany is a full democracy, with a rating of 10 on the Polity IV scale. Research indicates that, after a state passes a threshold of 7 on the scale, human rights offenses decrease (Davenport and Armstrong 2004). Germany's high score should have eased compliance with the Framework Decision, as their democratic structure is conducive to a high level of respect for human rights, including victim protection. In addition, for the time period of this analysis, Germany's percentage of women in parliament was generally at or above average. The world-average is approximately 23 percent, and for Europe it is approximately 24 to 25 percent (Inter-Parliamentary Union 2017). In 2003, a year after adoption of the Framework Decision (and implementation began) 32 percent of the seats in Germany's lower house were held by women, and 25 percent of seats in the upper house were held by women. In 2012, the year after the Amendment was adopted, the numbers were 33 percent in the lower house and 28 percent

in the upper house. The percentage of women in parliament is positively associated with the level of protection of victims (Yoo and Boyle 2015); therefore, one would expect Germany to be more likely to comply with this aspect of the Framework Decision.

Furthermore, Germany's gross domestic product (GDP) per capita is ranked 18<sup>th</sup> in the world (The World Bank). Countries with larger economies and resources, such as Germany, should have a higher capacity to implement policy, such as the Framework Decision on Combating Trafficking in Human Beings, and be more likely to comply with the standards (See Appendix, Graph 1).

In addition, a government with a greater control of corruption should have greater implementation of human rights norms, including victim protection. Germany scored a 1.9 in 2000 (pre-FD), 1.7 in 2010 (pre- FD Amendment), and 1.8 in 2015 (post-FD Amendment). Those scores put them in the 93<sup>rd</sup> percentile in the world for control of corruption during all phases of the Framework Decision. One would expect Germany would have scored higher in all areas of implementation of anti-human trafficking standards.

While political and economic conditions in Germany should facilitate compliance, Germany does not face strong disincentives for noncompliance, at least in terms of loss of U.S. Aid. Aid from the United States is directly linked to compliance with the standards of the US Trafficking Victim Protection Act (TVPA); thus, states that receive more aid from the United States will be most willing to match their laws to the TVPA (Yoo and Boyle 2015). Germany was obligated to \$604,980 from the United States Government in 2015. This is a decrease of 1,430,000 in 2014 (137% decrease). Germany was obligated to a lower average than all other countries in Europe and Eurasia and much

lower than the world average of \$4.41 million per year. Thus, Germany receives such low amounts of aid from the United States, and \$0 from the State Department, that they would feel very limited pressure to comply with the TVPA and other human trafficking initiatives.

On the other side of the equation, the pressure stemming from the growing number of refugee arrivals is high in Germany. Out of all European Union countries, not only is Germany receiving the most applicants for asylum, they are also accepting the highest number of applicants.<sup>6</sup> Graph 2 (see Appendix) indicates a trend of growth in the number of asylum applicants that begins slowly in 2012, increasing steadily until a huge spike in applicants occurs at the end of 2014. By 2015, over half of all asylum applications approved were granted by Germany (International Monetary Fund 2016). Germany also agreed to relocate 27,000 additional refugees settled in Greece and Italy in 2015. The primary source countries of refugees fleeing to the European Union in 2015, and specifically Germany, are Syria, Eritrea, Iraq, Afghanistan, and Iran (International Monetary Fund 2016). Several of these countries are also states where terrorism is a concern. Specifically, the Islamic State (ISIS) has conquered territory in regions of Iraq, Syria, and Afghanistan. ISIS has proclaimed Syria and Iraq as a caliphate, and recently the Islamic State shifted its focus heavily into North Africa (Panayiotides 2015). I argue that the increasing numbers of refugees added to the costs of compliance, and that it is likely to see greater noncompliance as Germany faces a growing refugee crisis. Germany is overwhelmingly the most popular destination country for these refugees. National

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<sup>6</sup> The International Monetary Fund determined that in 2015 alone there were 995,000 first-time asylum applications submitted to the European Union. The number of applicants was more than twice that of 2014. Germany and Hungary received the most (International Monetary Fund 2016).

security concerns will likely be weighed heavily against the desire to comply with standards of victim protection.

### *Hungary*

I find low to moderate support for H<sub>1</sub> through examination of Hungary's scores on the Cho, Dreher, and Neumayer's "3P Anti-Trafficking Policy Index" (2015). Hungary's overall scores increased since they joined the European Union in 2004. Increasing from 8 in 2000 and peaking at 13 in 2007. Additionally, their scores increased to moderate (aggregate 11-13) on the index each year following the amendment to the Framework Decision. However, victim protection stayed the same at a score of 3 (moderate compliance). These numbers are equal or lower than Germany's, however Hungary's scores in prosecution are higher than Germany's in every year. Hungary has always performed well in compliance to prosecution of offenders, but continues to struggle in protection of victims, specifically in services provided to victims and repatriation. The effect grows stronger as overwhelming numbers of refugees settle in Hungary. I suggest that although Hungary complies at a satisfactory rate, with a higher government capacity they would comply at a much higher rate in search of legitimization.

Hungary also had some level of domestic human trafficking legislation but it was less than that of Germany in 2004, as the US State Department had them ranked at Tier 2, meaning Hungary's domestic laws and efforts were not up to the United States' standards but they were making significant strides to reach those standards. This lines up with Hungary's European Union Membership status in 2004, which culminated in many modernization efforts nationally to uphold global standards.

Hungary's definition of human trafficking in 2004 included the sale, purchase, exchange, transfer, or reception of another person. Any person that commits these offenses or transports, harbors, shelters, or recruits another person for the purposes of control or exploitation has committed human trafficking (Hungarian Criminal Code).

Hungary, prior to the Framework Decision, criminalized human trafficking with sufficiently severe penalties. Under the domestic Trafficking in Persons law 18 of 22 offenders brought to trial were convicted in 2003, and 12 of those were sentenced to prison. Additionally, in 2003 the government established the International Center for Cooperation in Criminal Affairs to work collaboratively with foreign law enforcement on transnational crimes like human trafficking better (US State Department 2004).

Additionally, as a member of the Council of Europe prior to their European Union membership Hungary had international support in matters such as human trafficking.

Assistance to victims is where Hungary faced its largest deficit prior to the 2004 implementation of the EU Framework Decision. Hungary offered small caveats such as offering temporary resident status to victims willing to testify against their offenders. However, the trend of victim criminalization continued as many victims were often deported or prosecuted for other violations of laws during this process.

In 2010, 6 years after Hungary joined the European Union and adopted the Framework Decision to Combat Trafficking in Human Beings, Hungary was once again ranked as a Tier 2 country. Hungary had mixed progress in improving victim protection in 2010. While Hungary's prosecutions decreased from previous years, they made some efforts in protection of victims (US State Department 2010).

Hungary's criminal code in paragraph 175/b prohibits all forms of human trafficking, with punishments ranging from one-year imprisonment to life imprisonment. However, this paragraph includes strict evidentiary requirements. In order to prosecute or identify a victim there must be physical evidence of a sale or transaction of a person (Hungarian Criminal Code). In 2010, Hungary had 27 investigations for human trafficking that resulted in 16 new convictions compounded with 23 in-progress convictions from previous years. These convictions resulted in 20 convictions and prison sentences (US State Department 2010).

In terms of victim protection Hungary identified only 94 victims in 2009. There was one shelter that was funded by the government from May 2010- July 2011. However, this shelter did not serve any victim over the reporting period and is closed off to non-nationals. The government allocated no additional funding to nongovernmental organizations. Only 45 of the 94 victims gained any type of assistance, this was a decrease from earlier years. 27 victims aided law enforcement in prosecutions in exchange for application for a temporary residence permit of 6 months. They, like other European countries, were allowed a 30-day reflection period. The US State Department heavily pushed for an amendment of Hungarian Criminal Code paragraph 175/b in order to remove the language that requires evidence of buying or selling transaction (US Department of State 2010).

In 2013, once the amendment to the EU Decision was implemented and integrated into domestic law, Hungary was still a Tier 2 country, continuing on the same trend since 2008 when they dropped from Tier 1. However, Hungary was making significant efforts in the field of human trafficking. In July 2013 a new domestic criminal code came into

effect, however this domestic response to the EU Directive 2011/36/EU was not sufficient in that it lacked awareness and sensitivity towards trafficking victims as well as a lack of appropriate law enforcement training (US State Department 2013).

Protection efforts have overall increased, but are still limited by budgeting concerns. As of January 1, 2013 shelters must provide services to victims from both Hungary and abroad, a huge breakthrough for victim protection in Hungary which up until that point was closed off to non-nationals. Additionally, on January 31, 2013 the National Police Headquarters implemented a directive (No. 2/2013), that requires victim protection officers at each police station. In 2013, 133 trafficking victims were identified in Hungary, only 3 foreign victims were assisted, an increase from 1 in 2012.

Specifically, Hungary provided legal support for 4 victims, accommodation for 1, psychological support for 5 victims, financial support for 12 victims, and other forms of support for 7 victims. Victims were provided with a 30-day reflection period and temporary residency permit if they assisted with law enforcement. The safety of the victims remained a concern (US State Department 2013).

As of 2013 Hungary still needed to increase victim assistance through expanding resources nationally. Shelter capacity is lacking and funding is inconsistent and repatriated victims are often denied assistance. Additionally, victims that face serious danger in their source country need to be handled with more care and concern, rather than immediate repatriation. Most importantly, Hungary needs to ensure that their domestic laws are harmonized with the EU Directive 2011/36/EU (US State Department 2013).

The findings concerning the control variables are as follows. Hungary has scored a rating of 10 on the Polity IV scale and as I have said earlier, research supports that as a

state enters a certain level of polity, 7 and up, human rights offenses decrease (Davenport and Armstrong 2004). Hungary's high score should allow for higher compliance with the Framework Decision, as their democratic system is conducive of high levels of respect for human rights, including victim protection. However, in 2003 Hungary only had 9.8 percent of seats in parliament held by women. In 2012, the year after the Amendment to the Framework Decision was adopted, Hungary still only had 10 percent of seats held by women. Compared to the global average of approximately 23 percent and the European average of 24 percent, this is significantly low (Inter-Parliamentary Union 2017). This low percentage of women representation in parliament could hinder protection of victims in Hungary, as the percentage of women in parliament is positively associated with level of victim protection (Yoo and Boyle 2015).

In examining H<sub>4</sub>, I looked at GDP per capita as well as control of corruption. I find support for my hypothesis that Hungary is only reaching moderate levels of compliance due to lack of government capacity to fully implement the Framework Decision. Hungary is ranked 56<sup>th</sup> in GDP per capita in the world (The World Bank). Although, Hungary's ranking is not particularly low on the global scale, they do rank lower in European GDP per capita (see Appendix Graph 3). As the pressure of refugees flowing into Hungary increases their low GDP per capita may lower their capacity for implementing policy, such as the Framework Decision on Combating Trafficking in Human Beings.

Additionally, Hungary's government has struggled with control of corruption. A government with lower control of corruption may experience lower implementation of human rights norms, including victim protection. Hungary scored a .7 in 2000 (pre-FD),

.3 in 2010 (pre-FD Amendment), and .1 in 2015 (post- FD Amendment). These scores place Hungary in the 61<sup>st</sup> percentile in the world during all phases of the Framework Decision. I expect that Hungary would not be able to implement anti-human trafficking standards as easily as their European counterpart, Germany.

While political and economic conditions in Hungary may hinder compliance, Hungary has other strong incentives to comply. Hungary receives aid from the United States annually. Aid from the United States is directly linked to compliance with the standards of the US Trafficking Victims Protection Act (TVPA); thus, states that receive more aid from the United States will be most willing to match their domestic laws to the TVPA (Yoo and Boyle 2015). Hungary was set to receive \$1,000,000 from the United States Government in 2016. This is a decrease of 60 percent from 2015. Hungary was obligated to a higher average than the other countries in the region of Europe/Eurasia but much lower than the world average of \$4.41 million per year (US Foreign Aid). Since Hungary does receive a significant amount of aid compared to other states in their region, they would feel more pressure to comply with the TVPA and other human trafficking initiatives.

In addition to facing weaker political and economic conditions, Hungary is receiving the most refugees per capita in Europe and is the number one destination country for asylum seekers (International Monetary Fund 2016). Within the past three years asylum applications have increased by around 800 percent. As seen on Graph 4 in Appendix applications begin to increase in 2012 and face a substantial spike in 2014. The primary source countries of refugees entering Hungary are Syria, Iraq, Afghanistan, and Iran (International Monetary Fund 2016). These countries have high instances of

terrorism within the last two decades. Specifically, the Islamic State (ISIS) has conquered territory in regions of Iraq, Syria, and Afghanistan (Panayiotides 2015). Because of the higher security concerns that are associated with refugees coming out of these countries and into Europe, national security concerns in Hungary have to be weighed heavily against the desire to comply in order to gain legitimacy in the international arena. I argue that if Hungary had a higher capacity to comply to victim protection they would.

Hungary has satisfactory compliance to human trafficking legislation as ranked on the 3P Anti-Trafficking Index, but faces large economic and bureaucratic hurdles that prevent further compliance to victim protection efforts. However, Hungary complies better than Germany in prosecution of offenders and increased their scores from low to moderate since they joined the European Union in 2004, which shows a desire to be legitimate in the European community while handling the intense pressures of this crisis.

### *Turkey*

In following suit of my two previous case studies I examine Turkey's scores in the 3P "Anti-Trafficking Policy Index" by Cho, Dreher, and Neumayer (2015). Before the Framework Decision, Turkey scored significantly lower than Germany and Hungary, receiving an aggregate score of 5 in 2000. This score indicates a low level of compliance with anti-human trafficking agreements. However, Turkey saw a sharp increase in compliance following the implementation of the Framework Decision in 2002, jumping to an aggregate score of 10. Turkey remained relatively constant with moderate to strong scores ranging from 10 to 13 before the amendment in 2011. Following the amendment in 2011, Turkey dropped to a 9 in 2013 and 2014.

Turkey faced the largest deficit of the three countries in 2004 according to the US State Department's Trafficking in Persons Report. The TIP ranked them as a Tier 2 watch list country, which meant that Turkey did not fully comply with the minimum standards, but were making efforts to bring themselves into compliance with those standards. Additionally, the absolute number of victims of severe forms of trafficking was very significant or was significantly increasing in Turkey during the time, or there was a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year (US State Department 2004).

Still, Turkey included human trafficking in their domestic criminal code prior to 2004. Article 80 of their criminal code prohibits both sexual exploitation and labor forms of human trafficking. These crimes come with heavy sentences of eight to twelve years imprisonment. Turkey defined human trafficking as facilitating the unlawful entry of a foreigner into the country. Human trafficking also included providing shelter for, kidnapping, transporting a person from one place to another unlawfully or by force, threat, or violence. The criminal code also included acts of enticement or taking advantage of helpless persons in order to force them to work or serve while being treated like a slave (Turkish Criminal Code).

Turkey, while lacking in other factors, particularly criminalized human trafficking with sentences exceeding 20 years. However, the equal implementation of these penalties is where Turkey was lacking. In fact, government officials involved in human trafficking in 2003, did not receive sentences close to that stated in their criminal code. Turkey does have the presence of an inter-agency police task force based in Istanbul that deals heavily with human trafficking (US State Department 2004).

Victim assistance is Turkey's most prominent downfall prior to 2004. Turkey had the practice of "dumping" victims back in their source countries without proper screening for many years. This process of "dumping" means repatriating human trafficking victims to their source countries with no regard for their safety. This practice began to change in late 2003 and those changes were not yet reflected in the 2004 TIP report. The most widespread issue in Turkey was the separation between local authorities and the standards of the central government. This was greatly hindering improvements nationwide prior to 2004. Larger cooperation with NGOs also began in late 2003, early 2004. A new policy was introduced in 2004 that would provide full medical assistance to victims and extend the humanitarian visa from 1 month to 6 months for victims (US State Department 2004).

By 2010, Turkey had increased its standing from Tier 2 Watchlist to Tier 2. This still means that Turkey is not complying to minimum standards set by the United States Department of State, but they are actively trying to. Turkey still faced problems with high levels of repatriation of victims and a severe lack of funding of nongovernmental organizations working to combat human trafficking within the country (US State Department 2010).

In terms of prosecution Turkey continued its reputation of aggressive investigation, prosecution, and conviction of traffickers. Under Article 80 of their penal code 23 traffickers were convicted in 2009, all of which received prison sentences ranging from one to twelve years, with the majority receiving six to twelve years. Overall Turkey convicted 50 people for human trafficking offenses in 2009. Turkey's judicial

system also trained 164 judges and prosecutors on human trafficking offenses and protocols (United States Department of State 2010).

Although prosecutions were strong prevention continued to lack in Turkey in 2010. Turkey still continued to struggle in identifying victims, but did continue to train all military personnel on possible warning signs prior to international development. Turkey also worked to expand its “157” crisis hotline for human trafficking tips, but there is no evidence that the funding was ever received from the government. An international television campaign between Moldova and Turkey had some success (United States Department of State 2010).

Protection of victims was Turkey’s largest obstacle during the reporting period. Although the Turkish government did approve plans for a third anti-trafficking center to be added to their current centers in Istanbul and Ankara, funding for the two current centers was severely lacking and backlogs in bureaucracy has delayed this third shelter. Overall 85 trafficking victims were provided assistance at these two shelters during the reporting period. Most victims denied to cooperate with police for investigations or simply for evidence due to distrust in the law enforcement system. In response to this an agreement was signed that allows shelter staff to interview victims and collect testimonies. A translation services agreement was also signed in the effort to collect more information from victims and further assist them. A total of 102 victims were identified in Turkey in 2009, 75 of which were repatriated to their source country. These are large decreases from previous years. Turkey offers humanitarian visas for up to six months, but none were applied for during the reporting period (US State Department 2010).

In 2013 Turkey remained a Tier 2 country in the United States Department of State's reports. The Government of Turkey restructured its anti-trafficking programs in response to shifting leadership priorities. This restructuring detrimentally affected Turkish efforts to fight trafficking. Victim protection dropped by 50% over 2 years and law enforcement efforts were next to nothing. The Turkish interagency national taskforce on combating human trafficking has not met since 2012 and denied that children are trafficking victims in Turkey as well as denied the existence of forced labor in Turkey (US State Department 2013).

In the reporting period, the Government of Turkey significantly reduced efforts to protect victims. Turkey only identified 15 female victims in 2013, compared to 51 in 2011, only 3 of those 15 received services. The government reported no children as victims of trafficking, mirroring the Turkish interagency national taskforce on combating human trafficking statements. The government provided funding to 3 shelters that provided psychological and medical care, social activities, counseling on humanitarian visa and residency permits, and counseling on their rights to return to their origin country. Foreign and domestic victims are provided the same services, as reported by the Turkish government. Foreign victims can apply for a 6-month humanitarian visa, that could be extended to 3 years, were provided a 30-day reflection period, and could obtain a work permit. However, victim identification lacked because of improper and/or lack of law enforcement training. Often, law enforcement failed to identify victims and deported them with no assistance (US State Department 2013).

The government's anti-trafficking program needs to be completely overhauled, including victim identification, law enforcement efforts, data collection, and interagency

coordination. Victim identification efforts need to be significantly increased, especially for men and children. Increasing incentives for victims to cooperate in prosecution of offenders, including an adequate reflection period. Turkey needs to ratify comprehensive anti-trafficking legislation and use it as a model for national systems, for example the EU Directive 2011/36/EU (US State Department 2013).

These overwhelmingly critical reports of Turkey's compliance are further compounded by examining the control variables. Turkey has faced extreme fluctuations in their level of democracy as measured by the Polity IV scale. However, since the 1990s they have consistently received a score of 7 or higher. Since 2012, Turkey has received a score of 9. As I have identified previously, research indicated that when a state passes the threshold of 7 on the scale human rights offenses decrease (Davenport and Armstrong 2004). Turkey's score of 9 should aid in compliance efforts, as their democratic structure is conducive to a high level of respect for human rights, in this case victim protection of refugees.

However, contrary to their high democracy scores during the time period of analysis, Turkey had a low representation of women in parliament. In 2003, one year after the Framework Decision was passed, Turkey only had 4.4 percent of seats in parliament held by women. Turkey saw an increase to 9.1 percent in 2010 (pre- FD Amendment) and 14.2 percent in 2012 (post- FD Amendment) (Inter-Parliamentary Union 2017). As stated previously the percentage of women in parliament is positively associated with the level of protection of victims (Yoo and Boyle 2015). With lower percentages of women in parliament than the global average of 23 percent, and the

European average of 24 to 25 percent, I would expect Turkey to be less likely to comply with the victim protection aspect of the Framework Decision.

Additionally, Turkey's gross domestic product (GDP) per capita is ranked 56<sup>th</sup> in the world (The World Bank). Turkey's per capita GDP is relatively low for a European country and may signal a lower capacity to implement and comply with the policy in the Framework Decision (see Appendix Graph 5).

Government control of corruption also has an effect on implementation of human rights norms, including victim protection. Ranking on a scale of -2.5 (low control) to 2.5 (high control), Turkey has consistently fallen on the lower end. Turkey scored a -0.3 in 2000 (pre- FD), 0.0 in 2010 (pre- FD Amendment), and -0.1 in 2015 (post- FD Amendment). These scores put Turkey in the 50<sup>th</sup> percentile in the world for control of corruption (The World Bank). I expect that these scores would hinder Turkey from implementing policy effectively in comparison to both Hungary and Germany.

Turkey's political and economic conditions I examined are not desirable for implementation of policy or compliance. However, there are other factors that may push Turkey further towards compliance. Aid from the United States acts as a motivator for compliance as aid is directly linked to the level of compliance within a country to the Trafficking Victim Protection Act (TVPA). Planned aid for Turkey in 2015 was \$3.85 million, this was much higher than the average for Europe and Eurasia and slightly lower than the global average of \$4.41 million (US Foreign Aid). The amount of aid that Turkey receives from the United States should motivate the government to comply at a higher level.

However, Turkey is facing extreme pressure in terms of refugees fleeing across their borders from the conflict in the Middle East. Although there is less reliable data available since the refugee crisis is relatively new and refugees fleeing across the Turkish border is much more difficult to track because of the proximity, there are some overwhelming facts available. Turkey now hosts the highest number of refugees, at 3 million (Amnesty International) (UNHCR). Syria is overwhelmingly the largest source country for refugees in Turkey, with about 2.75 million of these refugees originating from Syria. Turkey also hosts about 400,000 non-Syrian asylum seekers, mainly Iraqis and Afghans (Amnesty International) (UNHCR). With borders getting tighter in Europe, more and more refugees are using Turkey as a passage into continental Europe. In response, the European Union passed a deal with Turkey that states that all refugees caught trying to pass into Europe from Turkey will be returned to Turkey in exchange for higher aid to Turkey, visa-free travel for Turkish nationals, and revival of negotiations for Turkey to accede to the EU. As volatile as this deal is, it will prove to be pivotal in Turkey's compliance with legislation as they look to legitimize themselves for accession into the EU.

## **Discussion and Conclusion**

In my analysis I find support for some hypotheses, while I find little support for others. Specifically, I find moderate support for  $H_1$ . Since  $H_1$  encompasses both Hungary and Turkey I cannot fully support it. In my analysis of Hungary, I find moderate support that new member states of the European Union will comply to the Framework Decision to Combat Trafficking in Persons better than established member states. Hungary's

aggregate scores on the “3P anti-trafficking” index rose from 8 to 13 during the implementation of the FD and the United States Department of State praised Hungary’s efforts in prosecution. However, Hungary still struggled with capacity problems, specifically in terms of GDP/capita and control of corruption, which hindered their levels of compliance, specifically in victim protection. Hungary is facing the highest levels of refugees per capita, which compounded with these capacity problems is greatly hindering compliance. This shows support for H<sub>3</sub>.

I find little support for H<sub>1</sub> when examining Turkey. Although Turkey’s aggregate scores on the “3P anti-trafficking” index did increase from a 5 (pre-FD) to a 10 (post-FD), they dropped again following the amendment, which follows the trend I predicted for more established states in H<sub>4</sub>. Additionally, Turkey was ranked the lowest in my case study by the United States Department of State as a “Tier 2 Watch List” country. I expected that since Turkey is actively trying to join the EU their scores would follow the trend of EU countries more closely, which boast higher scores overall. However, as expected by H<sub>3</sub>, Turkey faces large capacity problems that greatly hinder their performance. Turkey has a low GDP/capita and faces high levels of corruption that contribute to Turkey’s lack of compliance with the Framework Decision. Additionally, Turkey is having to deal with the huge amounts of refugee inflows as they have become a gateway into Europe for many Middle Eastern refugees.

I find evidence to support H<sub>2</sub> in both cases of Hungary and Turkey. Most changes in Hungary’s compliance efforts were seen after they joined the European Union and wanted to bolster their international status. Turkey is actively in communication with the

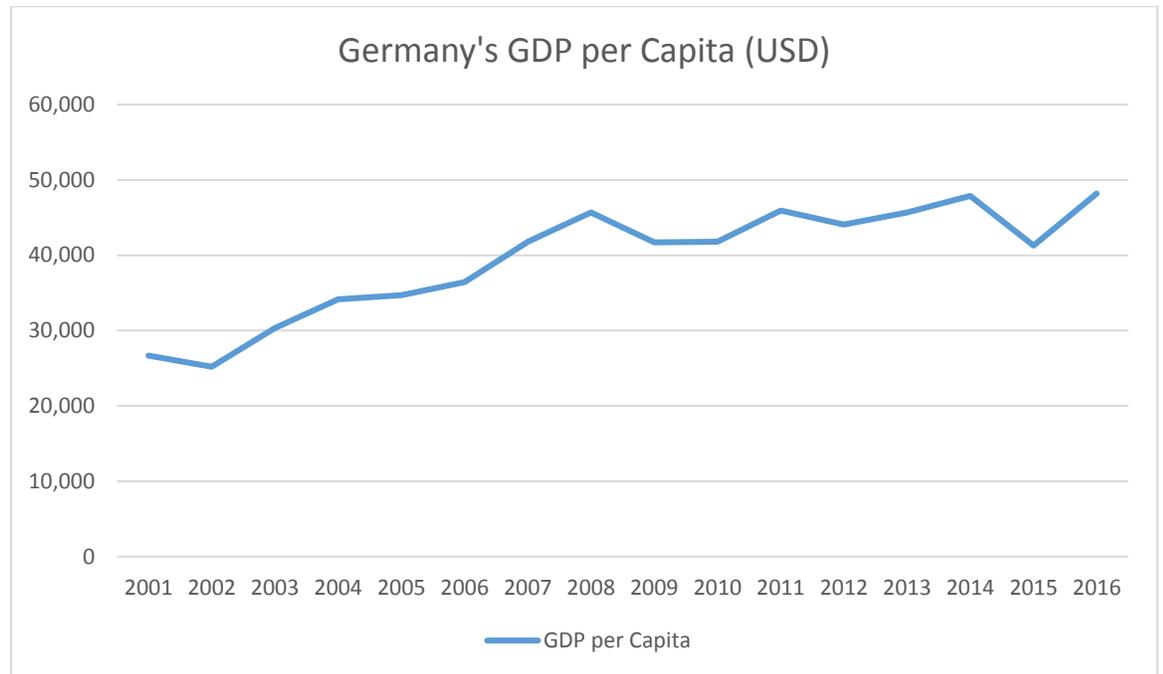
European Union to help increase their compliance efforts and in turn reopen talks to join the EU.

Finally, I find support for H<sub>4</sub>. I expected that long-term members of the European Union would reduce compliance in response to the growing number of refugees because they can bear the sanctions associated with noncompliance and no longer need the incentives offered to comply. Germany is a very powerful founding member of the European Union. In weighing the costs and benefits of compliance to the Framework Decision, Germany may have chosen to bear the costs of noncompliance, such as reductions in US Aid. Germany has a strong GDP; they clearly do not rely on aid from the United States. It likely had the capacity to improve victim protection. Although Germany maintained high levels of compliance according to the U.S. Department of State's blunt measure, I see a decrease in its ranking on victim protection on Cho, Dreher, and Neumayer's (2015) "3P" Anti-Trafficking Policy Index as the increase in the number of refugees placed more and more pressure on Germany. Thus, despite socialization, Germany made a rational decision to reduce its efforts at victim protection and prosecution of offenders as the costs of compliance became too high.

Through these case studies I added to the understanding of state compliance in times of international crisis. This research will help scholars define political environments that foster the best compliance with international human trafficking legislation, enabling more effective efforts to combat this growing international crime.

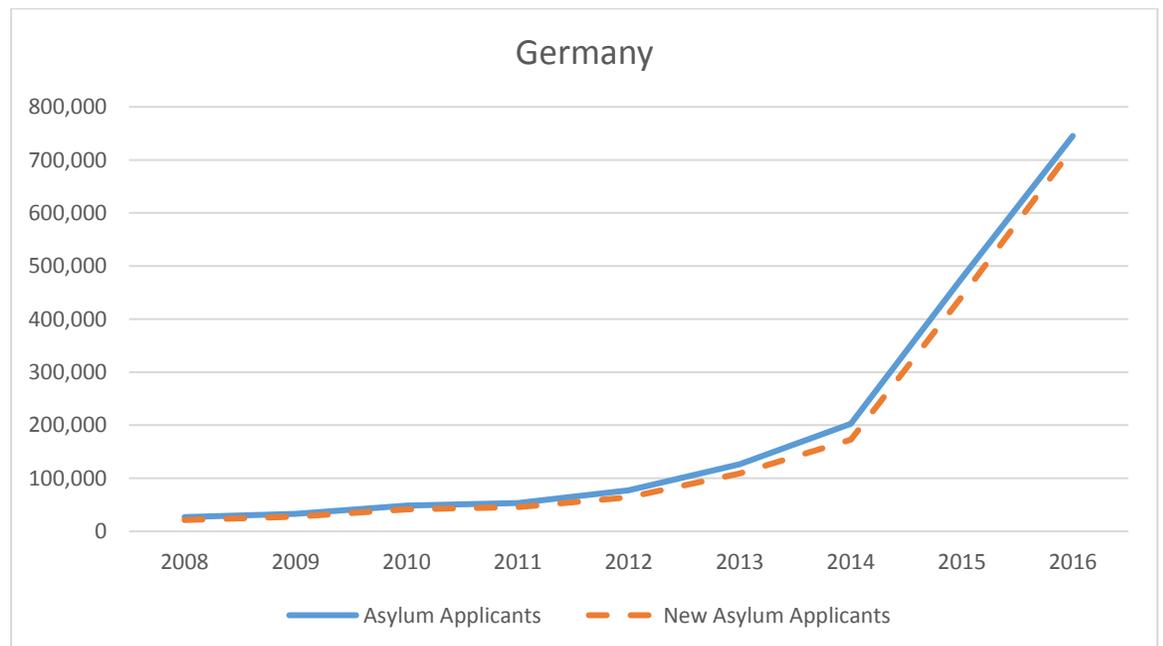
## Appendix

Graph 1



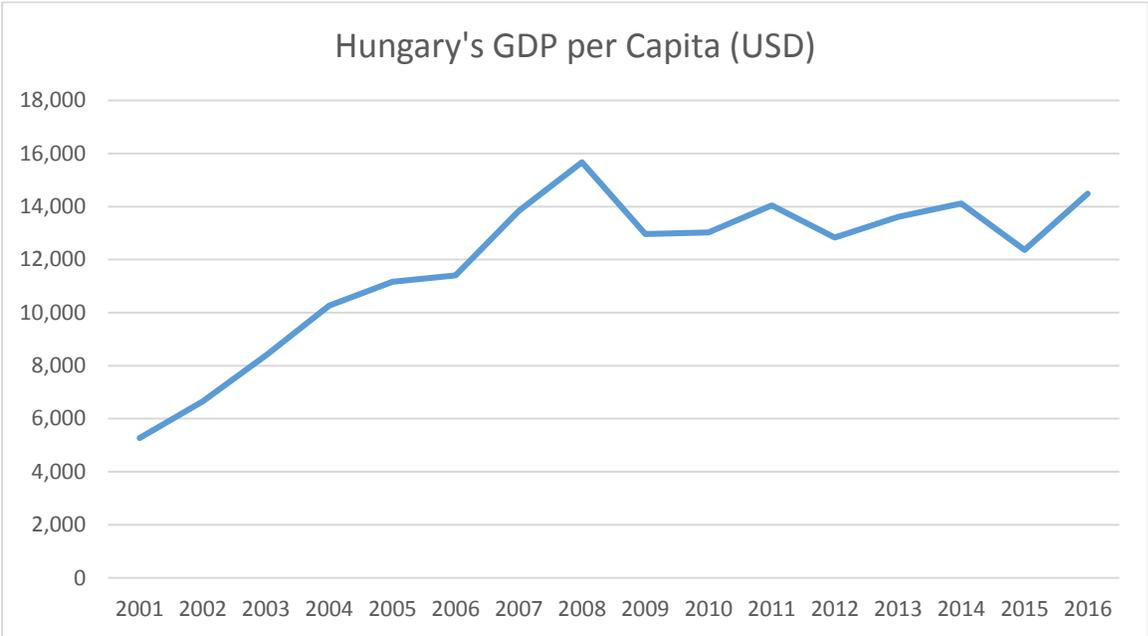
Source: The World Bank

Graph 2



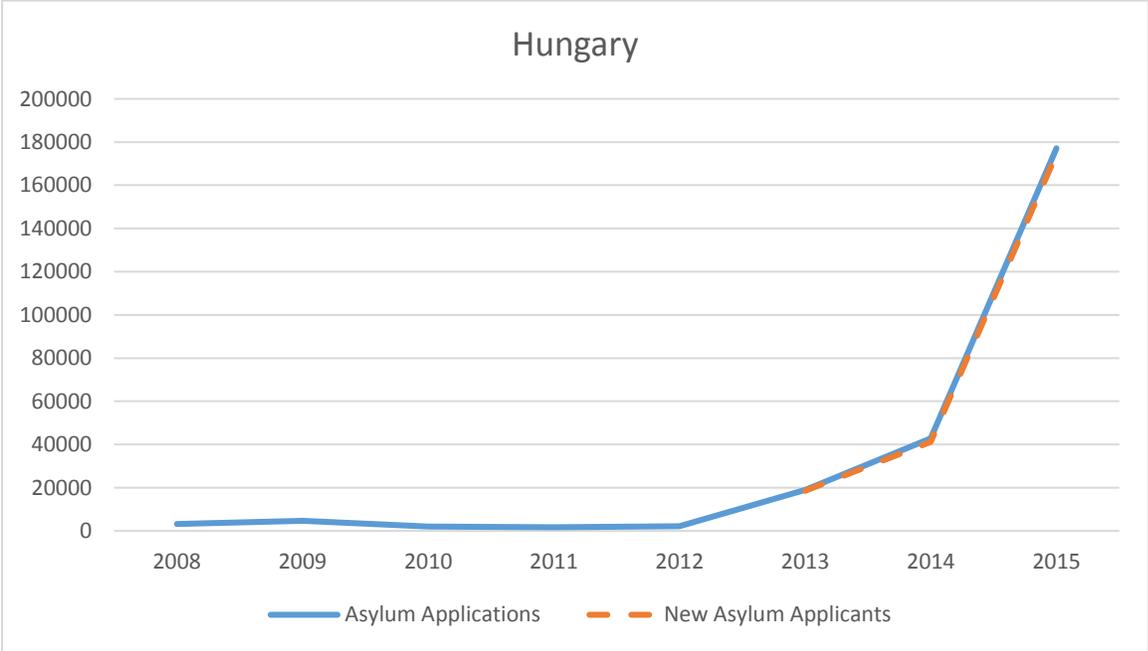
Source: Eurostat

Graph 3



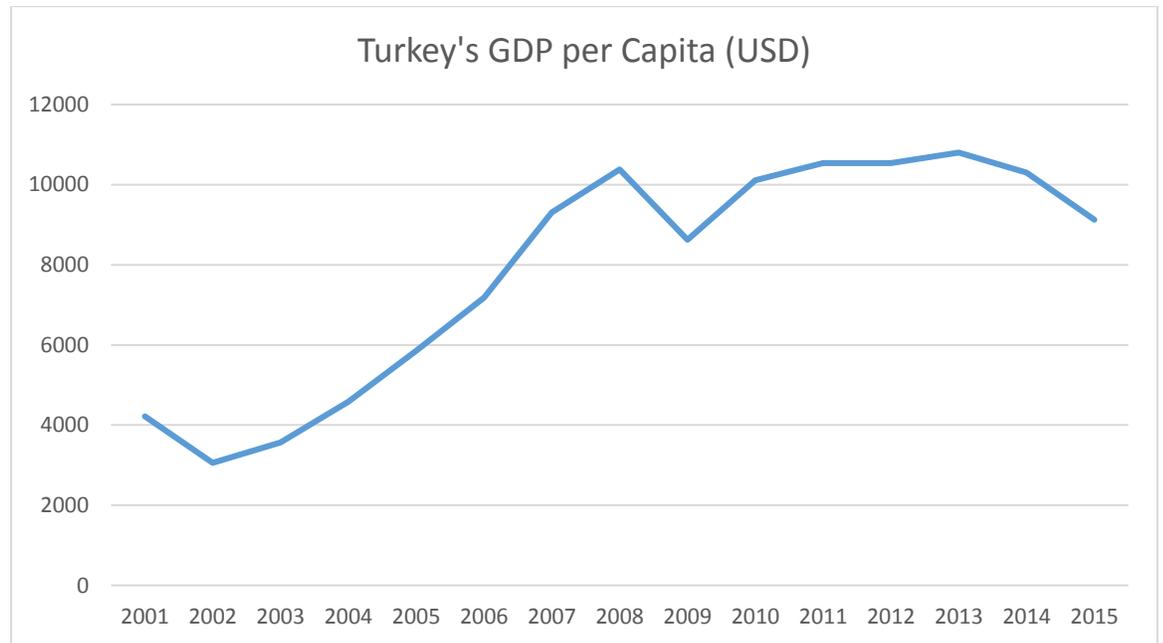
Source: The World Bank

Graph 4



Source: Eurostat

Graph 5



Source: *The World Bank*

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