



## Diffusing Human Trafficking Policy in Eurasia

### SUMMARY

Human Trafficking is characterized as a wicked policy problem that is particularly important in Eurasia, which has seen a dramatic increase in the number of persons trafficked through the region since the collapse of communism.

With links to prostitution and migration, human trafficking is highly politicised with key actors who have their own political agenda, and further complicate the situation and the policy environment (Tyldum and Brunovskis, 2005).

Effective policy solutions to human trafficking are difficult to obtain, as all countries around the world struggle to hold traffickers accountable. Evidenced-based policy making is particularly challenging when data are flawed and only capture a small percentage of the crime.

However, assessments of the laws in this region can reveal holes in the current policy that, if filled, could reduce human trafficking. Thus, understanding the scope and policy implementation of the human trafficking laws in Eurasia is vital so that governments can develop more effective ways to combat this problem and tackle underlying causes of trafficking in the future.

Public policies play a role in not just punishing human traffickers but also in rehabilitating the victims of this crime and preventing it from happening in the first place. This is why a gendered lens is necessary to analyse human trafficking policy approaches with criminalisation and rehabilitation programmes meeting the needs of a wide array of victims.

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## KEY FINDINGS

Human trafficking policy diffused in Eurasia through the adoption and implementation of different human trafficking policies, facilitated by anti-trafficking institutions and networks, due to internal determinants rather than external pressures.

The first policy in the region on human trafficking was adopted in 1998, and within ten years every country in Eurasia had a criminal code article, a diffusion process categorised as a policy outbreak (Boushey, 2010) signifying rapid policy adoption. In total, 135 different human trafficking policies were adopted in Eurasia from 1998–2015 however, there is significant variation regarding the scope of these laws.

In Eurasia, human trafficking policy responses fall into five different categories: criminal codes, national action plans, national laws, decrees, and other miscellaneous policy documents. This typology is important because it suggests that legislated solutions to human trafficking go beyond regulatory policy embodied in criminalisation statutes and include a human-rights based redistributive policy approach with victims' service laws.

Ideal victim stereotypes are perpetuated in the trafficking policies of Eurasia and have produced their own regional type of ideal victim: 'Natashas', categorized as seemingly similar victims of sex trafficking with Slavic features (Hughes, 2000). Expanding the idea of victim beyond 'Natashas' requires governments to take a renewed focus on labour trafficking and to include labour ministries in their anti-trafficking efforts and networks.

In different regime types the commitment of the state and policy entrepreneurs determines policy adoption more than any of the other variables while the capacity of the state and bureaucratic impediments are deterrents to policy adoption. Street-level bureaucrats, bureaucratic impediments, and efficient policing were the most influential in policy implementation.

Once policies were adopted, anti-trafficking institutions formed to implement the policies, including: national coordinators, working groups, police units, shelters for victims, and victim certification processes. When anti-trafficking institutions were entrenched and there were mechanisms to ensure the institutions' survival, not only could they oversee effective implementation but they could also work to develop better and more responsive policy in the future.

The Human Trafficking Policy Index measures the scope and variation of human trafficking policies in Eurasia and ranks them on a 15-point scale. The index assigns one point per year for every variable on the index inscribed in the policy including:

- Definitions of human trafficking (including different types of trafficking for sex, labour, organ and child)
- Hotline
- Trafficking shelter
- Working group/task force/interagency commission
- Victim assistance (legal, medical, job training, monetary compensation)
- Safe return
- Temporary residence permit
- Vacate convictions for victims
- Witness protection
- Training (law enforcement, social workers, judges, at-risk groups)
- Research
- Awareness campaigns
- Cooperation (international, regional, national, local/rayon/territorial level)
- Implementation
- Referral mechanism

The only point on the index with complete compliance enshrined in every countries' policy was the human trafficking definition. Most countries (87%) also outlined awareness campaigns in their policies but very few countries possessed policy language on implementation (20%) and residence permits (27%) revealing policy gaps.

## POLICY RECOMMENDATIONS

- Public policies on human trafficking need to take a holistic approach to combating human trafficking by adopting laws and offering rehabilitation services for all victims of human trafficking. Including different types of victims demands international actors focus on more than just sex trafficking in the signals that they send to states on combating this problem.
- Human Trafficking policies should go beyond basic criminalization statutes and have an inclusive approach to solving this crime. Existing national programmes are resilient to changes in trafficking dynamics but have sunset clauses which can expire. Though national laws adopted through the legislature are a more enduring policy approach, they are a lesser-used response to the problem of trafficking in this region.
- Policy making is more nuanced than blind compliance with international treaties which need to be accounted for in future policy advocacy. There is no black box of policy making because even in different regimes types, policy making does not occur in a vacuum and regimes are subject to pressure from beyond the state.
- International efforts focus on the influence of the Palermo Protocol, United States Trafficking in Persons report, and Council of Europe but internal determinants from the bottom up were more important overall to policy adoption and implementation. Therefore, future initiatives should focus on developing internal determinants and anti-trafficking institutions to advocate and implement more effective policy.
- Human trafficking institutions such as police and social services need to be open and trained to provide services to different types of victims including forced labour and provide shelters to house men and children as well as women.
- An effective working group composed of civil society and government officials, which meets regularly, is the most effective anti-trafficking institution a country can possess. However, police units were the only institution that was effectively implemented, demonstrating the institutional emphasis on criminalisation efforts.
- Interest groups and policy entrepreneurs work within the constraints of national policy making to adopt human trafficking policies even in non-democratic regimes. Authoritarian governments, despite their rejection of some international norms, have demonstrated a commitment to minimal human trafficking policy adoption. However, these regimes often use human trafficking, masked in the language of international human rights norms, to increase their power and control their citizens.
- The anti-trafficking networks revealed a stark divide between the criminalisation aspects of the policy with law enforcement and the social service aspects. The connections between the social services side of the network were weak compared to the policing and criminalisation side, making capturing traffickers and finding victims more difficult. The networks, centred in the governmental nodes while interest groups are on the periphery, exacerbated the lack of cooperation creating kinks in the network which must be remedied for successful human trafficking policy implementation.
- The gender order in Eurasia produces a gendered division of labour where governments prioritise criminalization of human trafficking over a victim-centred approach, a disparity which needs to be remedied. These inequalities are found not only in policy adoption and implementation but also in the anti-trafficking institutions and networks designed to implement the policies often perpetuating these gendered disparities.

## ABOUT THE BOOK

Offering a perceptive study of the urgent human rights issue of trafficking in persons, this important book analyses the development and effectiveness of public policies across Eurasia.

Drawing on multi-method research in the region, Laura A. Dean explores the factors behind anti-trafficking strategies and the role of governments and activists in combating labour and sexual exploitation. She examines the intersection of global strategies and state-by-state approaches, and uses the diffusion of innovation framework to cast new light on the impetus and implementation of different policy typologies.

Identifying the strengths, weaknesses, and best practices in human trafficking policies around Eurasia, Dean's book will appeal to a wide range of students, scholars, practitioners, and policy makers.

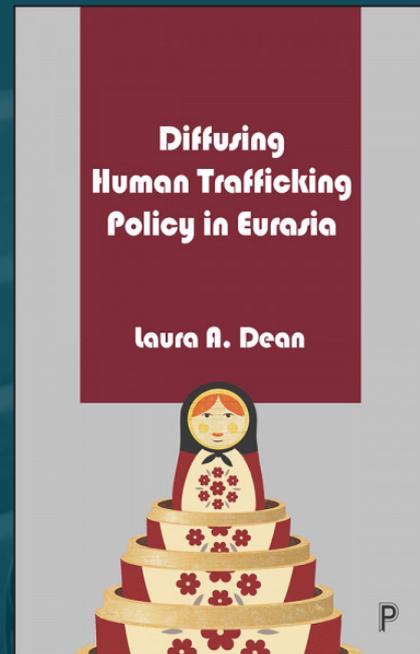
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