

**UNIVERZITA KARLOVA**  
**FAKULTA SOCIÁLNÍCH VĚD**  
Institut politologických studií

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**Mezinárodní režimy proti obchodování s lidmi:**  
Evropská zkušenost



*Diplomová práce*

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## **Abstrakt**

Tento výzkum zkoumá kauzální faktory, které ovlivňují způsob stanovení politických cílů a nástrojů mezinárodních organizací v oblasti obchodu s lidmi. Sledováním vývoje politik proti obchodování s lidmi v Radě Evropy a Organizaci pro bezpečnost a spolupráci v Evropě, ukazuje práce dopad specifických faktorů na změny fungování mezinárodních organizací. Tímto způsobem odhaluje model predikující vliv faktorů, které udávají směr politiky mezinárodních organizací.

Práce zkoumá a testuje teoretické předpoklady tří teorií o mezinárodních institucích: realismu, historického institucionalismu a neoliberálního institucionalismu. Předpoklady příslušných teorií, nabízející kontrastní pohledy na fungování mezinárodních organizací, jsou klíčové pro formulaci odpovídajících nezávislých proměnných. Jelikož závislá proměnná je charakterizována jako měnící se design institucí, podrobná analýza vývoje politik daných institucí v rámci jednoho desetiletí rozkrývá kauzální vztahy mezi závislou a nezávislými proměnnými. S pomocí analýzy případové studie odhaluje práce viditelné vzorce, které ukazují, do jaké míry jsou jednotlivé nezávislé proměnné odpovědné za pozorované změny. Studie tak zároveň demonstruje, který z teoretických předpokladů je nejbližší pochopení vlivu mezinárodních organizací na tvorbu politik v oblasti obchodu s lidmi.

## **Klíčová slova**

Případová studie, Historický institucionalismus, Neoliberální institucionalismus, Obchod s lidmi, Organizace pro bezpečnost a spolupráci v Evropě, Rada Evropy, Realismus.

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## **Abstract**

The target of this research is to reveal causal factors that influence the way policy goals and instruments of international organizations in the domain of human trafficking are designed. By tracking evolutions of anti-trafficking policies undergone by the Council of Europe and the Organization for Security and Cooperation in Europe, the thesis demonstrates impact of specific factors on changes in the functioning of international organizations.

To unravel mechanism explaining the internal workings of a policy formation within an IO, the thesis considers and tests theoretical assumptions of three rivalling theories on institutions; the realism, historical institutionalism and neoliberal institutionalism. Premises of respective theories, which offer contrasting perspectives on the functioning of international organizations, will help to formulate corresponding independent variables. The dependant variable being the changing design of institutions, the detailed cross-case analysis spanning a period of one decade uncovers causal relations between independent dependent variables. Thus, by means of time series data collection, patterns revealing which of independent variables can be designed as responsible for observed changes becomes visible. In this way, the study is able to answer to what extent assumptions of given theories can serve to accurately explain the influence of IOs on the policy making in the area of human trafficking. Consequently, the contribution of this study should lead to an improved understanding of the relative importance that specific factors have on IO's designation of policies.

## **Keywords**

Comparative Case Study, Council of Europe, Historical Institutionalism, Human trafficking, International organized crime, International organizations, Neoliberal Institutionalism, OSCE, Realism

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## Čestné prohlášení

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Podpis

**Barbora Prixová**

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## **List of Abbreviations**

<b>CINC</b>	Composite Index of National Capability
<b>COE</b>	Council of Europe
<b>DV</b>	Dependent variable
<b>ECHR</b>	European Convention on Human Rights
<b>ECTHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings
<b>HI</b>	Historical Institutionalism
<b>HR</b>	Human Rights
<b>IGO</b>	Inter-governmental organizations
<b>IO</b>	International Organizations
<b>IV</b>	Independent variable
<b>MS</b>	Member State
<b>NGO</b>	Non-governmental organizations
<b>NLI</b>	Neoliberal Institutionalism
<b>NRM</b>	National Referral Mechanism
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>OSR/CTHB</b>	Office of Special Representative and Co-ordinator for Combating
<b>PA</b>	Parliamentary Assembly
<b>THB</b>	Trafficking in human beings
<b>UNODC</b>	United Nations Office on Drugs and Crime

## Introduction

Although in Europe the issue of slavery tends to be considered as a marginal problem, the reality of trafficking in human beings (THB) is far from being resolved. With the statistical estimation of 40.3 million people being currently exploited in the conditions of modern slavery (ILO, 2017: p. 21), the lack of studies dedicated to one of the gravest human right abuses is not only perplexing, but detrimental to the formation of an effective policy response. The need of dedicating greater attention to this troubling issue is especially pronounced in the times of an ongoing migration crisis, which is witnessing a concerning rise in the number of trafficked persons on the European continent (European Commission, 2017: p. 2; OSCE, 2017: p. 15). This introduction is divided into three sections. It starts by explaining reasons for selecting the human trafficking as a central object of the study and explains its relevancy for the discipline of international relations. Subsequently, it initiates the readers into theoretical framing of the work, as well as the chosen methodology. The third part represents the outline of the work's division. It introduces respective chapters and explains their principal objectives.

In Europe, last two decades have been marked by a formation of multiple initiatives targeted to combat the malpractice of trafficking in human beings. The governance of human trafficking has developed into a transnational regime complex, in which public and private actors share responsibilities over various global governance tasks including information sharing, standard setting, monitoring and evaluation (Gómez-Mera, 2017, p. 8). Although collective effort of all these actors is undeniably important, the focus of this work will be concentrated on the role of international organizations (IOs). The reason for this is not only limited length of this study, but also the fact that the character of IO makes them the suitable mediator, which has the potential of establishing an international regime that could effectively fight this problem. The understanding of how IOs form their policy objectives and what instruments they employ to achieve them is the first step for comprehending how their activity affects changes in the regime that combats the human trafficking. Therefore, the key interest of this work will be to find out how are international organization's activities in the area of human trafficking determined.

The target of this research is to reveal causal factors that influence the way policy goals and instruments of international organizations in the domain of human trafficking develop. The research question asks *what explains changes in the functioning of Council of*

*Europe and Organization for Security and Cooperation in Europe in the area of combating the human traffic?* Simultaneously, it *examines differences in the design of anti-trafficking policies between both international organizations*. By tracking evolutions of anti-trafficking policies undergone by the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), the thesis demonstrates impact of specific factors on changes in the functioning of international organizations. To unravel mechanism explaining the internal workings of a policy formation within an IO, the thesis considers and tests theoretical assumptions of three rivalling theories on institutions; the realism, historical institutionalism and neoliberal institutionalism. Premises of respective theories, which offer contrasting perspectives on the functioning of international organizations, will help to formulate corresponding independent variables. The dependant variable being the changing design of institutions, the detailed cross-case analysis spanning a period of one decade uncovers causal relations between independent and dependent variables. Thus, patterns revealing independent variables, which are responsible for observed changes, become visible. In this way, the study will demonstrate to what extent assumptions of given theories can serve to accurately explain the influence of IOs on the policy making in the trafficking of human beings. Consequently, this research will lead to an improved understanding of the relative importance that specific factors have on IO's designation of policies.

The structure of the thesis is as follows. The purpose of the Chapter I is to initiate the reader into the heart of the human trafficking problematic. After a brief familiarization of basic definition, forms and categories, the following section presents a classification of dominant views on causes of the human trafficking. Subsequently, the evolutions of anti-trafficking combat in Europe are described. The chapter follows up by presenting the significance of the COE and the OSCE in the European combat against the human trafficking. To effectively illustrate their respective roles, the work delineates organizations' histories and describes their internal design and building principles. The detailed comparative study brings out similarities and differences in the formation of organizations' policy objectives, as well as instruments that they adopt to combat the human trafficking. This enables an observation of their respective influences on the formation of norms concerning the human trafficking on a European continent.

Empirical analysis of the design of both organizations, as well as the operationalization of the dependent variable forms the content of the Chapter II. Here, the key to how changes in IO's policy design are measured is presented. Chapter starts by a detailed description of indicators, capturing necessary activities for an effective anti-trafficking

combat. These criteria are then grouped into five principal policy domains. Such categorization helps in the processing of data in a study covering ten years. To navigate and process such large quantity of information gathered from annual reports of selected international organizations, the thesis employs a data mining portal RapidMiner, whose functioning, consequently, forms a part of this chapter. The section finishes by evaluation of data series and its implications for both the Council of Europe and the OSCE.

Chapter III contains the delineation of the theoretical framework of the research. To show hypothetical explanations of influence that IOs had on the formation of international norms and conduct of states in the domain of human trafficking, this part reviews three contemporary theories of institutions. Consequently, three academic views are presented and evaluated to engage in the debate between their varying perspectives. Based on premises of realism, neoliberal institutionalism and historical institutionalism, working hypotheses as well as related independent variables are formulated.

Application of theories and causal analysis are contents of the Chapter IV. Here, the method used to carry out my research, the process of data collection, data analysis, development and testing of my theory is presented. Also, limitations and technical issues relating to this method are discussed. The empirical testing is divided into three principal sections, each corresponding to one of three theoretical approaches.

The Chapter V is the conclusive part of this thesis, summarizing the research and presenting results and implications of the undertaken study.

## Chapter I: Human trafficking and IOs

### 1.1 Human Trafficking

The trafficking in human beings refers to the criminal practice, whereby human beings are treated as commodities to be controlled and exploited for commercial purposes. It is an abusive practice that violates individual's fundamental rights and dignity, whose worth are, thereby, reduced to their economic utility. The human trafficking is a problem that may affect people of all genders, nationalities and age. The lack of international consensus over the universal definition of human trafficking causes that the human trafficking issue remains hard to detect and yet harder to resolve.

The human trafficking is a global phenomenon that usually takes place in risky sectors, characterised by frail labour rights and feeble protective measures. Consequently, we often hear of human trafficking in relation to sex industry, building and agricultural sectors, or in private households. Victims of trafficking are most often people in vulnerable positions exploited for their labour in conditions subjecting them to a series of rights violations. Infringements vary from case to case and may range from restriction of movement, confiscation of pay, threats, psychological abuse, humiliation and violence to systemic abuse. In the European context, the concept of vulnerability has been formulated according to the Directive on preventing and combating trafficking in human beings as a situation, in which the person concerned has no real or acceptable alternative but to submit to the abuse involved (EU, 2011 - Directive 2011/36: p. 6). In the Explanatory Report, the Council of Europe points out that such vulnerability may be of any kind, whether physical, psychological, economic, social or family-related. The situation might include insecurity or illegality of the victim's administrative status, pecuniary dependence or fragile health. In brief, the exploitation can be any state of hardship in which a person is constrained to accept being exploited (COE, 2005 – CETS 197a: p. 83).

The forms in which trafficked persons are exploited varies from sexual slavery to removal of organs, forced marriage, forced labour, forced begging or forced criminal activity. According to the Palermo Protocol, the crime of human trafficking '*shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs*' (Palermo Protocol, 2003: p. 42). In the European context the enumeration of purposes behind trafficking is more varied, specifying in addition purpose of forced

criminality, such as drug trafficking, pickpocketing, shoplifting, and other similar activities, which are subject to legal sanctions and imply financial gain (EU, 2011 - Directive 2011/36/EU: p. 6). Although a victim of trafficking might be aware of being involved in an exploitative situation, it is not an indispensable condition. On the contrary, the EU Directive specifies that the consent of a victim of trafficking to the exploitation shall be irrelevant (EU Directive 2011/36, p. 6). Furthermore, the Article 8 of the EU Directive 2011/36 commends not to prosecute or impose penalties on victims, despite their involvement in criminal activities which they have been compelled to commit as a direct consequence of the exploitation (EU Directive 2011/36, p. 7).

Although human trafficking takes often transnational form, it would be misleading to claim that trafficking always involves the crossing of borders (Buckland, 2009: p.147). In fact, the human trafficking may take place within a country or may happen only after a victim has voluntarily entered a foreign country, be it as a tourist, a spouse, a student, a worker, an asylum seeker or an illegal migrant (IOM, 2017: p. 152). The confusion comes from the difficulty in differentiating between two distinct concepts; the human smuggling and the human trafficking. Although both phenomena share similar patterns, there exist a clear legal distinction. While migrant smuggling is a criminal offence that interferes with national and international border-related laws, the human trafficking is a crime against the person because it violates their fundamental human rights (Buckland, 2009: p.147). Even if both offences entail the transportation of humans, the smuggling requires illegal crossing of national borders while the human trafficking might occur within the same national territory. Further distinction concerns the concept of consent. In the case of smuggling, the migrants' consent to be transported might be a reason for the person's return to the country of origin, as a form of sanction for his participation in an irregular border crossing. On the contrary, a human trafficking victim might have consented to their transportation to a new destination; however, this initial consent becomes legally irrelevant as the trafficker starts using threats, coercion, deception or fraud in order to exploit them (Eurostat, 2013: p. 21).

While the human trafficking is widely recognised as a serious human rights violation, support for trafficked persons remains lacking. In fact, merely a small fraction of trafficked persons is ever identified, and an even smaller percentage is willing to press charges (Europol, 2011). The reason lies chiefly in the inadequate legal protection, which results from an imprecise and highly contested understanding of what the trafficking in human beings is (Salt and Hogarth, 2000: p. 32). The different ways of framing and talking about the nature, causes and consequences of the human trafficking are, logically, directly tied to political responses



towards the problem. In order to understand factors influencing anti-trafficking policies, it is necessary to reflect on existing perspectives of human trafficking. Therefore, the following sub-chapter is dedicated to the classification of dominant views of the human trafficking causes.

### *1.1.1 Causes of Human Trafficking*

This section will identify four approaches, each with its unique view that makes sense of the human trafficking:

- A. The migration problem
- B. The side effect of globalisation
- C. The result of transnational organised crime
- D. The human rights challenge

#### *1.1.1.1 Migration Problem*

Trafficking in human beings is a complex phenomenon that takes on various forms and occurs in diverse geopolitical, demographic, cultural and socio-economic conditions. Causes and factors that affect it, therefore, differ in time, space and forms. However, as noted by the United Nations Office on Drugs and Crime (UNODC, 2008: p. 423), there are many common elements, which appear valid for a wide range of cases. For example, a recurrent pattern in human trafficking is the exploitation of a man's desire to migrate in order to improve his living conditions. It is a well-established fact that throughout history migration was repeatedly adopted as a path to new opportunities, or a mean of escaping poverty, conflict and environmental degradation. The desire or need of people to migrate to places with higher standard of living and safer environment is so strong that if they cannot reach this goal in a legal way, they are likely to adopt illegal alternatives, making them more vulnerable to fall a prey to human traffickers. Accordingly, one of approaches towards human trafficking can be its conceptualization as a migration problem.

Indeed, political scientists have pointed to the growth in irregular and forced migratory movements in various regions, which have been prompted by economic crises, lack of sustainable livelihoods, political conflict, civil wars, ethnic persecutions, wider processes of global social transformation, social and gender inequalities, and hierarchies around notions of racial, religious and national difference (Lee, 2012: p. 30). In consequence, for many living on the margins of global economy and kept out of legal options to migrate, border crossing through irregular means has become their last chance of escape. (Lee, 2012: p. 31) On this account Bauman affirms that what while for a privileged group of society the world may seem

as increasingly cosmopolitan and borderless, there is the other part which remains locally tied (Bauman, 1998: p. 85).

The significance of globalization for international migration is given by an interconnectedness of both phenomena. The evolution of transport and communication technologies opened global cross-border transfers and networks, which encourage an increase in the number of international migratory flows. Moreover, the global economy accounts for imbalances causing people to migrate, as neoliberal globalization, far from leading to a convergence in economic development and levelling standards of life throughout the world, has resulted in a dramatic concentration of economic resources in fewer hands and in widening disparities between high-income and low-income regions and countries (Patuzzi, 2011). Paradoxically, international migration may also be an important factor in the erosion of traditional boundaries between cultures, ethnic groups, and nation-states (UNESCO, 2016). Thus, depending on the character of the migration and actions taken by the government, migration has the potential to further develop and improve economic and social conditions, or alternatively perpetuate stagnation and inequality (Castles, 2002: p. 273). Following this interpretation, contemporary migration has the power to produce a form of globalization from below through which the economically disadvantaged can partly compensate the inequalities and lack of opportunities imposed on them by neoliberal global capitalism (Portes, 2009: p. 10). This reasoning stems from the antagonistic contradiction between the national principle on which the sovereignty of states is founded and the transnational principle of global mobility. Transnationalism, crucial to the neoliberal capitalistic economy, is not manifested solely in the form of flows of capital and commodities, but inevitably spills over into the flows of people. In consequence, it may be said that states' control of cross-border movement is eroded by an increasing power of liberalised world markets.

Analysis of modern history reveals that the state became the legitimate authority over the policies of migration since the 17<sup>th</sup> century as a consequence of the Westphalian system, characterized by principles of non-interference (Weber, 2004). However, in the context of globalized multilateral world-order and weakening state sovereignty, the indisputable authority of the state over migration issue is nowadays gradually becoming obsolete (Müller, 2014: p. 19-20). The old system centred on political-territorial borders around ethno-cultural communities is not sustainable. The leading challenge of Europe with regards to migration is its composition of individual nation-states, all following their distinct cultural and political identity. Although the utilization of ethnic homogeneity, defined in terms of common language, culture, traditions and history have been indispensable during processes of

European states' nation-building, continuous divisions obstruct the progress of European integration (de Haas et al, 2004: p. 22). As migration flows generate ethnic diversity leading to an emergence of multicultural societies, the traditional concept of the nation-state is deteriorating.

At the same time, the development of transnational communities poses further challenges to European community of nation-states, reluctant to accept that the Westphalian concept of the state is becoming increasingly difficult to sustain (de Haas et al, 2004: p. 21). According to Chamberlayne, the Europe continues to pivot uneasily on the central contradiction between economic and political goals. This leads to hesitation between adjustment to the economic imperatives of capitalism and global competition and the task of generating a new European identity based on a sufficiently potent and integrative notion of citizenship (Chamberlayne, 1997: p. 16). The difficulty in achieving effective control, thus, lies in powerful forces of economic and cultural interchange in a globalised world. In an increasingly international economy, it is difficult to open borders for movements of information, commodities and capital and yet close them to people (Castles, 2002: p. 279). While most states welcome tourists, students and favour international labour markets for highly skilled personnel, they endeavour to limit flows of manual workers, family members, asylum-seekers and refugees.

Seen in this light, the trafficking can be understood as an unintended consequence of restrictive migration and asylum policies. This attitude is problematic, causing irregular migrants to be primarily seen as violators of immigration laws and regulations. Subsequently, policies aimed on curbing illegal entry and employment of migrants, may be seen as a way of simultaneously dealing with the issue of the human trafficking. The entanglement of immigration and trafficking is most apparent in stepping up of border controls, interception measures, stricter document verification, carrier sanctions, readmission and repatriation agreements, migrant detention, and other exclusionary measures (Pearson, 2002: p. 57). Such precautions are, however, mostly counterproductive, as keeping people out by the walls built of immigration controls, residence laws and zero tolerance policies lead to their entry through illicit means as the only viable option (Bauman 1998, 88–9). The continuing tendency to view trafficking as an immigration crime is troubling, for not only does this increase the risk that victims will be treated only as those whose immigration status needs to be determined, but it also poses the threat that persons, whose immigration status is not in doubt, will be ignored altogether (House of Commons, 2009: paragraph 86).

### 1.1.1.2 Side Effect of Globalisation

According to this perspective the human trafficking can be seen as being caused by the globalisation. Side effects of the interconnectedness in an increasingly globalized world are problematic for several reasons. Firstly, the globalisation and the associated deregulation of capital, trade and business under neoliberalism have produced systemic strains and asymmetries in the global economy. The gap between the rich and poor dangerously augments, leading to the emergence of a world characterised by increased levels of social divisions, inequalities, conflict and collective violence. By heightening awareness of economic and power asymmetries, globalization further fuelled the human trafficking. The effusion of neoliberal economic model has brought about a series of failures, including larger economic asymmetries, unemployment, ecosystem deterioration, and slower or unsustainable growth patterns (Castells, 1992). Causing relative deprivation, it is no wonder that people are choosing to escape from countries characteristic for discriminatory social norms, civil wars, conflicts, corruption and other institutional challenges. Deprived of legal options and made especially vulnerable due to structural factors of world economy, people fleeing such countries easily fall victims to the human trafficking commerce.

In general, migration, as well as its dark side in the form of the human trafficking, can be explained as a result of push-and-pull factors that are related to the laws of the market system - the supply and demand. Push-and-pull factors are forces that can either oblige people to leave their home country or induce them to move to a new location. They are formed by a mixture of economic, political, cultural, and socially based motives. The basic push factor leading people to abandon their countries of origin is the unwillingness to continue living in conditions of under-development, political instability, armed conflicts or personal persecution. Poverty, insufficient education, lack of work, scarcity of resources and opportunities (Scarpa 2008: p. 13), existence of internal conflicts leading to civil unrest, widespread violence, unstable and despotic political regimes and serious violations of human rights (Aronowitz 2009: p. 12) are important elements motivating people to leave their natal land. In contrast, pull factors represent motives that induce people to transfer into new locations. Those are represented by the demand of cheap goods and services, low unemployment, attractive living conditions, good security situation in the country and a democratic regime.

According to this approach, the human trafficking may be seen as driven on one side by push factors, motivating people to escape poverty, violence or persecution and pull factors,

representing the demand of these services in the destination countries. The lack of legal alternatives to reach the dreamed destination may then force migrants to seek the assistance of traffickers and, consequently, fall victims to the human trafficking. Simultaneously, the increasing demand of consumers for cheap goods incentivizes corporations to demand cheap labour, forcing thereby those at the bottom of the supply chain to exploit workers. Those are the systemic inequalities and disparities that make people living in disadvantaged conditions much more vulnerable to the exploitation.

Consequently, according to this approach the migration process should be re-evaluated to balance unsafe clandestine arrivals by simplified legal opportunities allowing people to access the destination country via legitimate, safe and regulated procedure. Moreover, in countries of origin the focus should be centred on managing poverty and unequal gender relations that push people to leave their natal land under dangerous and illegal means. On the other hand, in the destination countries, the anti-trafficking policies should aim at preventing the demand for cheap labour.

#### 1.1.1.3 Result of Transnational Organised Crime

According to this discourse, the human trafficking can be understood as a manifestation of the globalisation of crime. Social, economic and technological conditions of globalisation, such as intensified interconnectedness, opening of global cross-border networks, or rising flows of people and ideas, have arguably created new and favourable contexts for crime (Findlay, 1999: p.129). Evolution of transport and communication technologies have led to increasing operational capabilities of organised criminal groups, allowing them to develop a hardly decipherable web of nodes and illicit relations for their activities. By transforming and opening themselves towards opportunities presented by globalisation, organised criminal networks have become able to generate illicit flows of people, money and goods more effectively.

Due to mercenary nature of criminal groups' proceedings, the counter-trafficking policies are often designed on basis of economic model assumptions. The motives of a criminal group's behaviour are seen as corresponding to that of a rational actor. Human traffickers are understood to consider costs and benefits of their activities. Therefore, under conditions in which costs outweigh the benefits, traffickers are motivated to leave the market and reorient their 'business'.

Costs of human traffickers are categorized followingly: (Wheaton, Schauer and Galli 2010: p. 124).

*1. Operating costs*

- Costs of transporting the victim, obtaining false documents, corrupting officers

*2. Physical costs*

- Risk of life and health risks associated with criminal activities

*3. Criminal costs*

- Risks of being trapped and severity of punishment

Under this assumption, the goal of policy makers is to increase the cost of the activity and reduce profits for offenders. Through targeted policies, criminal costs of human traffickers can be influenced. Harmonization of legal framework, international cooperation between law enforcement authorities and increasing penalties for perpetrators can hinder the human trafficking commerce (Naim 2005: p. 106).

#### 1.1.1.4 Human Rights Challenge

Another view of the human trafficking issue can be its conceptualisation within a human rights framework. In Europe, the COE's Convention on Action against Trafficking in Human Beings, state that the human trafficking constitutes first and foremost a violation of human rights and an offence to the dignity and the integrity of the human being (COE, 2005 - CETS 197a: p. 1). According to this approach, violations of human rights are simultaneously a cause and a consequence of trafficking. Therefore, it is considered as essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking.

Notwithstanding, currently majority of victims of human trafficking continue to be treated as illegal migrants. The detention and subsequent deportation undermine their motivation to cooperate with state authorities, which is counterproductive for any anti-trafficking intervention. Moreover, for people who have recently undergone serious physical and psychological pressure, such treatment increases chances of re-victimization. The commonly adopted enforcement led approach, whose priority is to stop criminal networks, leads to a situation in which interests of victims become of secondary concern (Scarpa, 2008: p. 169). Consequently, for those who view human trafficking as a chiefly human rights issue, there emerges a need to rethink adverse consequences of an enforcement led approach employed in counter-trafficking policies.

Accordingly, a victim-oriented approach should become central for legislation, political decisions and police investigations. Emphasis should be put on the recovery and protection of victims, particularly during the investigation and the judicial process. Victims of human trafficking should be provided with health and psychological care and appropriate legal services. Furthermore, there should be provisions allowing former victims of trafficking to benefit from special visas or asylum procedures. These measures are seen not only as essential from the human rights perspective, but simultaneously as imperative for successful prosecution of offenders. As asserted by Aronowitz, Theuermann and Tyurykanova, cooperation with victims of trafficking is vital for enabling authorities to sanction criminals (Aronowitz et al 2010: p. 68).

#### 1.1.1.5 Synthesis

To conclude, this section has reviewed four dominant perspectives of causes of the human trafficking. Presented approaches may coexist, overlap, change over time or contradict each other. Understanding alternative ways of framing causes and consequences of human trafficking help us understand, in what way respective assumptions shaped the contemporary responses to trafficking. As interventions are inseparable from conceptualisations of the problem, the trafficking is approached differently depending on whether it is considered as a problem of illegal migration, human rights, or organised crime. Different policies are developed, and trafficked persons are dealt with differently, depending on whether they are considered as irregular migrants, victims of criminals or persons, whose human rights have been abused.

Because of its complexity and character, the trafficking in human beings remains a complex problem, whose solution requires a holistic approach by policy makers. Such issue cannot be resolved by means of partial measures. In such a case, the problem would only transform or adapt, rather than improve. Four perspectives regarding causes of human trafficking represent competing understandings of the nature and causes of the trafficking problem and offer various responses on what is to be done. Recognising all factors that present underlying causes of trafficking is a first step to their successful resolution. This sub-chapter thus served for introducing a theoretical concept of effective anti-trafficking policies. Graphically depicted in TABLE 2.1, the model capture categories necessary for an effective counter-trafficking combat. This review of human trafficking causes will form a theoretical basis for measuring the dependant variable in the Chapter II.

## 1.2 European anti-Trafficking Regime

The foundation of the European fight against the trafficking in human beings is firmly entrenched in the tradition of the Palermo Protocol, the first universal framework for the implementation of international police and judicial cooperation intended to improve the prevention and repression of the organized crime. Signed in 2003, the amending ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children’ to the original treaty, has been the first to establish an internationally agreed definition of the term ‘trafficking in persons’ and to bring attention to the inhuman, degrading and dangerous exploitation to which the victims of this crime are exposed (Palermo Protocol, 2003: p. 1). Although mentioning hardships of trafficked persons, initial endeavours of the treaty have been characterised by leaning towards coercive measures rather than towards the protection of victim’s rights (Follmar-Otto and Rabe, 2009: p. 34-35). The treaty intended to prevent and combat this crime by fostering an international cooperation in the area of prosecution, crime reduction and criminal justice. Thus, the Palermo Protocol has been elaborated to standardize the terminology, legislation and enforcement practices among different countries in the anti-trafficking combat. Subsequently, we may observe a continuing predominance of a security-based rationale in policy choices and legal instruments determining the actual state of Europe's response to the practice of the trafficking in human beings. Subsequently, the framing of human trafficking policies within the security approach can be understood as a heritage of the founding anti-trafficking measures, which were conceived in order to prevent and combat this malpractice, rather than as an attempt to protect the victims.

At the European level, the development of a counter-trafficking initiative launched by the United Nations has been followed by a series of European Community legal acts. Within the European Union various political and legal measures against the human trafficking have been adopted since 1990s (Scarpa, 2008: p. 175). The first formalized endeavour to combat the human trafficking has been the adoption of a common ‘Framework Decision on Combating Trafficking in Human Beings’ in 2002. The Framework Decision 2002/629/JHA went into greater detail in its provisions on criminalisation than the Palermo Protocol. It included measures such as defining the punitive framework, the elements of the offence, and the sanctions (EU, 2002 - 629/JHA). Moreover, the scope of the European initiative has not stayed limited to the organised crime. In 2004, the rights of victims of human trafficking with respect to health care, protection, social services and residence were included in the ‘Directive on the Residence Permit Issued to Third-Country Nationals who are Victims of Trafficking in



Human Beings' (EU, 2004 - Directive 2004/81/EC). Conceptualizing the trafficking as a serious violation of fundamental human rights and human dignity, the EU deepened the perception of the crime of human trafficking by identifying the systemic abuse and deception of vulnerable persons, as well as the use of violence, threats, debt bondage and coercion (EU, 2002 - 629/JHA: p. 1). In 2011 the 'Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims' has replaced the Council Framework Decision 2002/629/JHA and became the EU's fundamental legislative act addressing the trafficking in human beings. More comprehensive than its predecessor, the new Directive established victim's protection, assistance and support, cooperation with other agencies, as well as prevention and prosecution of the crime. Once again, the EU Directive replaced and broadened the definition of the human trafficking to mean the recruitment or transfer of persons, by means of the threat or the use of force or other forms of coercion for the purpose of exploitation (EU, 2011: p. 6). The definition of trafficking set out in the UN Trafficking Protocol has been, consequently, expanded by the EU, whose measures explicitly included in-state trafficking and trafficking not necessarily involving organised criminal groups.

Another European body that has been fundamental for the evolution of the European human trafficking legislation has been the Council of Europe. In reaction to Palermo Protocol's limitations and particularly its failure to make victims' rights binding, the COE has resolved to create its proper legal initiative that would target the human trafficking. The 'Convention on Action against Trafficking in Human Beings', said to be the most effective human rights treaty in the world, has entered into force in 2005 (Scarpa, 2008: p. 137). The document has brought the attention on necessity of providing assistance to trafficked persons and of protecting their human rights on the principle of non-discrimination. It has established a legal framework for the protection and assistance of victims with binding measures, an independent monitoring mechanism and provisions that went beyond the minimum standards agreed upon in other international instruments (COE, 2005 – CETS 197a).

Together, above mentioned documents form the core of the formalized regional legislation treating the human trafficking on the European continent. Consequently, the 'UN Protocol to Prevent, Suppress and Punish Trafficking in Persons', the Council of Europe's 'Convention on Action against Trafficking in Human Beings' and the legal acts of the European Union are basic documents regulating the European counter-trafficking regime. This complex web of international political, legal, and practical initiatives contributes to forming a European counter-trafficking strategy. With this general overview in mind, the two following subchapters will present a detailed account of significance of the COE and the

OSCE in the European combat against the human trafficking. To effectively illustrate their respective roles, the work will delineate organizations' histories and describe their internal design and building principles. The detailed analysis will be used to bring out similarities and differences in the formation of organizations' policy objectives, as well as instruments that they adopt to combat the human trafficking.

### **1.3 The Council of Europe**

This section analyses the impact of the Council of Europe in the European combat against the human trafficking. It starts with a brief summary of the organization's history and introduction of its building principles. The comprehension of its chief objectives will clarify the focus of COE's policies in the domain of the human traffic. Afterwards, three subsections describing key activities undertaken by the COE to combat the human trafficking will follow. The first segment will introduce the Convention on Action against Trafficking in Human Beings, a crucial legal instrument that was adopted by the Committee of Ministers of the COE in 2005. The second section will present the significance of the monitoring mechanism 'Group of Experts on Action against Trafficking in Human Beings' (GRETA), while the third part will introduce the role and impact of the European Court of Human Rights.

To understand the COE' role in the European counter-trafficking combat, it is useful to briefly summarize the organization's history. In the aftermath of the Second World War, the Council of Europe was founded by the Treaty of London. Sometimes described as Europe's oldest political organization, it was the first successful manifestation of a cooperative post-war European venture. As made clear by its founding treaty, the Council of Europe was established to protect fundamental human rights and freedoms, to safeguard the principle of the rule of law in Europe and to guarantee the democracy (COE, 1949 - CETS 001: p.1-2). Till this day, the COE remained faithful to its founding principles. Also, its policies targeting the fight against human trafficking are conceptualized within an HR framework (COE, 2005 - CETS 197b: p. 1). Considering the COE's influence, the extent and effect of activities led by this international organization is significant. Eventually, the Council of Europe has developed a recognized legal personality that currently brings together about 820 million citizens from 47 member states.

Unlike many other HR protection bodies, the COE wields both legal legitimacy and material resources, which makes a difference in its ability to influence the behaviour of its member states (Barkin, 2006: p. 82). The Council's influence is manifested especially through the rulings of the European Court of Human Rights, its most powerful legal tool. Moreover,

the COE is able to affect the HR norms promotion by leveraging significant resources in other issue areas. Thus, the Council's various activities have resulted in the development of a wide range of standards, charters and conventions designed to facilitate cooperation between member state countries. Although the Council does not have the competency to make binding laws, it maintains a significant soft power and is able to enforce a meaningful behavioural change in recalcitrant states (Barkin, 2006: p. 82). Its principal source of power is derived from its ability to enforce select international agreements that are reached by a common accord. Thus, members of the COE commit themselves only through jointly adopted conventions and treaties. Maintaining fully their sovereignty, states adopt only those rules that are the result of unanimous decision based on shared values and common political decisions.

As was already mentioned, the role of the Council of Europe in the human trafficking combat is especially interesting for the emphasis given to the human rights considerations. Unlike majority of other intergovernmental bodies targeting this problem, the COE tends to favour anti-trafficking norms asserting rights of victims rather than the disruption of criminal networks (Galbreath and McAvoy, 2012: p. 13). In this sense, the COE is endowed with a particular role in the European anti-trafficking norm formation. It is a body most characteristic for its fight against the outdated conception of human trafficking as a problem of illegal migration (Bertozzi, 2009: p. 37). Whether the focus on protection in anti-trafficking policies holds true even in the face of crisis, will be the object of analysis in the Chapter II. In order to unravel concrete activities of the COE, we will look in the following sections at specific instruments that are undertaken to target the problem of the human trafficking.

### *1.3.1 The Convention on Action against Trafficking in Human Beings*

An integral part of COE's instruments dedicated to the human trafficking fight is the European Convention on Action against Trafficking in Human Beings. Originally, the treaty was conceived as an attempt to rectify the weaknesses of existing international legal frameworks, which were seen as particularly failing in the area of victim's protection. Thus, during the development of the Convention, the stated objective was to focus on protecting the fundamental rights of victims (Galbreath and McAvoy, 2012: p. 13). This inclination was, consequently, reflected in the Preamble. In the document, the human trafficking is identified as a grave violation of human rights. Also, the respect for victims' rights, their protection and necessity to combat human trafficking are settled as principal objectives (COE, 2005 - CETS 197a: p. 1-2).

Adopted on May 2005, the Convention entered into force in February 2008. Not restricted to Council of Europe's members, it has been ratified by 47 parties, among which is the EU (Barkin, 2006: p. 36). For signatory states the treaty is a binding document. By settling a series of measures that parties to the Convention are obliged to respect, the treaty tackles the human trafficking. More considerate of the rights of victims than is the internationally binding Palermo protocol, the Convention was adopted not only with a view of human trafficking prevention through prevention and prosecution, but to simultaneously ensure the protection of victims. According to an official statement of the Council of Europe, the principal added value of the Convention has been its reorientation from the predominant prosecution to a victim-centred approach (COE, 2005 - CETS 197a: p. 1). Subsequently, among chief contributions of the Convention has been the creation of positive obligations of member states to prevent trafficking, protect victims, prosecute traffickers and engage in international cooperation. To appreciate innovations brought by the Convention, the rest of this subchapter is dedicated to a detailed description of adopted measures.

First of all, the Convention emphasised measures guaranteeing physical and psychological assistance to the victims. Henceforth, the granting of residence permits, providing support to reintegrate the victims into society, and securing access to education for children has been introduced (Gallagher, 2010: p. 114). Furthermore, the Convention granted the provision of safety measures for victims during judicial proceedings. According this provision, victims should be entitled to a recovery and reflection period, necessary to recover and escape from the influence of traffickers and to take an informed decision on cooperating with the competent authorities. It has been also asserted that during this period the victim cannot be subject to an issue of expulsion order (COE, 2005 - CETS 197a: p. 7-8). This meant that independently of victims' willingness to cooperate with national authorities in bringing traffickers to justice, their protection was to be hereby unconditionally established (Bertozzi, 2009: p. 23). The newly adopted provisions included ensuring compensation to victims, and the possibility of excluding them from any penalty if their unlawful behaviour has been a direct result of trafficking. Another important aspect of the treaty was that its scope should cover all forms of trafficking whether national or transnational, whether or not connected with organised crime (COE, 2005 - CETS 197a: p. 2). Another innovation was that the definition of trafficking was for the first time applied to all forms of exploitation, including the enforced criminal activity (Bertozzi, 2009: p. 24). Throughout the document, there is a consistent gender-resonant and child sensitive approach (COE, 2016: p. 9). Another important element of the Convention is contained in the Article 5, which obliges parties to enable legal

migration. Thereby, the treaty recognizes that opening regulated and safe migratory routes is a sound strategy for preventing the human trafficking (COE, 2005 - CETS 197a: p. 3-4). Disseminating information on conditions of legal migration can offer a form of preventive measure against entering exploitative relations. More provisions regarding prevention strategy are included in the Article 6. Subsequently, there are measures to reduce demand concern research, work with the media and civil society, information campaigns, and educational programmes on gender equality (COE, 2005 - CETS 197a: p. 3). Moreover, the Article 19 addresses criminalisation of the use of services provided by a human trafficking victim. Articles seven to nine of the Convention deal with border controls and document security and are reflective of provisions contained in the Palermo Protocol. The Article 10 commits parties to assure trained personnel qualified in preventing and combating the trafficking. It covers organizational requirements, such as inter-institutional cooperation and the training of staff (COE, 2005 - CETS 197a: p. 5). As among implemented provisions is the obligation to identify and help the victim, protection of their rights is enforced. Otherwise, the failure to identify victims could lead to a denial of their rights. Furthermore, the Article 12 contains provision obliging signatory states to adopt measures assisting victims in their recovery. A minimum standard for services to assist victims includes appropriate and secure accommodation, material assistance, psychological assistance, emergency medical treatment, translation and interpretation services, counselling and information in a language victim can understand, legal aid, and access to education for children (COE, 2005 - CETS 197a: p. 6). Legal framework, policies and practice are thus conceived with the motive of improving the situation of victims of trafficking. Regarding the provisions on repatriation and return of trafficked persons contained in the Article 16, the Convention emphasize victims' rights and dignity as necessary criteria for the return processes of countries of origin and destination. This guarantees observance of general HR obligations that may result from the prohibition of torture and inhuman or degrading treatment, the protection of private and family life, the protection of a person's identity, and the best interests of the child (Bertozzi, 2008: p. 32). Differing from the Palermo Protocol, MS are required to create repatriation programmes with the objective of avoiding re-victimisation. Chapter IV covers provisions on substantive criminal law which are more extensive than those of the Palermo Protocol. Also, provisions on procedural law and institutions in Chapter V are much more detailed. Chapter VI contains requirements for international cooperation and cooperation with the civil society (Scarpa, 2008: p. 145).

Overall, it is easy to see that the COE's Convention provided victims of trafficking with a more comprehensive protection system than was the case previously. It was in fact the first European treaty to provide detailed provisions on the assistance, protection and support to victims of trafficking in addition to the obligations to carry out effective criminal investigations and to take steps to combat trafficking. However, the initial treaty proposal was even more ambitious with regards to the safeguarding of victims' rights. But the above-mentioned objectives were in the end the only ones that could be achieved during the negotiation of the Convention. According to observers of the negotiation process, an agreement on stricter standards was prevented by the position of the European Union. Due to EU's control of majority position in the Council of Europe since the 2004 enlargement, it was able to prevent an improvement which reached beyond the current standard under the European law (Follmar-Otto and Rabe, 2009: p. 33). This has been particularly applicable to laws on residence. The Parliamentary Assembly was unable to prevail with many proposed changes to improve victims' rights and explicitly criticised the position of the representative of the EU Commission (Follmar-Otto and Rabe, 2009: p. 35). Nevertheless, as described above, the Convention has still managed to make a progress in a number of arenas.

### *1.3.2 Monitoring Mechanism: GRETA*

Another essential instrument in the fight against the human trafficking on the European continent is the Council of Europe's monitoring mechanism known under the name of GRETA. The Group of Experts on Action against Trafficking in Human Beings is a technical body that is responsible for observing the implementation of the Convention and, thereby, reinforcing the strength of the Convention. Its composition is established between 10 to 15 members, which are elected from nationals of state parties with consideration for geographical and gender balance (COE, 2005 - CETS 197a: p. 14). All members act under their individual capacity and must be independent and impartial in the exercise of their functions. The term of office is determined for four years with the possibility of being once renewable (COE, 2005 - CETS 197a: p. 14).

The principal activity of GRETA is to make recommendations to the member states on legislative, judicial and punishment aspects of trafficking; on assisting, supporting and rehabilitating its victims and on prevention programmes (COE, 2005 - CETS 197a: p. 14). Among GRETA's effective tools is the production of country reports evaluating legislative and other measures taken by parties, which give effect to the provisions of the Convention (Scarpa, 2008: p. 148). By reporting progress or shortcomings of individual states, GRETA

reinforces the engagement of individual Parties and also facilitates the compilation of recommendations to improve state's anti-trafficking efforts. By sharing insights on the problematic with signatory states, GRETA facilitates implementation of anti-trafficking policies and measures (COE, 2005 - CETS 197a: p. 15). By becoming an influential instrument in the protection of the rights of trafficked persons GRETA is in the position to promote the HR based approach to the trafficking in human beings (Barkin, 2006: p. 82). Apart from its monitoring function, GRETA also serves as a platform cultivating cooperation between stakeholders, including national and public authorities, trade unions, non-governmental organizations and civil society (COE, 2005 - CETS 197a: p. 15). Thus, among its contribution to the human trafficking fight figures its ability to create close ties between political leaders, anti-trafficking experts, civil society activists and representatives of academia and business by favouring networking events and common projects.

In theory, all signatories of the Convention are legally bound by its terms. However, countries do not always comply with undertaken obligations, as there is no effective enforcement mechanism. In a certain way, the system, nevertheless, guarantees a legal redress to individuals in cases, when the national referral mechanism fails. This is the effect of the Convention's Preamble that establishes a link with the human rights obligations established under the European Convention on Human Rights (Barkin, 2006: p. 82-83). Consequently, residents of signatory states have the right to take their government to the European Court of Human Rights (ECHR) in case they feel that the government is not living up to its obligations. In order to show ways in which the human trafficking is influenced by the decisions of the court, we will look in the following section at the role Court's ruling played in the evolution of European approach towards this problematic.

### *1.3.3 European Court of Human Rights*

The European Court of Human Rights (ECTHR) is an international court that rules on individual or state applications alleging violations of civil and political rights set out in the European Convention on Human Rights (ECHR). Established by the Article 19 of the ECHR and headquartered in Strasbourg (COE, 2010 - CETS 194: p. 14), the Court monitors respect for human rights of approximately 800 million Europeans. Rulings delivered by the Court are binding in 47 Council of Europe member states, which have all ratified the European Convention on HR. As a consequence, concerned governments have been led to alter their legislation and administrative practice in a wide range of areas. In this way the Court's case-

law makes the ECHR a powerful instrument able to meet new challenges and consolidate the rule of law and democracy across Europe (Follmar-Otto and Rabe, 2009: p. 31).

The Court's authority is undeniable, and its rulings have many times forced the erroneous state to change its rules and procedures and to provide restitution to wronged individuals (Barkin, 2006: p. 82). This is because every signatory of the ECHR is under the Article 1 responsible for all acts and omissions of its organs, regardless whether such proceeding was a consequence of domestic law or of the necessity to comply with international legal obligations. Such dealings have, consequently, become a major constraint on the behaviour of states towards their citizens. Certainly, states continue to violate their obligations, but due to the international pressure, high level of consciousness and the range of organizations devoted to monitoring these issues, they are becoming increasingly reluctant to engage in habitual violations of human rights. As asserts Barkin, this evolution suggests that the mechanisms of global governance have over time been fairly successful at legitimizing human rights norms internationally (Barkin, 2006: p. 83).

Also, in the European combat of the human trafficking, the Court plays a significant role. Firstly, texts from the court rulings manifested that the human trafficking has progressively become a worrying global phenomenon (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 58). Following this acknowledgment, the Court logically sought means by which the European Convention on Human Rights could be applied to address this issue. In the aftermath of several historical rulings made by the European Court of Human Rights, strong precedents protecting the rights of trafficked victims have been, consequently, established. This may seem counterintuitive, as the ECHR dating from the 1950 does not contain any expressive reference to the problem of the human trafficking. The ECHR in the Article 4 only stipulates that the slavery and the slave trade in all their forms shall be prohibited (COE, 2010 - CETS 194: p. 7). However, as there can be no doubt that the trafficking threatens human dignity and fundamental freedoms and cannot be compatible with a democratic society and its values, the European Court of Human Rights considers that trafficking falls within the scope of the Article 4 of the Convention (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 60). In this manner, the ECTHR recognized that increasingly high standards required in the area of the protection of human rights and fundamental liberties inevitably demand a rigorous approach in assessing breaches of the fundamental values of democratic societies (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 59). In other words, the Court has stressed that the Convention is a living instrument that must be interpreted in the



light of the present day conditions and that it is the role of the Court to allow its adaptation to appropriate context (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 59).

This approach has permitted the Court to have its say on the increasingly worrying phenomenon that is the European human traffic. This observation may be seen officially affirmed by the court case *Rantsev v. Cyprus and Russia*, in which the European Court of Human Rights noted that like slavery, trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 58). Moreover, the rulings asserted that in the malpractice of human trafficking human beings are treated as commodities to be bought and sold and put to forced labour. It condemned its use of violence and threats against victims, as well as the fact that victims' movements are often circumscribed.

Based on the juridical decision, the Court affirmed that there had been a violation by the state Cyprus of its positive obligations arising under Article 4 of the ECHR on two counts. Firstly, the Court noted a state's failure to guarantee an appropriate legal and administrative framework to combat trafficking as a result of the existing regime of visas. Secondly, the Court denounced the failure of the police to take operational measures to protect the victim from trafficking, despite circumstances which had given rise to a credible suspicion that she might have been a victim of trafficking (ECTHR, *Rantsev v Cyprus and Russia*, 2010 p. 74-75). In addition, the Court also proclaimed a violation of the Article 2 of the ECHR, as the failure of authorities to investigate effectively has led to the victim's death. Consequently, the case resulted in a precedent, which clearly shows that trafficking falls within the scope of Article 4 of the ECHR, which prohibits slavery and forced labour. As a result, member states in addition to their obligation of prosecuting and punishing traffickers are also legally obliged to protect victims and potential victims of trafficking by putting in place effective provisions.

#### **1.4 The Organization for Security and Cooperation in Europe**

This subchapter analyses the significance of the OSCE for the European anti-trafficking combat. Summary of the organization's history, its building principles and chief objectives will help us understand the evolution of organization's policies in the domain of the human traffic. Afterwards, four subsections describing key tools that the OSCE employs to counter trafficking will follow. The first segment will introduce the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. The second part will present the Action Plan, a tool that provides the framework for OSCE counter-trafficking activities. The third section will outline the significance of the OSCE

Parliamentary Assembly, while the fourth part will introduce the role and the impact of the Office for Democratic Institutions and Human Rights (ODIHR).

To understand the role of the OSCE in the European counter-trafficking combat, it is useful to briefly introduce organization's history. The predecessor to OSCE, the Conference on Security and Cooperation in Europe (CSCE), has been established during the conference in Helsinki (Mosser, 2015: p.10). Founded as a security-oriented intergovernmental institution in 1975, its intended function was to become an East–West forum during the Cold War (Galbreath, 2007: p. 14 - 15). A quasi-institutionalized international organization had both the Soviet Union and the United States for its founding members. Since its foundation, the CSCE was designed to be a political, rather than a treaty-based organization. Thus, instead of being a formal treaty ratified by national legislatures, the Helsinki Final Act represented a political commitment (Barkin, 2006: p. 73-74). Considering the bipolar world order of the time, two rivals wished for a platform enabling mutual communication, rather than institutionalized legal relations. Surprisingly, the non-binding character of organization' constitutive charter has remained the ruling principle to this day. While some sees the organization's lack of legal personality as a weakness, others have argued that institutional fluidity allows an improved cooperation between OSCE members, as the emphasis and effort is not lost on disputes and sanctions over implementation (Mosser, 2015: p.12).

After the collapse of the Soviet Union, the new political situation required the CSCE to undergo modifications, which would enable it to fulfil its role in a new political environment. The changes were formalised by the Paris Charter in 1990, which sought to lay the foundations for the transformation of Europe from a zone of potential conflict to a zone of peace (OSCE, 2010, Charter of Paris: p. 3). Last stage of the transformation was marked by the conference held in Budapest, during which the symbolic renaming of organization from CSCE to OSCE was approved (Galbreath, 2007: p. 45). At the time, great expectation regarding the OSCE's role within the European security framework existed. However, with the unfolding crisis in Yugoslavia, it was NATO that emerged as the regional organization with the means to stabilize the Balkans (Mosser, 2015: p.13). Consequently, the OSCE, seen as insufficient for dealing with hard security tasks of peacekeeping and actual armed combat, became marginalized. Fading into background, the organization went through identity crisis leading many to question its continued relevance. However, due to a decreasing popularity of NATO, an organization seen by many as American led, the OSCE has in recent years noted a revival as a significant international organization in the European security architecture.

Nowadays, the organization counts 57 members located in Europe, northern and central Asia and north America (Barkin, 2006: p. 73). Considered as a post-conflict, civil society-building organization, as well as a pre-conflict, border monitoring organization its mandate includes issues such as arms control, conflict prevention, crisis management, post-conflict rehabilitation, promotion of human rights, freedom of the press, and fair elections (OSCE, 2010, Charter of Paris: p. 3-6). Employing around 3500 people, majority of staff is composed from field officers, while administrative functions are carried out by a relatively low number of employees (OSCE, 2018: p. 8).

The OSCE recognizes the human trafficking as a cross dimensional security challenge that affects all OSCE members either as countries of origin, transit or destination. Considering the complexity of the human trafficking problem, OSCE asserts that its efficient resolution requires attention turned to human rights and rule of law; corruption and crime control; discrimination and inequality; economic, labour, and migration policies (OSCE, 2018: p. 1). The organization perceive itself as well placed to help strike the right balance between the legitimate interests of States in safeguarding national security and the fundamental need to protect the rights of individuals vulnerable to trafficking due to its comprehensive approach to security (OSR/CTHB, 2015: p. 10). A number of OSCE field operations help to strengthen the capacity of national and local authorities in preventing and fighting the human traffic. By running seminars and training courses, furnishing surveys and studies and undertaking information campaigns for the public, the IO also strengthens the prosecution and assists the victims.

#### *1.4.1 Office of Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB)*

The OSCE established a mechanism for combating the human trafficking in 2003. By creating the office of the ‘Special Representative and Co-ordinator for Combating Trafficking in Human Beings’, the organization aimed at raising public awareness of the problem and building the political will within participating states to tackle it effectively (OSR/CTHB, 2017: p. 17). The newly created body was established to help participating states in developing and implementing effective counter-trafficking policies. Providing governments with decision and policy-making aids and offering guidance on anti-trafficking management, the OSCE aimed at reaching solutions that would be tailored to the needs of individual countries, while remaining in line with international standards (OSR/CTHB, 2018: p. 83). Subsequently, the OSR/CTHB has been instrumental in assisting members in implementing

their commitments, fostering strategic synergies amongst both private and public sectors and in vocally promoting multi-agency and inter-disciplinary capacity building programmes (OSR/CTHB, 2018: p. 12-14). Over the past decade, the OSR/CTHB has taken an important role in improving understanding of trafficking for labour exploitation and of the measures required to prevent and combat it more effectively. Over 2016-2017 the office implemented the project ‘Prevention of Trafficking in Human Beings in Supply Chains through Government Practices and Measures’ that provided governments with practical tools and concrete measures necessary to discourage demand of the human trafficking in supply chains. This initiative called on participating states to support efforts by businesses to ensure a compliance with their human rights commitments such as guarantees that workers will not be trafficked or otherwise subjected to a labour exploitation (OSR/CTHB, 2018: p. 5). The project, furthermore, organised conferences, consultations and workshops to raise awareness, build capacity, exchange practices, and to develop the guidance for participating States, business leaders and other advocates with the goal of preventing trafficking in human beings for labour exploitation in supply chains.

#### *1.4.2 Action Plan to Combat Trafficking in Human Beings*

In 2003, the OSCE launched ‘the Action Plan to Combat Trafficking in Human Beings’. This document, revealing influence of the Palermo Protocol, provided the framework for OSCE activities in support of the counter-trafficking measures of its participating member states. Recommendations for action at the national level were conceptualised within the ‘3P’ paradigm, reflective of three policy domains forming the internationally accepted core of counter-trafficking combat (Friesendorf, 2009: p. 17):

- *Prevention* combats human trafficking by methods such as awareness-raising or addressing root causes
- *Prosecution* build capacity to punish traffickers through investigation and cooperation with international law enforcement
- *Protection* focus on assisting the victims by protecting their rights, providing support and compensation

However, the Action Plan offered more than a series of recommendations. Providing a comprehensive approach and a thorough set of standards and commitments, the Plan stressed the importance of comprehensive prevention measures, as well as the need to identify and protect victims of human trafficking (OSR/CTHB, 2015: p. 49). Simultaneously, it emphasised the need of addressing links between demand for inexpensive migrant labour in

countries of destination and the human trafficking. It recommended that participating states should adopt policies to address the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration (OSR/CTHB, 2015: p. 40).

In an increasingly complex geopolitical set-up, the OSCE region is affected by a series of crises challenges which have a direct impact on human security. Subsequently, in 2013 the OSCE have to its human trafficking framework added a fourth 'P'. The focus on *partnerships* highlighted the need for enhanced co-operation with international organizations and other partners, including on issues related to law enforcement, National Referral Mechanisms (NRMs) or joint work between public institutions and the private sector (McRedmond and Wylie, 2014: p. 5). In this way, the organization meant to ensure effective interaction of all agents and stake holders involved in the human trafficking fight. Assisting governments to develop national anti-trafficking structures the organization meant to establish foundations required for efficient internal and transnational co-operation. In the same year, the OSCE's Permanent Council adopted the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, which demanded from states to foster the private sector, trade unions and relevant civil society institutions in the promotion of codes of conduct that would ensure the protection of the human rights and fundamental freedoms of workers throughout the supply chain (OSR/CTHB, 2018: p. 9-10). Such measure was seen as an essential factor in preventing the exploitative situations that foster, among others, the trafficking in human beings.

#### *1.4.3 OSCE Parliamentary Assembly*

The OSCE's Parliamentary Assembly plays an important role in advancing anti-trafficking agenda. In recent years, the Assembly has focused on two issues in particular; the child exploitation and the trafficking along the migratory routes (OSR/CTHB, 2017: p. 88). As a result, following resolutions emerged. The 2016 'Resolution on Law Enforcement Co-ordination to Prevent Child Sexual Exploitation and Trafficking by Known Sex Offenders' and the 2017 'Resolution on Preventing Child Sexual Exploitation Online through Advances in Technology'. In what concerns the Assembly's response to human trafficking in the context of the on-going migration crisis, detailed policy recommendations on the need to protect vulnerable people on the move are being developed. Already in 2017, preliminary findings of the Assembly's findings, gathered during PA's on-site visits to migrant and

refugee hotspots, have been reflected in the 2017 Minsk ‘Resolution on Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows’.

#### *1.4.4 Office for Democratic Institutions and Human Rights (ODIHR)*

ODIHR has been actively working on the human trafficking prevention in the OSCE region since 1999. Its particular contribution has been the assistance during creation of the National Referral Mechanisms, a guidebook providing guidance on how to design and implement sustainable mechanisms and structures to combat human trafficking and support victims (OSR/CTHB, 2015: p. 22-23). In this way, the office managed to advance the promotion of access to justice and effective remedies for victims of trafficking. In 2017, the ODIHR has participated on projecting measures, which could help participating members of OSCE in the Mediterranean region address gaps in combating human trafficking in the context of mixed migration flows (OSR/CTHB, 2017: p. 86 - 87). Also, the Office suggested the provision of technical assistance and capacity-building activities to aid participating states in south-eastern Europe.

## **Chapter II: Data Analysis**

In the European context, the human trafficking is understood as a complex problem that cannot be resolved by means of partial measures. Only a comprehensive approach can furnish an effective strategy for suppressing the human trafficking. Consequently, international organizations are expected to assume a holistic approach, reflecting all aspects of this problem. Relying on the theoretical conceptualization from the Chapter I, in which different perspectives on human trafficking has been represented; we can establish a list of activities essential for effective anti-trafficking policy. By grouping counter-trafficking measures into five basic categories, we come up with a simplified model indicating five policy dimensions fundamental for effective anti-trafficking efforts. Subsequently, designed areas are evaluated through the processing of annual reports of respective organizations, a process described in a greater detail in the following section. In this way, changes in the policy design are measured, allowing us to study the signification of evolutions in IO's anti-trafficking policies.

### **2.1 Changes in IO design: Operationalization of the Dependent Variable**

This section describes an operationalization of the dependent variable (DV). The dependent variable, which depicts the changes in anti-trafficking agendas of analysed IO's, is measured in the following manner. Firstly, the thesis determines indicators of policies important for an effective combat against trafficking. Based on measures that can be identified as commonly adopted in European anti-trafficking policies, the thesis will consider following five key policy domains: the prevention; the victim protection; the increasing cost for criminal groups; the cooperation with other actors and the support for research. Subsequently, using data mining techniques by employing the RapidMiner platform, the study will process annual documents of both organizations that span the time sequence of 10 years. The results of this undertaking will reveal the degree to which individual indicators have been fulfilled by respective IOs. Comparative analysis of changes in the design undergone by the two regional organizations will demonstrate quantitative evolutions in the dependent variable. This measurement will be important in Chapter IV, in which observed changes of dependent variable will be essential to decrypt causal relations.

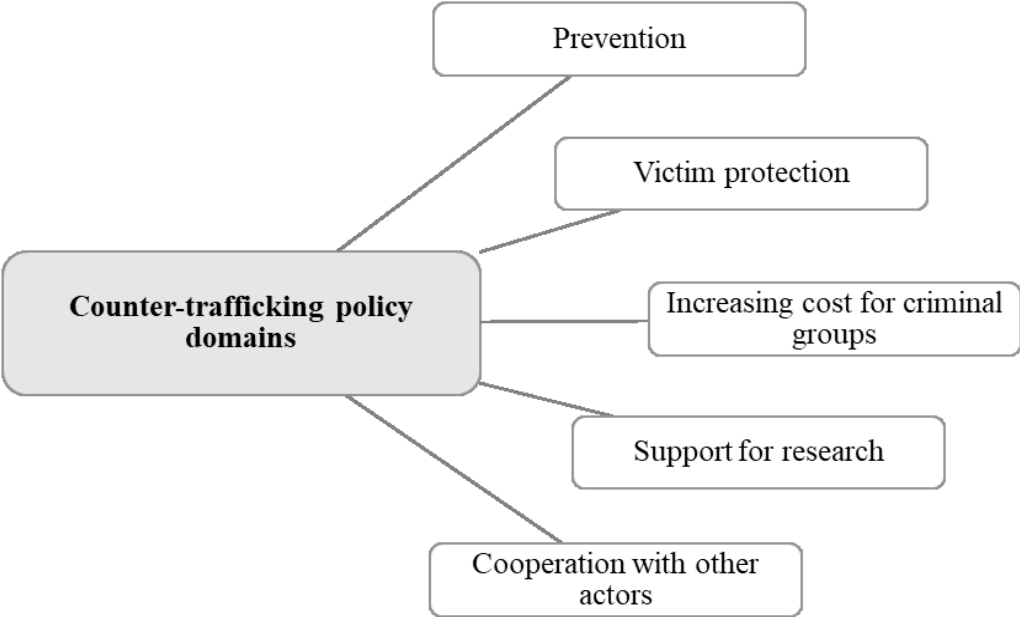
This approach in measuring the dependent variable was chosen due to the sensitive aspect of the analysed problem, which limits possibilities of the research. Human trafficking, as is the case for any other issue concerning criminal activity, is a shadow area in which

neither states nor international organizations can obtain accurate statistics. Consequently, any academic research of this domain is affected by a shortage of primary data. Also, in this thesis employed data present principally an informed and calculated approximation. In consequence of this limitation, the research is chiefly based on secondary sources, gathered from official reports and documentation published by concerned states, various international organizations and NGOs. Although there has been an effort to work with the greatest variety of sources possible, due to the little attention dedicated to the human trafficking phenomena, the data is in greatest part based on information provided by international organizations themselves. However, as the chief objective of this chapter is to study organizations’ policy output and changing design, it should not negatively impact the objectivity of the findings.

**2.2 Indicators of the anti-Trafficking Combat**

Relying on different perspectives of human trafficking that have been represented in the Chapter I, we can establish a list of indicators essential for effective anti-trafficking policy. By grouping counter-trafficking activities into basic categories, we come up with five policy dimensions necessary for effective anti-trafficking combat. Those five policy dimensions are the prevention, the victim protection, the increasing cost for criminal groups, the cooperation with other actors and the support for research. This categorization, which has been in part inspired by the research conducted by Viktor Staníček (Staníček, 2015: p. 37), is graphically depicted in the FIGURE 2.1.

**FIGURE 2.1 Categorization of policy dimensions essential in THB combat**

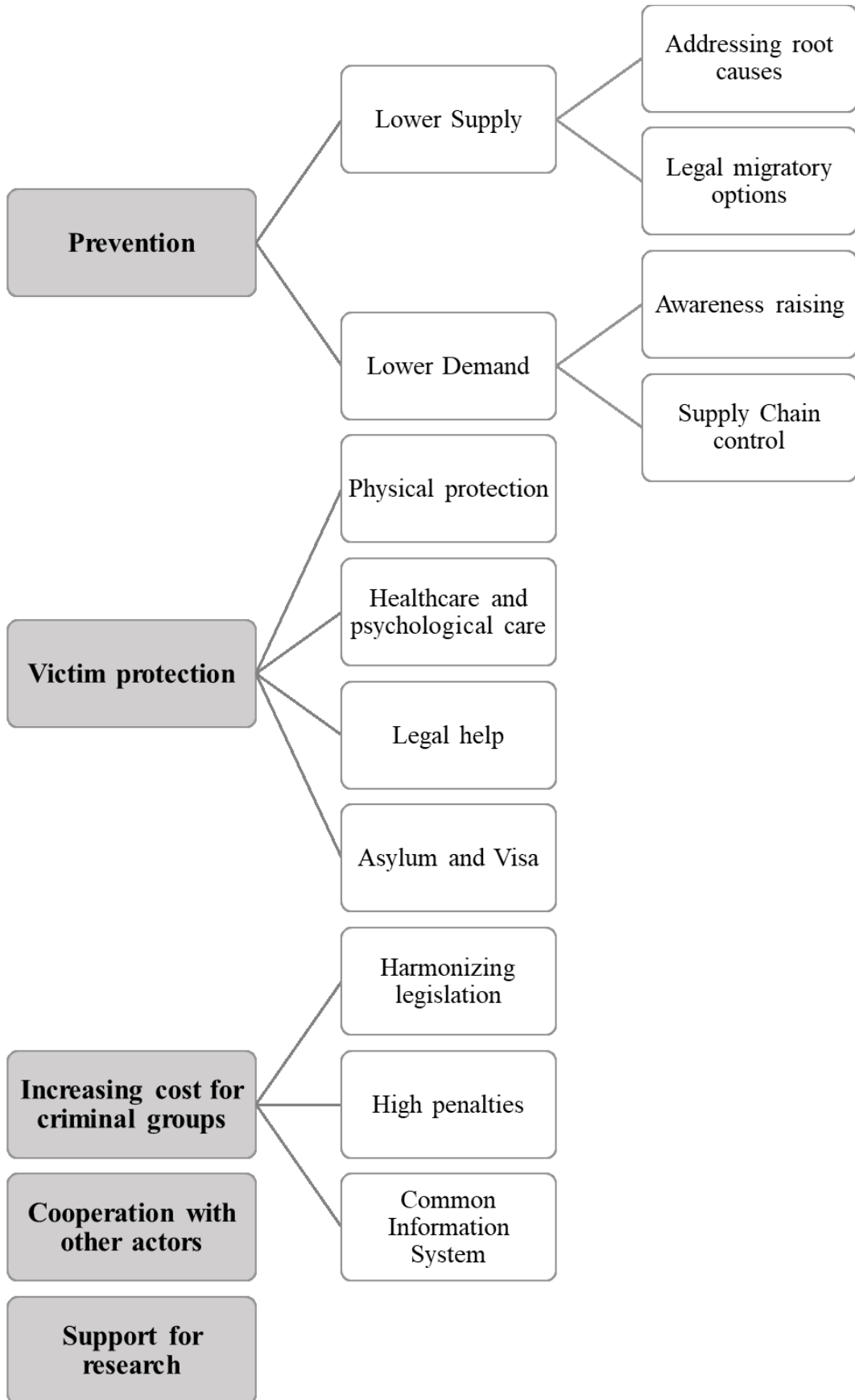




- 1) *Prevention* combats human trafficking by awareness-raising, addressing the root causes, enabling legal migratory options and lowering supply and demand in the human trafficking process.
- 2) *Victim protection* focuses on assisting the victims by protecting their rights, providing support and compensation.
- 3) *Increasing cost for criminal groups* (later indicated shortly as *Combating Crime*) endeavours to dissuade offenders by elevating sanctions and building capacity to punish through international law enforcement.
- 4) *Cooperation with other actors* highlights the need for enhanced collaboration among IOs, states, NGOs, civil society, public institutions and the private sector.
- 5) *Support for research* is the last factor necessary for successful resolution of the human trafficking. To create an effective policy that will suppress this crime, a clear understanding of the problem, the environment and the actors involved is essential. Primarily, research should focus on different patterns of trafficking in individual countries, on characteristics of victims and perpetrators of this crime, as well as factors that contribute to its development. As the crime environment is not static and constantly evolves, these surveys need to be repeated regularly. Also, the impact of already implemented policies needs to be assessed.

Each of the policy dimensions contains numerous indicators, which represent concrete anti-trafficking measures. A simplified model is shown in FIGURE 2.2. In order to measure to which degree respective IOs have fulfilled individual categories, we will define a list of keywords that will be deduced from respective indicators. The abbreviated list is shown in TABLE 2.1, while the comprehensive register for each category can be found in the Annex (TABLE 6.1). By evaluating and comparing the frequency of keywords in annual reports of analysed organizations, we will be able to establish how they score in each of the five domains. Due to realization of described process on a time period spanning 10 years, we will be able to detect changes in institutional design and, therefore, observe the changing value of our dependent variable. To conclude, the purpose of this section has been to explain the role of indicators for capturing varying degrees of intensity that COE and OSCE reach in five domains of the human trafficking combat. In the next subchapter, we will describe the method by which annual reports have been processed.

**FIGURE 2.2 Simplified model representing anti-trafficking measures**



**TABLE 2.1 Abbreviated list of keywords for DV analysis**

Prevention	Victim protection	Increasing cost for criminal groups	Cooperation with other actors	Support for research
<ul style="list-style-type: none"> <li>• <b>Lower Supply</b> <ul style="list-style-type: none"> <li>• Awareness</li> <li>• Supply chains</li> <li>• Sanctions</li> </ul> </li> <li>• <b>Lower Demand</b> <ul style="list-style-type: none"> <li>• Development</li> <li>• Reducing poverty</li> <li>• Reducing unemployment</li> <li>• Reducing discrimination</li> <li>• Equality policies</li> <li>• Socio-economic situation</li> <li>• Support for education</li> <li>• Security situation</li> <li>• Democratic institutions</li> <li>• HR protection</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Physical protection</li> <li>• Health care</li> <li>• Psychological care</li> <li>• Legal help</li> <li>• Asylum</li> <li>• Child protection</li> </ul>	<ul style="list-style-type: none"> <li>• Harmonizing legal definition</li> <li>• High penalties</li> <li>• Joint Investigation Teams</li> <li>• Common Information System</li> <li>• Organized Criminal Networks</li> </ul>	<ul style="list-style-type: none"> <li>• Partnerships</li> <li>• Networking</li> <li>• Cooperation</li> <li>• IO, IGO, NGO, think tanks, civil society, business sector involvement</li> </ul>	<ul style="list-style-type: none"> <li>• Research</li> <li>• Knowledge sharing</li> <li>• Funding</li> </ul>

### 2.3 Data Mining

To carry out the keyword frequency analysis, the study has employed the RapidMiner platform, a research tool that is able to process a large quantity of textual data. Detailed explanation of the method, by which this data mining process has been conducted, is the objective of this section. However, before outlining individual steps of the complete process, the employed analytical tool RapidMiner will be introduced.

RapidMiner is a data science software platform that provides an integrated environment for data preparation, text mining, and predictive analytics. In the present case, it has been used as a platform for discovering patterns in a large data set (Mahmood, 2015: p.4). Thanks to the RapidMiner, it has been possible to extract information from organization’s annual reports covering the period of the last 10 years. The results have been, subsequently, transformed into a comprehensible patterned structure, whose reading revealed varying degrees of intensity that IO’s reach in respective policy domains. As it is necessary to describe the method by which the reports have been processed, we continue with the description of individual stages of the research:

1. The first step of the process has been the downloading of annual reports that are freely available at the official websites of respective organizations.<sup>1</sup>
2. The next part involved the designation of keywords, corresponding to five policy domains (a process which has been already described in the previous section 2.2).
3. The following phase required the setting up of the RapidMiner platform. Illustration of the process is captured by the form of screenshots in the annex as FIGURE 6.1, FIGURE 6.2 and FIGURE 6.3.
  - a. First, annual reports of the Council of Europe and the OSCE have been uploaded into the data repository. Then, the requisite set up for processing the documents has been modelled.
  - b. Firstly, five files, each corresponding to one policy domain, have been created. All of them contained appropriate keywords.
  - c. Afterwards, through available tools (such as tokenization and other necessary editing modifications) data contained in annual reports have been processed.
  - d. The last step has been the running of keyword frequency matching on each of the policy domain category, generating five resulting outcomes, which are depicted in TABLE 6.2. In TABLE 6.3 the results have been converted to percentages for simplifying comparison between the two international organizations.
4. The final stage has been the evaluation and cross-analysis of obtained results, which will be an object of the study in the following subchapter.

To summarize, the employment of keyword frequency analysis has served as the basis for operationalization of the study's dependent variable. Employing the RapidMiner platform for data mining, the study processed annual documents of both organizations that span time period of the last decade. Results of this undertaking have revealed the degree to which respective IOs have fulfilled individual indicators. Thus, by matching the frequency of relevant keywords (corresponding to respective indicators of the human trafficking combat), changes in the organizations' design have been revealed. Now, it is time to evaluate and make sense of the observed results.

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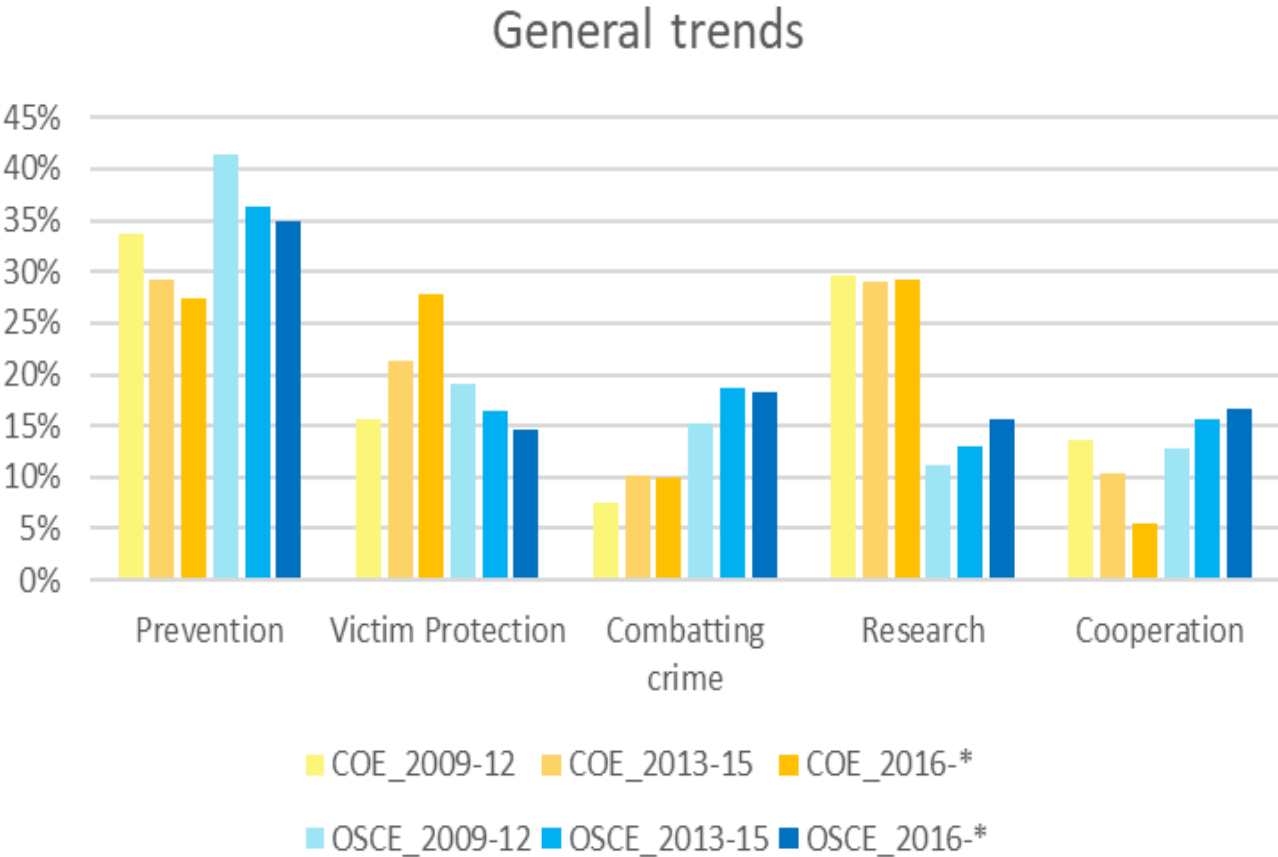
<sup>1</sup> General reports of the COE's agency dedicated to combat THB can be found at <https://www.coe.int/en/web/anti-human-trafficking/general-reports>  
Annual reports of the OSCE Office of the Special Representative and Co-ordinator for Combating THB can be found at <https://www.osce.org/secretariat/107391> OSCE

**2.4 Evaluation of Data Series**

This section will analyse outcomes, which were obtained by the processing of international organizations’ documents. Such undertaking will reveal the evolution of organizations policy focus as it evolved through time. We will compare and present the outcomes of both the Council of Europe and the Organization for Security and Cooperation in Europe.

In the FIGURE 2.3, we can see general trends in IO’s policy evolutions. It is a comprehensive depiction of evolutions undergone in the last decade by both organizations. All five policy domains are portrayed by an individual category, which makes it easy to observe the IO’s alternating emphasis between respective policy sectors. For simplification, individual years have been grouped into three time-sequences. Thus, the figure shows changes across the following time periods: 2009 – 2012; 2013 – 2015; 2016 – current time (2018). In the FIGURE 2.4, we can see the same evolutions, however, this time the five individual graphs are dedicated to one policy domain only. This allows an easier comparison between COE’s and OSCE’s policy evolutions in respective anti-trafficking domains.

**FIGURE 2.3 General trends in the dependent variable changes across time**

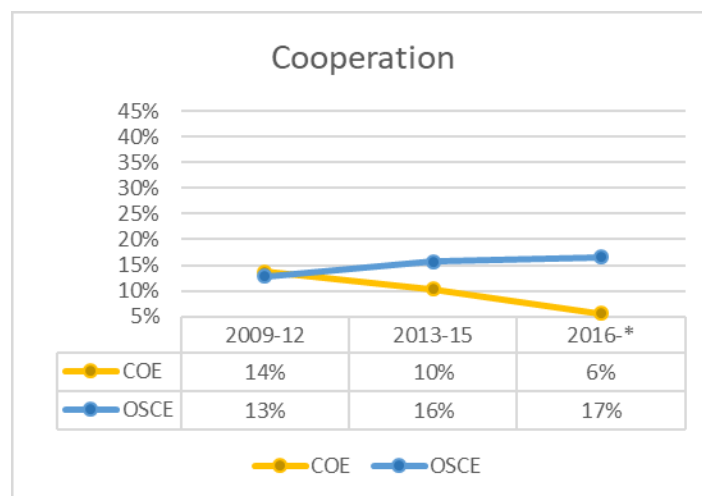
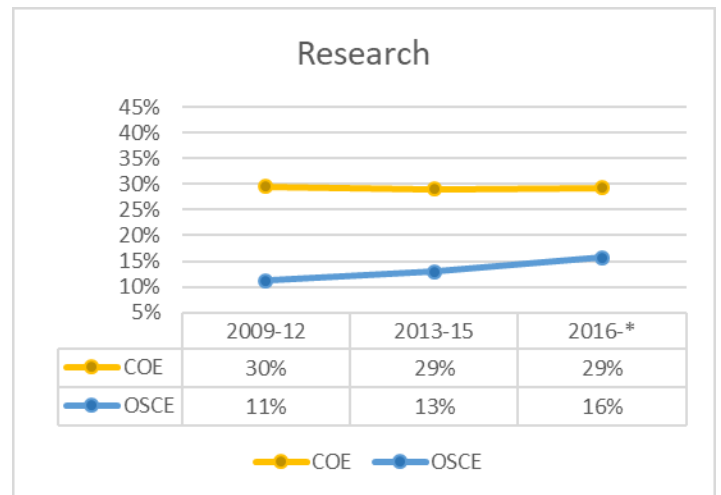
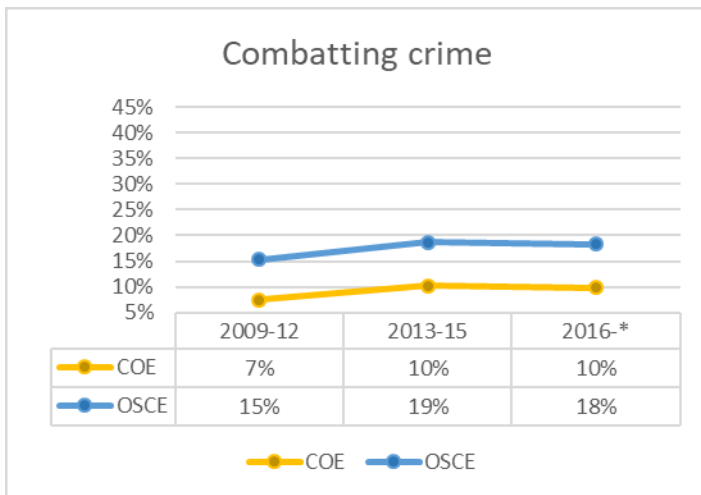
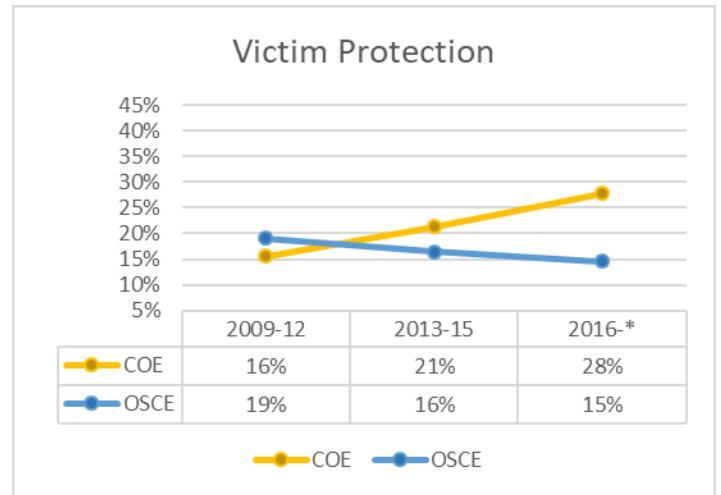
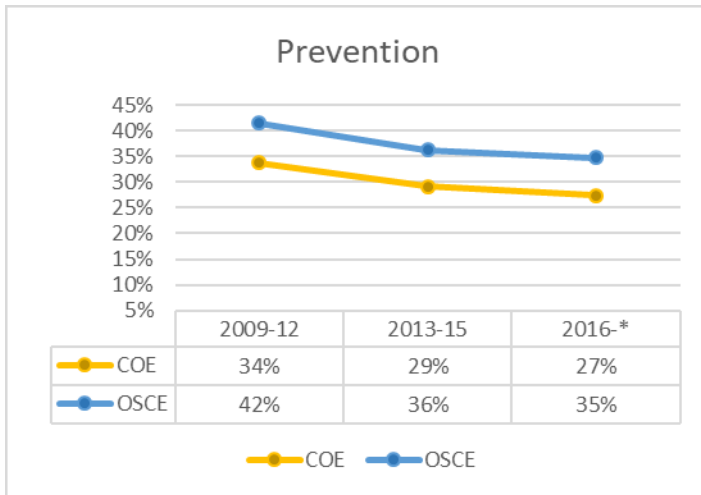


By reading portrayed graphs, which represent the processed outcomes of the data mining, we can interpret patterns in the changing design of international organizations. The analysis of fluctuating levels of IO's activity in respective domains relevant to the human trafficking combat, will lead to an understanding of undergone evolutions. Evolutions shown in the FIGURE 2.3 capture changes in all five policy domains of both IOs and, consequently, give us a broad outline of general tendencies. For an easier orientation the Council of Europe is represented by a yellow colour, while the OSCE is depicted blue. The analysis captures changes over the time period of a decade. The values from years 2009-2012 are regarded as default values, while those reflecting the state of affairs in 2016-2018 are treated as the values final.

In general, we can observe that in the category *Prevention* both organizations reflect the same tendency. In both cases, the volume of IO's policies in this sector is decreasing by 7 percent. Nevertheless, while for the Council that means that their activity drops in the 2016-2018 period to 27%, for the OSCE the final value remains still at relatively high 35%. Similarly, in the category *Combating crime* the tendencies of both IOs correspond with each other. However, this time the trend is for both organizations rising by 3 percent. While the OSCE's attention to this policy domain increases to 18%, the rise in the COE reaches relatively modest 10 percent. For the rest of categories, the organizations show antagonistic tendencies. In *Research*, the efforts of the Council of Europe remain more or less the same, with a slight declinatory tendency of 1 percent. Although the OSCE demonstrates an increasing dedication to the research with a 5% rise, in total their final activity of 16% is a little over half of the COE's 29%. The most significant difference can be found in the *Victim Protection* category. While the COE's work increases by 12%, the OSCE registers a decrease of 4%. So, while the COE attains 28%, the OSCE reduces to 15%. Lastly, the *Cooperation* decreases by 8 percent for the Council of Europe, while the OSCE observes a 4% increase, leaving OSCE with 17% and COE with 6%.

The purpose of this chapter was threefold. The introduction outlined reasoning, which led to the formulation of the dependant variable as changes in anti-trafficking agendas of analysed IO's over time. The second objective was to detail the operationalization of the dependent variable, as well as to introduce the methodology, by which the data gathered from IO's annual reports have been processed. The last target was to evaluate results obtained from the data mining. In this way, through processing the outcomes patterns revealing varying levels of IO's activity in domains relevant to human trafficking combat have been exposed.

**FIGURE 2.4 Dependent variable time series**



## **Chapter III: Theoretical Framework**

This chapter outlines the theoretical framework of the study. It starts by summarizing central assumptions of three theories of international institutions – realism, historical institutionalism and neoliberal institutionalism. Through the study of respective theories' premises, we will be able to deduce testable hypotheses and, consequently, formulate independent variables that will be employed during the analysis in the Chapter IV. Through empirical testing, we will be, subsequently, able to reveal causal factors that influence the way policy goals and instruments of international organizations in the domain of human traffic are determined. The review of relevant theories of international institutions will, simultaneously, lead to a more profound understanding of the role that IOs have on the evolution of anti-trafficking policies.

### **3.1 Theories of International Organizations**

In the discipline of international relations, we come across multiple theoretical approaches with differing perspective on the role and impact of international organizations. Depending on the theoretical approach adopted, divergent variables can be claimed as plausible explications for shifts in organization's policy activity. In this study, which is focused on the issue of human trafficking, we will be concerned with three theoretical traditions. Realism, neoliberal institutionalism and historical institutionalism will be presented and evaluated to engage in the debate between their varying perspectives. The formulation of theory-based predictions and their successive testing against empirical data will not be useful solely as a mean of testing the credibility of a particular theory. Simultaneously, by checking the accuracy of theory-based predictions against the historical record, our undertaking will enable policy practitioners to make better informed choices in the future.

#### *3.1.1 Realism*

To fully benefit from what realist thought can teach us about the impact of international organizations, we start by briefly introducing core principles of the realist tradition. This theory insists that central analytical concepts of international relations are power and security (Walt, 2010: p. 3). While realists deem states as similar in terms of needs, they perceive differences in their capacities to achieve them. This structural asymmetry in the distribution of capabilities is the underlying cause limiting the cooperation among states. The fear of relative gains made by other states is a powerful impediment to an international



cooperation (Walt, 2010: p. 15). Subsequently, realists perceive interaction between states as predisposed towards conflict and competition.

Such predisposition necessarily affects realists' attitude towards the relevance and effectiveness of international institutions. As relative gains considerations inhibit cooperation, IOs are not considered as overly relevant actors. In consequence of realists' sceptical view of institutions as a source of international affairs, it is no surprise that IOs do not often form a subject of realistic research (Karlsson, 2007: p. 69). Both the origin and the influence of international institutions is perceived as primarily determined by interests of the states (Simmons and Martin, 2002: p. 195). Influence of institutions is thus seen as substantially or fully determined by other factors, in particular interests and powers of the states (Hasenclever et al, 1997: p. 83-86), especially the great powers (Mearsheimer, 1994-1995: p. 13). Consequently, realism does not attribute to the institutions strong influence and does not consider them as a possible explanatory variable. Institutions are perceived to be at most an input variable, which in some way regulates the action of other, fundamental variables (Mearsheimer, 1994-1995, p. 13). Thus, realists admit that institutions may hold only a limited regulatory influence on states. Such reasoning has implications for the formation of causal analysis. In the realist perspective, independent variable will reflect important shifts in national economic and security concerns of the most influential member states (Karlsson, 2008: p. 48-51).

Breaking from the classical realism, advocates of neorealism assert that it is structural constraints, which determine the behaviour in international relations. Structural realists claim that the nature of international structure is defined by its ordering principle, the anarchy, as well as by the distribution of capabilities that is measured by the number of great powers within the international system (Walt, 2010: p. 4-5). The anarchic ordering principle of the international structure is decentralized, meaning there is no formal central authority. Consequently, every sovereign state is formally equal in this system. Accordingly, states act in line with the logic of self-help, meaning that they seek their own interest that they won't subordinate to interests of other states unless forced. According to realists, the chief problem of cooperation is not the issue of cheating, but the apprehension that partners might benefit more from the cooperation. It is relative, rather than absolute gains, which are at the heart of realists' concern (Walt, 2010: p. 7-8). This line of reasoning is especially visible in the modern realism, a neo-realistic theory associated with the works of Joseph Grieco, where we find the emphasis put on the relative gains' consideration as principal motivations of the state (Karlsson, 2007: p. 71-72).

Thus, states are not rational egoists whose utility functions are independent of one another, but defensive positionalists who seek to prevent a decline in their relative capabilities (Grieco, 1990: p. 35). Accordingly, even when states are confident about their partners' compliance, they may still forgo gains resulting from the cooperation in case the outcome might shift the relative distribution of capabilities in favour of their partners. Nevertheless, though the emergence and continuation of cooperation between states is perceived as difficult, it is not regarded as impossible. Preventing relative gains by others is, consequently, a key theme of foreign policy relations among states. According to this view, the principal function of institutions is to alleviate the problems of relative gains and enable the states to fulfil their common interests and cooperate (Grieco, 1993: p. 319-320). This can be achieved by reducing the sensitivity of states to relative gains consideration

In addition to the general perspective of modern realism on institutions, Grieco also comes with the 'voice opportunities hypothesis' (Karlás, 2007: p. 71). This thesis focuses on explaining the interests of weaker states. According to Grieco, the so called 'second order powers' endeavour to assure that the rules of IOs increase the power symmetry between them and the dominant partner (Grieco, 1995: p. 36). The theory of the opportunity to vote claims that small states participate in the design and amendment of international institutions to provide themselves with opportunities for voice, while at the same time binding large states into institutional rules and norms that limit their ability to exploit material power resources (Karlás, 2007: p. 71). In case that such voice opportunities are absent, Grieco hypothesizes that states will attempt to renegotiate the terms of the institutional arrangement and may reduce or withdraw their commitment to the organization if such attempts fail. This assumption, according to which institutions are an influential factor of international politics, has however been by many criticized as contradicting the core realist principle, which tend to view international institutions as rather insignificant.

Based on the above described theoretical frameworks, the first hypothesis has been designed in the following manner. According to the realist premise, changes in international organizations' design reflect important shifts in attitudes of the most influential member states. Therefore, in conformity with this perspective, independent variables should be changing based on interests of powerful member states, reflecting their preoccupation with relative power concerns and national security. If the realist hypothesis is correct, developments in human trafficking regime might be proven subordinated to changing national economic and security concerns. We should be able to observe strong links between evolving geopolitical concerns of significant member states with the changes in IO's activity.

Consequently, the thesis will consider changing power relations among MS and their national preferences. At the same time, the comparison of policy evolutions between both organizations should prove that different member composition leads to adoption of divergent policy developments.

***H1: Changes in the design of the anti-trafficking policies of the COE and OSCE reflect important shifts in the policy attitudes of their most influential member states towards the combat with human trafficking. The comparison of changes between both IOs reflect the differences in their member states composition.***

*First independent variable:* Changing policy attitudes of key member states

### *3.1.2 Neoliberal Institutionalism*

We will continue with the neoliberal institutional perspective (NLI) that focuses on the importance of institutions as instruments that solve collective-action problems. Among core assumption of NLI is the belief that while institutions are relevant, states remain the instrumental actors whose goal is to maximise their proper interests (Hellmann and Wolf, 1993: p. 7). However, being able to appreciate benefits of cooperative behaviour, states are willing to shift their loyalty and resources to IO, in case those can be perceived as mutually beneficial (Abbott and Snidal, 2000). Although admitting that nation-states remain important actors, neoliberal institutionalists believe that states' ability to influence outcomes unilaterally declines and particularly so on issues transcending political boundaries (Hellmann and Wolf, 1993: p. 7). Keohane and Nye refer to this process as the complex interdependence and argue that the dynamics of international relations originate from multiple sources (Keohane and Nye, 1977: p. 22). Accordingly, neorealism is criticized for failing to capture complexities of international behaviour, which leads to a distortion of reality by ignoring institutions, processes, rules and norms that provide a measure of governance in an anarchic environment. In contrast, neoliberal approach views international organizations as mediators with means to achieve cooperation between states (Abbott and Snidal, 2000). According to NLI perspective, one of the consequences of globalization of security concerns, such as human trafficking, is the realization that threats to any country's security cannot be addressed unilaterally (Hellmann and Wolf, 1993: p. 13). Successful responses to security threats, represented in this case by organized transnational criminal networks, require IOs to enable cooperation and promote coordination of policy responses.

Neoliberal institutionalists share with realists several key premises. Firstly, both theories assert that states are major players in the world affairs and that they are rational unitary actors trying to promote their national interests (Keohane and Martin, 1995: p.39). Moreover, they agree that international behaviour can be best explained by the anarchic structure of the international system. Agreeing that there is no central authority that could force states to comply with international agreements, they both view international cooperation as difficult even if states have interests in common (Hellmann and Wolf, 1993: p. 7). However, the perception on what are the consequences of this lack of hierarchy in international affairs differs fundamentally. Neorealists argue that states often fail to cooperate even when they have common interests. According to their perspective, self-help rationality makes in many cases cooperation of parties difficult. In contrast, far from seeing interaction between states as predisposed towards conflict and competition, liberal institutionalists argue that this way of thinking underestimate the impact of international organizations. According to neoliberal thought, IOs can overcome obstacles to international cooperation by establishing international institutions that diminish the incentives to cheat and increasing the desirability of compliance (Karlás, 2007: p. 75). The distrust between parties can be overcome by distributing information more evenly among partners, by reducing costs for monitoring individual compliance and by making it more cost-effective for states to punish the non-compliance (Barkin, 2006: p. 45). For liberals, the fear of cheating and defection are the major impediments to cooperation between states, even when it is rational for states to work together to their mutual benefit. Institutions have capacity to address those concerns in three distinct ways. Firstly, they create a sense of legal liability between states, which oblige them to adhere to rules and agreements. Secondly, by reducing transaction costs between states, the participants achieve lowered cost of interactions both within and between issue areas and at the same time will want to avoid cost of rules being broken. Finally, they provide transparency and information about issue-areas and state actions (Karlás, 2007: p. 74 - 75). Thus, the uncertainty within the system is reduced, allowing states to cooperate more fully.

In case of adopting the perception of IOs as seen by neoliberal institutionalists, changes in the policy design should be the consequence of IO's endeavour to find most suitable ways to alleviate collaborative issues, transaction costs, and uncertainties among member states. As neoliberal approach presents international organizations as quasi-independent actors whose function is to solve collective problems, evolution of policies concerning the human trafficking should reflect this expectation. Thus, by conceptualizing European migration crisis as an externality that negatively affects the internal security of

European states, if we prove that the COE and the OSCE have been in its aftermath acting as platforms attempting to solve the dilemmas of collective action, neoliberal suppositions will be confirmed. The independent variable will be operationalized as changes in the intensity of common issues that states are facing. Concretely, we will be looking at fluctuations in volume of migratory flows and on the degree of cooperation among member states. As we will be focusing at a particularly critical moment, which affects MS of both international organizations more or less equally, observed changes in their policy design should develop in similar direction.

***H2: Changes in the design of anti-trafficking policies of the COE and OSCE reflect increasing interdependence among their member states in the fields related to human trafficking. Policy evolutions observed in both international organizations should in response to the European crisis develop in similar direction.***

*Second independent variable:* Increasing interdependence among states (measured by observing changing intensity in migratory flows)

### *3.1.3 Historical Institutionalism*

Turning to an alternative explanation, the thesis will now consider theoretical assumptions of the historical institutionalism (HI). Standing apart from previously presented schools of thought, this approach is not primarily concerned with conflict and cooperation within a self-help system, nor does it assume that actors behave entirely as rational value maximisers (Fioretos, 2011). What distinguishes historical institutionalists is the primacy that they accord to temporality. Their insistence that the timing and sequence of events shape political processes and can alter international political institutions over time is a distinctive aspect of the theory. According to historical institutionalists, international organizations do not simply reflect temporary interests of states, but on the contrary can shape states' interests and practices. Consequently, even under conditions in which state's interests that had led to a creation of a given institution no longer exist, IO's may still influence international cooperation (Fioretos, 2011: p. 375).

Thus, while other approaches tend to study changes in IO's in isolation or under particular settings, historical institutionalists analyse organizational configurations and pay attention to critical junctures and long-term processes (Dai, Snidal and Sampson, 2017). Consequently, the historical institutionalism has the advantage of deciphering patterns of change and continuity in international institutions. Revealing legacies of founding moments in

shaping long-term power relations, the theory assesses whether new ideas become consequential, as well as the presence of unintended consequences or the pervasiveness of progressive reform over stasis and fundamental transformations (Fioretos, 2011: p. 369). In this way, historical institutionalists make visible and understandable the overarching contexts and interacting processes that shape and reshape international political development (Pierson, 2004). In other words, the HI approach asks in what way the timing and sequence of past events might generate lasting legacies that influence the policy outcomes.

For their role in creating constraints and opportunities for political action, in distributing political power, and in shaping political preferences over time, IO's are at the heart of this research tradition. Institutions are perceived as setting off processes of path dependence, in which new institutions or policies reshape political possibilities, making some far more likely, while ruling out others (Amenta and Ramsey, 2010: p. 22). Accordingly, the historical institutional approach offers an explanation on what role institutions have in shaping preferences. By developing a distinct conceptual toolbox for understanding the causal mechanisms, historical institutionalism underpins processes of institutional change. Such causal analysis can lead to the answer of when and why particular international processes took place. Rather than accepting historical development as a linear process, HI examines conditions under which a particular trajectory has been followed. Subsequently, international organizations are studied in order to find sequences of social, political and economic change across time.

According to writings of Paul Pierson, path dependence expresses the idea that outcomes at a critical juncture trigger feedback mechanism, which reinforces the recurrence of a given pattern into the future. According to his argument, historical institutionalism considers that timing and sequence contribute to unpredictability (outcomes may vary greatly), inflexibility (the more time passes, the more difficult it is to reverse course), nonergodicity (chance events may have lasting effects), and inefficiencies (forgone alternatives may have been more efficient) (Fioretos, 2011: p. 373). Pierson describes path dependence as a dynamic process and asserts that attention to the sequence in which developments occur is crucial in determining why one outcome among multiple possible outcomes prevails (Pierson and Skocpol, 2012: p. 708). Put simply, not only what event happens, but when it happens in relation to the other events in the sequence, is highly consequential. Therefore, temporality is seen as essential, since later events are conditioned by earlier ones. Calculations of political actors (such as their understanding of stakes in the current setting), or the nature of the constraints under which they operate (such as options that

may not really exist due to the sequence of prior events) may significantly alter over time (Fioretos, 2011: p. 371).

In consequence, the significance of path dependence is that once actors have ventured down a particular path, they are likely to find it very difficult to reverse its course (Pierson and Skocpol, 2012: p. 698). In such a case, the political alternatives that were once quite plausible may become irretrievably lost. According to this view, the dynamics established during IO's foundation can have a long and lasting effect on its functioning. Thus, a process established at one point in time can reproduce itself, even in the absence of the recurrence of the original events or processes (Pierson, 2000: p. 263). According to the HI, the principles guiding the foundation of respective IO's can be understood as having decisive influence on their consequent behaviour. In the present case, the Council of Europe has been established with the aim to protect fundamental human rights and freedoms, to safeguard the principle of the rule of law in Europe and to guarantee the democracy. According to path dependency, we may consider that COE remained faithful to its founding values and, subsequently, its advances in the fight against human trafficking should be demonstrably affected by heightened considerations of victims' wellbeing. In contrast, the Organization for Security and Co-operation in Europe is the world's largest security-oriented intergovernmental organization. Consequently, the organization should reflect its preoccupation with the security aspect of combating the trafficking in human beings.

***H3: Changes in the design of the anti-trafficking policies of the COE and OSCE are determined by the differences in the initial institutional design of both organizations. Tendency to emphasize specific domain should be reflected in comparison of their respective evolutions.***

*Third independent variable:* Initial institutional design of the COE and OSCE.

This section has presented a review of basic assumptions of three methodological approaches - the realism, the neoliberal institutionalism and the historical institutionalism. Each of respective school of thoughts differs profoundly in its assumptions about the significance of IOs. While the neoliberal institutionalism views organizations as actors resolving collective action problems with capacities to constrain self-interested behaviour of individual states, the HI perspective accentuates the impact of initial institutional design of the Council of Europe and the OSCE on changes in their policies. As for realists, institutions are primarily understood as tools serving interests of the most powerful states. The overview of

various approaches to international institutions has been an important point of departure, permitting us to outline diverse explanations of changes in the institutional form. This distinction has enabled us the formation of respective working hypotheses and related independent variables essential for the subsequent empirical analysis. In the following chapter, validity of formulated hypotheses will be tested and evaluated against the collected statistical data.



## Chapter IV: Empirical Testing

Application of theories and causal analysis form the content of this chapter. Through the testing and evaluation of respective hypotheses, we will reveal causal factors that can explain observed changes in the anti-trafficking agendas underwent in the last decade by respective international organizations. Here, the method used to carry out the research, the process of data collection, data analysis, development and testing of theories is presented. Furthermore, limitations and technical issues relating to respective methods are discussed. The empirical testing is divided into three principal subsections, corresponding to three theoretical approaches. By means of empirical analysis, we will reveal causal factors that explain changes in the anti-trafficking policy design underwent in the last decade by the Council of Europe and the OSCE. Through demonstrating relative importance of respective factors on IO's varying intensity in respective counter-trafficking policy domains, we will be able to confirm or refute previously formulated hypotheses. At the same time, the evidence of our findings will lead to a more profound understanding of the function that IOs can exercise on the development of anti-trafficking policies.

### 4.1 Realism

The independent variable I has been designed to reflect realist assumptions. Accordingly, the first independent variable is conceptualized as changing policy attitudes of key member states. Based on the diverging membership in the Council of Europe and the OSCE (as depicted in the TABLE 6.4), the study focuses in respective organizations on different national interests in key member states. While for the COE we consider the influence of Russia, Germany, United Kingdom and France, in the case of the OSCE we take into consideration also the impact of the United States. The selection of countries is based on the *Composite Index of National Capability* (CINC), created by J. David Singer in 1963. The index is a statistical measure of national power, whose calculations use an average of percentages of world totals in six different components, representing demographic, economic, and military strength (Singer et al., 1972: p. 19-20). Offering a complex measurement, the CINC is an appropriate tool allowing the selection of countries with the most salient state power and therefore the most influential according to realists. Analysed states together with their CINC indexes are portrayed below in the TABLE 4.1.

**TABLE 4.1 Composite Index of National Capability of selected member states**

<b>Countries</b>	<b>CINC</b>
United States	0.142149
Russia	0.039274
Germany	0.024082
United Kingdom	0.021158
France	0.018924

However, such differentiation of power capacities is problematic and prone to criticism. Indeed, we cannot expect that influence of states based on six categories will be faithfully reflected in their relative influence on the decision making in any international organizations. There are many other potential factors, which may influence the significance of respective member states. In the present case, although the USA is according to the CINC categorization the most influential member, it is quite plausible that its significance will be moderated by the fact that OSCE is predominantly a European regional organization. Analogically, other factors may cause that respective states will inside the international organization have an importance that does not correspond with the statistical measure of national power as captured by CINC. For that reason, we will proceed with two calculations. In the first, we will consider respective influence of states based on the CINC and in the second, we will count all states as members with equal influence. Afterwards, we will calculate an average of these two values and therefore achieve a more realistic approximation of respective states' influence.

After identifying key MS inside respective international organizations, the next step for the independent variable I operationalization is to reveal national attitudes regarding the anti-trafficking policies. By observing changing national policies regarding respective domains in the anti-trafficking combat, we will be able to determine whether those changes are reflective of the overall trends in respective IOs. For that end, we will present changing intensity in policy domains of selected countries on the time horizon of 2008 to 2015.

To arrive at these measures, the study will employ the findings of an academic Seo-Young Cho, whose ongoing project has been to evaluate governmental anti-trafficking efforts in three policy dimensions, the so called 3Ps. These categories (Prosecution, Prevention, Protection) correspond to three of the five policy domains described in the Chapter II (Criminal costs, Prevention and Victim protection). Although we lose two of the observed policy domains (Cooperation with other actors and Support for research), it, nevertheless,

presents a good indicator and is sufficient to confirm or refute the realist hypothesis. Values from evaluations of governmental anti-trafficking efforts in three policy dimensions, which have been taken over from the study of Seo-Young Cho, are presented in the annex in the TABLE 6.5. Based on these measurements, the relative activity in all three domains has been calculated and displayed in the TABLE 6.6. In this way, the study arrives at values capturing the changing interests in key member states of both IOs. By detecting evolutions in national policies and counting respective influence of countries based on the composite index of national capability, we were able to count the Sum 1. Its value reflects an aggregate change of national attitudes that have been divided by 1% of their total impact. The Sum 2 counts all member states as members of equal importance and its calculations, consequently, disregard the value of index. The average of Sum 1 and Sum 2 represents an approximative prediction of a possible level of joint action in observed policy domains that MS in respective international organizations could agree to undertake. This average is displayed in the row ‘total’. While evaluations of anti-trafficking policies in the Council of Europe’s key member states are portrayed by the TABLE 4.2, the OSCE’s are represented in the TABLE 4.3.

**TABLE 4.2 Evaluations of anti-trafficking policies in COE key MS (2008-2015)**

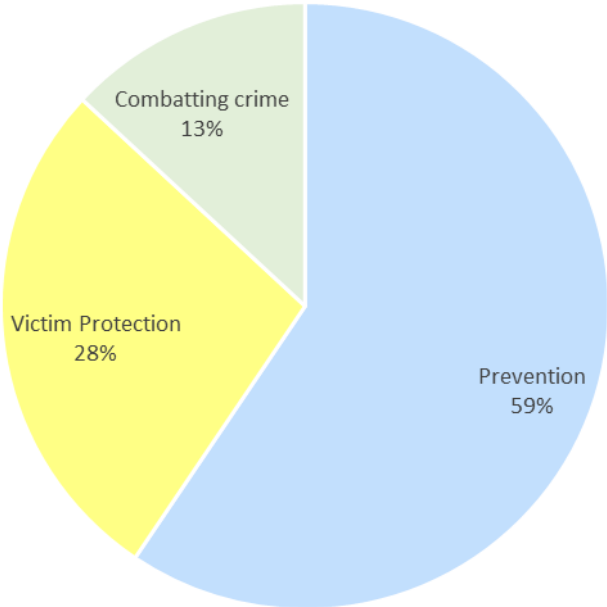
<b>Countries</b>	<b>CINC</b>	<b>Combatting crime</b>	<b>Victim protection</b>	<b>Prevention</b>
Russia	0,03927	-49,3%	-17,3%	-22,7%
Germany	0,02408	-5,3%	-16,0%	-6,7%
United Kingdom	0,02116	-2,7%	13,3%	8,0%
France	0,01892	-22,7%	-21,3%	4,0%
Sum 1	0,10344	-24,7%	0,1%	-16,7%
Sum 2	/	-20%	-10%	-4%
<b>Total</b>		<b>-22,35%</b>	<b>-5,14%</b>	<b>-10,52%</b>

**TABLE 4.3 Evaluations of anti-trafficking policies in OSCE key MS (2008-2015)**

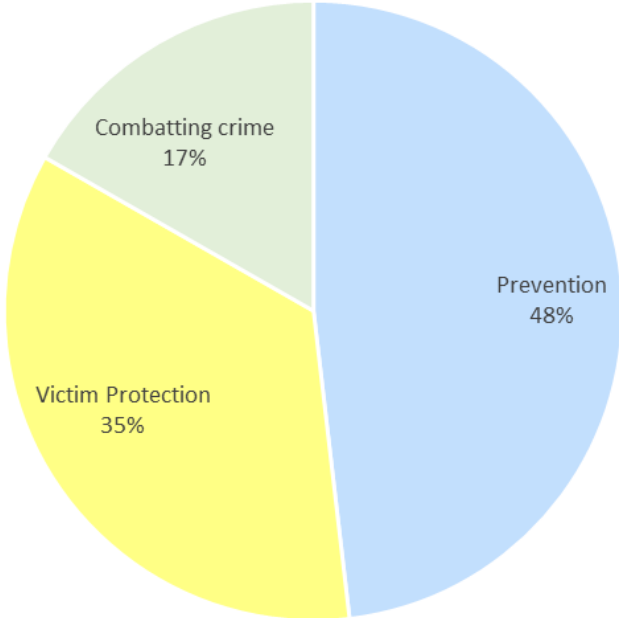
<b>Countries</b>	<b>CINC</b>	<b>Combatting crime</b>	<b>Victim protection</b>	<b>Prevention</b>
United States	0,14215	0,1%	-24,0%	0,1%
Russia	0,03927	-49,3%	-17,3%	-22,7%
Germany	0,02408	-5,3%	-16,0%	-6,7%
United Kingdom	0,02116	-2,7%	13,3%	8,0%
France	0,01892	-22,7%	-21,3%	4,0%
Sum 1	0,24559	-10,3%	0,4%	-1,8%
Sum 2	/	-16%	-13%	-3%
<b>Total</b>		<b>-13,14%</b>	<b>-6,33%</b>	<b>-2,62%</b>

The following graphical depictions represent policy changes undergone by the Council of Europe and the OSCE between the time intervals 2008-2012 and 2012-2015.

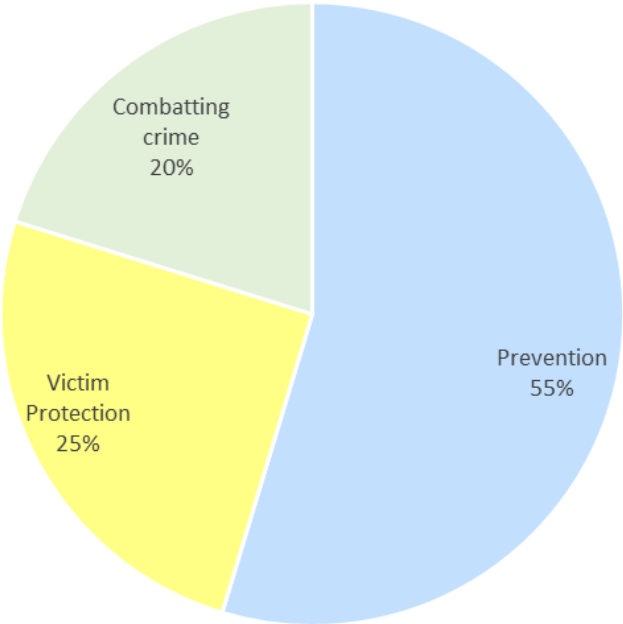
**FIGURE 4.1 COE 2008-2012**



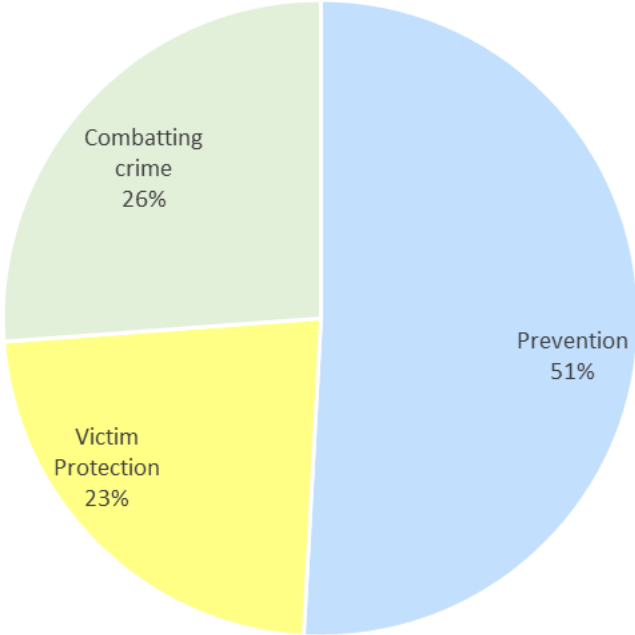
**FIGURE 4.2 COE 2013-2015**



**FIGURE 4.3 OSCE 2008-2012**



**FIGURE 4.4 OSCE 2013-2015**



The TABLE 4.4 represent the comparison of policy changes data as observed in reality, against those predicted by the realist hypothesis.

**TABLE 4.4 Comparison of observed DV with values predicted by realism**

	<b>Combatting crime</b>	<b>Victim protection</b>	<b>Prevention</b>
COE	4%	7%	-11%
COE (IV I)	-22,35%	-5,14%	-10,52%
OSCE	6%	-2%	-4%
OSCE (IV I)	-13,1%	-6,3%	-2,6%

The accuracy of comparison between observed values and those predicted by the realist hypothesis is inconsistent. As we can read from the table, in the category *Prevention* evolution of both IOs anti-trafficking efforts almost perfectly mirrors national interests of key member states. The variance in the Council of Europe is less than 0,5%, and in the OSCE smaller than 1,5%. The prediction for the category *Victim protection* seems less precise. While in the OSCE the influence has deviated by 3,7%, in the COE the variance is more than 12%. Such discrepancy in the COE could however be explained by an over-estimation of Russia’s influence. Due to poor human rights Russian record, it is possible that the country would have no great influence in shaping the evolution of this particular category. As Russia has strong tendency to downplay this category in national sphere, it would significantly influence our aggregate calculations. Such explanation is plausible, as it precisely accounts for the negative divergence of predicted values with those observed in both organizations. Moreover, as the Russian influence in the Council of Europe has been calculated as much stronger than in the OSCE, the variance from the veritable value is more pronounced in the COE. The greatest discrepancy can be found in the category of *Combatting crime*. However, this could have a simple explanation. The common strategy of combatting crime would quite logically mean a reduction in the unilateral national action. Therefore, the contradictory values of this particular category cannot be considered as a negation of the realist hypothesis. Quite the contrary, as the overall common action in both organizations rises, the unilateral governmental focus on combatting crime decreases. This logic is confirmed by the pronouncedly steeper decrease of national fight against criminal groups in the Council of Europe, whose collective effort in this domain underwent a more significant increase. Consequently, given certain reservations, observed values correspond with those predicted by

the realist hypothesis. However, though premises of realism were to a large degree confirmed, their utility is limited. The necessary consideration of relative influence of respective members cannot be simplified into a general formula and, subsequently, requires a complex understanding of geo-political considerations.

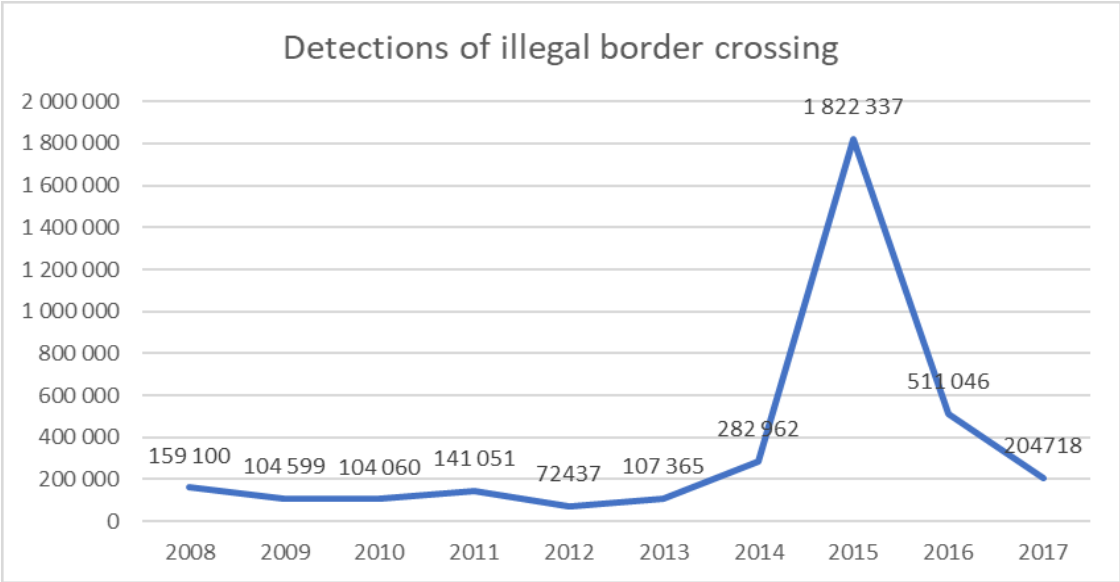
## **4.2 Neoliberal Institutionalism**

Considering the formation of a European strategy to combat the human trafficking from the NLI perspective, we may study the issue as a coordination game. Given the existence of multiple possible cooperative outcomes, states face a range of differing distributional implications (Karlas, 2007: p. 73-74). Consequently, the disagreement about the specific form of cooperation is the principal barrier to a common solution. At the same time, as institutions represent a coordinating mechanism making particular cooperative outcomes prominent, they have the potential to be significant for political outcomes and to determine the conditions under which this is the case. With capacities to mitigate fears of cheating and thus allow cooperation to happen, IO's alleviate fears of unequal gains from cooperation (Barkin, 2006: p. 45). As in the present case we are observing developments in a specific time period, characterized by a significant external shock affecting states of both international organizations more or less equally, observed changes in their policy design should develop in similar direction. This is because the European crisis represents a moment marked by an unprecedented growth in irregular migration. That logically leads to a corresponding increase in the number of human trafficking victims. Not only more people in vulnerable situation are likely to fall into the trap of organized criminal groups, but simultaneously, traffickers are able to exploit the chaos, which unpreparedness for such situation created on the frontiers of respective states. In consequence, states are faced with a critical situation that demands an adoption of a common action. Thus, by conceptualizing European migration crisis as an externality that negatively affects the internal security of European states, if we prove that the COE and the OSCE have been in its aftermath acting as platforms attempting to solve the dilemmas of collective action, neoliberal suppositions will be confirmed.

Firstly, we however need to make sure, whether the European crisis truly presented for the anti-trafficking regime an external shock, justifying expectations of change in the IO's design evolution. Indeed, looking at the changes in the intensity of irregular migrants arrivals

to Europe, which is depicted in the FIGURE 4.5, we may remark an unusual pressure that the European states has been facing since 2014.<sup>2</sup>

**FIGURE 4.5 Detections of irregular border crossings 2008-2018**



After proving a significant change in the underlying conditions, we may test whether this external shock truly significantly affected the workings of the Council of Europe and the OSCE. If the NLI hypothesis is correct, the tracing of evolutions in the anti-trafficking combat of both organizations should prove that their evolution has undergone a quasi-analogous development. For that end, we will compare values in the TABLE 4.5, which represent evolution of organization’s dependent variable in percentages (values are derived from the evaluation of data series in the Chapter II).

**TABLE 4.5 Evolution of policy design in COE and OSCE before and after migration crisis**

	Prevention	Victim Protection	Combating crime	Research	Cooperation
COE 2008-2015	-5%	5%	3%	-1%	-4%
OSCE 2008-2015	-6%	-3%	4%	2%	3%
COE 2008 - 2018	-7%	12%	3%	-1%	-8%
OSCE 2008 - 2018	-7%	-4%	3%	5%	4%

TABLE 4.5 displays changes in respective organizations before and after the migration crisis. For each organization the first row serves to represent developments undergone

<sup>2</sup> The numbers have been taken over from Frontex’s annual risk analysis reports

between years 2008 and 2015, while the second follows their constant evolution from year 2008 till nowadays. The comparison between the COE and the OSCE demonstrates that the expectation of a similar development of organization's anti-trafficking policies in reaction to European migration crisis has not been fulfilled. If the hypothesis would be applicable, the comparison of IOs should prove an important adaptation of organizations in the period 2008-2015 to the new situation. Such assumption would be empirically justified, if both organizations began to favour select domains at the expense of others. However, in reality the COE and the OSCE observe similar evolutions only in *Combatting crime* and *Prevention*. If the COE decreases *Prevention* by 5 % and augments *Combatting crime* by 3%, the OSCE undergoes almost identical evolution with a diminution in *Prevention* by 6 % and a rise in *Combatting crime* by 4%. In contrast, the changes in *Victim Protection*, *Research* and *Cooperation* demonstrate antagonistic tendencies. While the COE decreases attention given to *Research* and *Cooperation*, the OSCE's effort in the same categories intensifies. The opposite is true for *Victim protection* which rises in the COE, while falling in the OSCE. Such supposition is, furthermore, confirmed by looking at general evolution of both IOs. According to data that observe IO's developments from 2008-2018, it is obvious that for example the domain *Combatting crime* have been in the case of both organisations evolving constantly in time. Consequently, their rise cannot be attributed to a rise in interdependence among IO's member states. To conclude, both before and after the migration crisis the values signifying respective attitudes of both international organizations vary. Therefore, the hypothesis of NLI has not been confirmed.

### **4.3 Historical Institutionalism**

In order to test the reliability of the third hypothesis, we need to study evolutions in IOs' design against assumptions provided by the HI premises. Analysis of developments in anti-trafficking policies in a large geo-political context will enable us to see whether the hypothesis of path dependence is reliable. As a concept, path dependence expresses the idea that outcomes at a critical juncture trigger feedback mechanism that reinforces the recurrence of a given pattern into the future. In consequence, the significance of differences in the initial institutional design of both organizations is crucial. According to HI premises, the dynamics established during IO's foundation can have a long and lasting effect on its functioning. This is because according to HI, a process established at one point in time can reproduce itself even in the absence of the recurrence of the original events or processes. In the studied time period (2008-2018), the migration crisis may be considered as a critical juncture. If we observe the

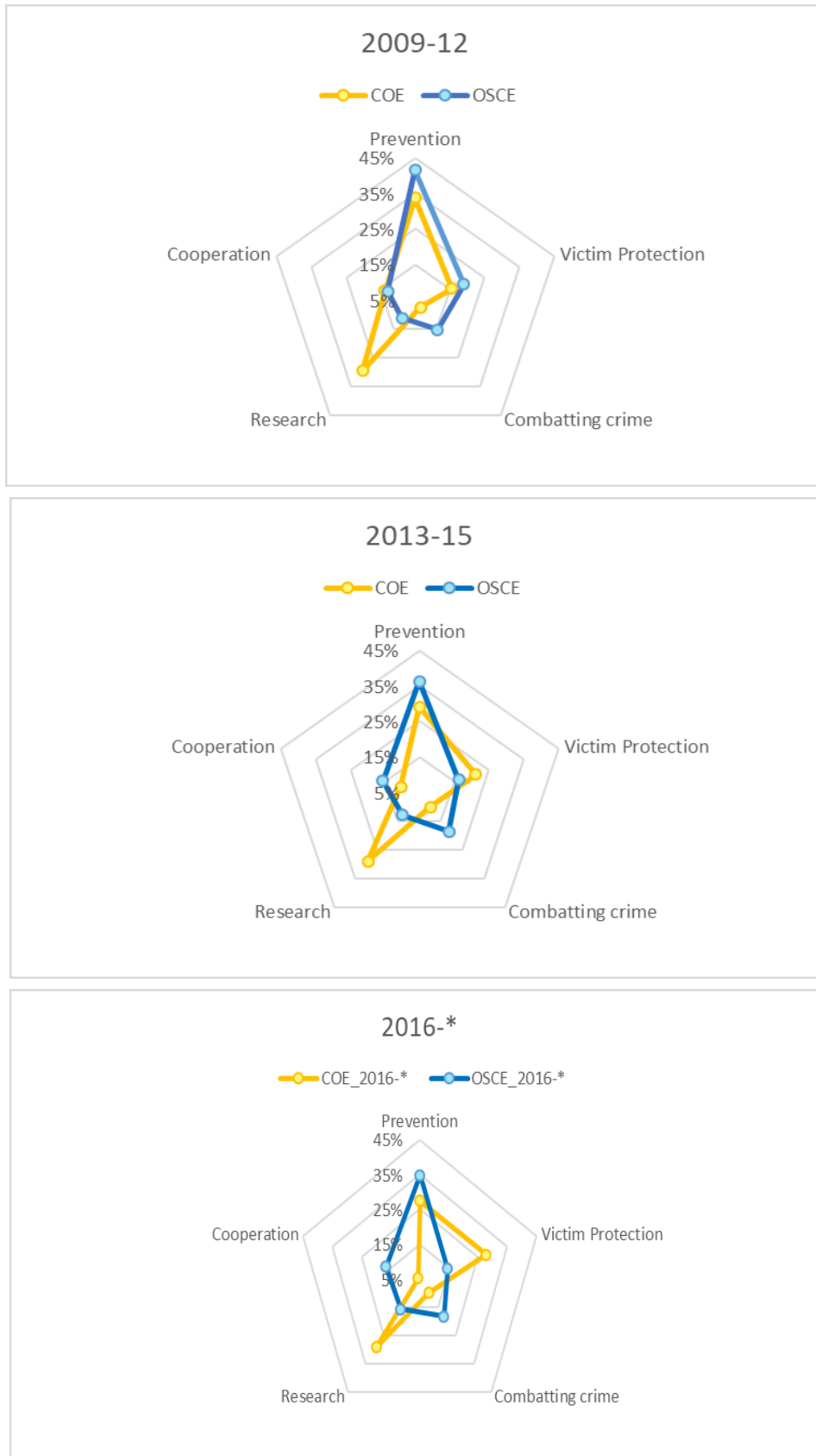


timeline of detected illegal crossing in Europe depicted in FIGURE 4.5, we perceive a dramatic rise of illegal entries in 2014, which skyrockets in 2015 and is since that time steadily decreasing. Our objective in this section will be to examine, whether the manner in which developments of respective IO's designs have changed correspond to the expectations of HI theory.

According to historical institutionalism, the original institutional design generates lasting legacy that influence policy outcomes. Consequently, the analysis of founding principles of both organizations will enable us to predict future evolutions in their policy design. The Council of Europe has been established with the aim to protect fundamental human rights and freedoms, to safeguard the principle of the rule of law in Europe and to guarantee the democracy. An integral part of COE's instruments dedicated to anti-trafficking fight is the 'European Convention on Action against Trafficking in Human Beings', which represents a binding document for all its signatory states. Originally, the treaty was conceived as an attempt to rectify the weaknesses of existing international legal frameworks, which were seen as particularly failing in the area of victim's protection. According to path dependency, we may consider that COE remained faithful to its founding values and, subsequently, its advances in the fight against human trafficking should be, in times of rise in human trafficking victims, demonstrably affected by heightened considerations for their wellbeing. In contrast, the OSCE has been founded as a security-oriented intergovernmental institution. As a result, its policies tend to favour anti-trafficking norms strengthening the prosecution and prevention of the human traffic. Consequently, the organization should reflect its preoccupation with the security and preventive aspect of combating the traffic in human beings.

To observe evolutions in organizations policy focus, the FIGURE 4.6 portrays three radar charts, depicting activity in various policy domains of respective IOs. Each chart represents an individual time sequence, allowing us to study the effect of pronounced increase in migratory flows on changes in IO's policy design. This allows us to analyse fluctuating levels of IO's activity in respective domains relevant to the human trafficking combat. By reading depicted graphs, we observe changes over the time period of a decade, regarding values from years 2009-2012 as default values and those reflecting the state of affairs in 2016-2018 as the values final. While the yellow lines signify evolving policy activity of the Council of Europe, the OSCE is portrayed by the blue colour.

**FIGURE 4.6 Evolutions of IO's policy focus in percentages**



In general, we can observe that in the category *Prevention*, both organizations reflect the same tendency. In both cases, the volume of IO's policies in this sector is decreasing. While for the COE the drop amounts to a decrease of 21% of the original value, for the OSCE

the fall is slightly less significant, with a 17% decrease from the original value. Similarly, in the category *Combating crime* the tendencies of both IOs correspond with each other. However, this time the trend is for both organizations rising. While the OSCE increases the attention given to this policy domain by 20%, the rise in the COE is by 43%. Nevertheless, it must be emphasized that in total the efforts of OSCE in this area are much more pronounced, as the organization dedicates to this sector 18% of its complete capacity, while the COE contributes by dedicating only 10 percent.<sup>3</sup> For the rest of categories, the organizations show antagonistic tendencies. In *Research*, the efforts of the Council of Europe remain more or less the same, with a slight declining tendency of 3 percent. On the other hand, in the OSCE we can observe greater dedication to the research, which is distinguished by rise of 45% from its initial value. The most significant difference can be found in the *Victim Protection* category. While the COE's work increases by 75%, the OSCE register decrease of 21%. Lastly, the *Cooperation* decreases by 57 percent for the Council of Europe, while the OSCE observes a 31% increase. Described evolutions are portrayed in the TABLE 4.6.

**TABLE 4.6 Evolutions in levels of COE and OSCE activities**

	Prevention	Victim Protection	Combating crime	Research	Cooperation
COE	-21%	75%	43%	-3%	-57%
OSCE	-17%	-21%	20%	45%	31%

After comparing observed values indicated in the TABLE 4.6 against expectations raised by the HI, we may affirm that the premises of historical institutionalism were to a large degree fulfilled. It rightly predicted the increase in the area of *Victim prevention* by the Council of Europe. Indeed, as we can see from the table its value has increased from its pre-crisis value by 75%. At the same time, *Victim prevention* in the OSCE has dropped by 21%, while the intensity of their work in *Combating crime* has risen by 20%. Furthermore, the increase in the domain of *Cooperation* by the OSCE and its simultaneous decline in the COE has also been correctly predicted. On the other hand, some of the changes went contrary to expectations based on deciphering patterns of change and continuity in international institutions. For example, the decrease in *Prevention* by the OSCE has been unexpected.

<sup>3</sup> We should bear in mind, that undergone changes described below are relative to respective institutions. Consequently, even an increase of COE by 43 percent from its original value (in comparison to 20 by the OSCE), does not necessarily mean that overall the COE is more active in this category. On the contrary, by dedicating to this policy domain 18 percent of its operational capacity, the OSCE demonstrates greater activity than COE's 10 percent.

Likewise, the augmentation of activity in the area of *Combating crime* by the Council of Europe has been a surprise. On the other hand, these two shifts could be explained by the migration crisis, which could have for a time caused that preventive measures became less important, while the combat of crime became a predominant concern.

This section has presented the empirical testing of three theoretical approaches - the realism, the neoliberal institutionalism and the historical institutionalism. Based on the elaboration of three perspectives, distinct explanations of changes in institutional form have been provided. In this manner, causal factors explaining observed changes in the anti-trafficking agendas underwent in the last decade by the COE and OSCE have been revealed. In all three cases, independent variables have been operationalized and tested. In the realist explanation, the independent variable has reflected shifts in policy attitudes of most powerful states, for neoliberal institutionalism, it has been the varying intensity of interdependence and in the case of historical institutionalism the observed factor has been the initial institutional design of the COE and the OSCE.

By tracking evolutions of anti-trafficking policies undergone by selected international organizations, we have demonstrated that factors predicted by the neoliberal institutional theory have not been significant. Therefore, as the interdependence did not persuasively affect changes in IO's design, the assumptions of NLI were refuted. In contrast, hypotheses of realism and historical institutionalism have been both with certain limitations confirmed. The logic of path dependence, as well as interests of key member states have been proven as factors with a visible impact on changes in the functioning of international organizations. After comparing observed values against expectations raised by the HI, the study has demonstrated that assumptions of historical institutionalism have been closest to accurately predict the direction in which anti-trafficking policies of both IO's have developed. On the other hand, some of the changes went contrary to expectations based on deciphering patterns of change and continuity in international institutions. Thus, although the historical institutionalism has been able to estimate the principal tendencies, it was not sufficiently precise in all its aspects. Consequently, to accurately explain the influence of IOs on the policy making in the trafficking of human beings, it has been necessary to include considerations regarding national interests of key member states. In conclusion, not one of the presented approaches was able to comprehensively account for observed changes on its own. To uncover patterns explaining causal relations independent variables of both realism and historical institutionalism needed to be employed.

## Chapter V: Conclusions

The intended goal of this study was to reveal causal factors, which could explain changes in the anti-trafficking policy design underwent in the last decade by the Council of Europe and the Organization for Security and Cooperation in Europe. The work started by initiating the reader into the heart of the human trafficking problematic. Due to general misconception regarding the confusion between two distinct concepts; the human smuggling and the human trafficking; a special section was dedicated to their respective characterization. It has been clarified that although both phenomena share similar patterns, there exist a clear legal distinction. After a brief familiarization of basic definition, forms and categories of the human trafficking, the thesis presented dominant views of its underlying causes. The study of human trafficking causes revealed four dominant views, which perceive trafficking respectively as the migration problem, the side effect of globalisation, the result of transnational organised crime and the human rights challenge. As interventions are inseparable from conceptualisations of the problem, representation of alternative ways of framing the human trafficking was necessary to capture the complexity of aspects essential for an effective counter-trafficking combat. Before representing the significance of the Council of Europe and the OSCE in the European combat against the human trafficking, evolutions of the most influential global and European anti-trafficking initiatives have been outlined. The delineation of organizations' histories and description of their internal design and building principles brought out similarities and differences in the formation of organizations' policy objectives, as well as instruments that they adopt to combat the human trafficking. This enabled a comparative analysis of IO's respective influence on the formation of norms concerning the human trafficking on a European continent.

The descriptive part was followed by an empirical analysis of the design of both international organizations, as well as the operationalization of the dependent variable. The dependent variable has been conceptualized as changes in anti-trafficking agendas of analysed IO's. After determining indicators of policies necessary for an effective combat against the trafficking, described criteria have been grouped into five policy domains: Prevention, Victim protection, Criminal costs, Cooperation with other actors, and Support for research. Using data mining techniques by employing the RapidMiner platform, the study has processed information from reports of both organizations spanning a period of 10 years. Results revealed to what level individual indicators have been fulfilled by respective IOs. The

subsequent comparative analysis of changes in the design undergone by the two regional organizations, thus, revealed evolutions in the dependent variable.

Afterwards, the theoretical framework of the research has been introduced. The study has reviewed three theories of institutions in order to present competing explanations of influence that IOs may have on the formation of international norms and conduct of states in the domain of human trafficking. Based on assumptions of realism, neoliberal institutionalism and historical institutionalism, related independent variables and corresponding working hypotheses were formulated. While the neoliberal institutional conception views organizations as actors resolving collective action problems with capacities to constrain self-interested behaviour of individual states, the HI perspective accentuates the impact of initial institutional design of the Council of Europe and the OSCE on changes in their policies. As for realists, institutions are primarily understood as tools serving interests of the most powerful states. This has been an indispensable preliminary measure that has later enabled to reveal causal factors, which influence the way policy goals and instruments of international organizations in the domain of the human trafficking are determined.

Consequently, the following step has been the testing and evaluation of respective hypotheses. Each of respective school of thoughts differs profoundly in their assumptions about the significance of IOs. This distinction has been an important point of departure that enabled the formation of respective working hypotheses and related independent variables. In the realist explanation, the independent variable has reflected shifts in policy attitudes of most powerful states, for neoliberal institutionalism, it has been the varying intensity of interdependence and in the case of historical institutionalism the observed factor has been the initial institutional design of the COE and the OSCE. This elaboration allowed us to draw conclusions necessary to answer the principal research question, which asked what explains changes in the functioning of the Council of Europe and the Organization for Security and Cooperation in Europe in the area of combating the human traffic across time and between each other. The empirical testing of theories of international institutions has not been useful only as a mean of testing the credibility of a particular theory. Simultaneously, by checking the accuracy of theory-based predictions against the historical record, our undertaking could allow policy practitioners to make better informed choices in the future.

By tracking evolutions of anti-trafficking policies undergone by selected international organizations, we have demonstrated that factors predicted by the neoliberal institutional theory have not been significant. Therefore, as the interdependence did not persuasively affect changes in IO's design, the assumptions of NLI were refuted. In contrast, hypotheses of

realism and historical institutionalism have been found as more useful in their ability to explain the internal working of a policy formation within an international organization. The logic of path dependence, as well as interests of key member states have been proven as factors with a visible impact on changes in the functioning of international organizations. After comparing observed values against expectations raised by the HI, the study has demonstrated that assumptions of historical institutionalism have been closest to accurately predict the direction in which anti-trafficking policies of both IO's have developed. It rightly predicted the increase in the area of Victim prevention by the Council of Europe, as well as the rise of Combating crime by the OSCE. On the other hand, some of the changes went contrary to expectations based on deciphering patterns of change and continuity in international institutions. For example, the decrease in Prevention by the OSCE has been unexpected. Likewise, the augmentation of activity in the area of Combating crime by the Council of Europe has been a surprise. To counterbalance that, the realist approach has been able to almost perfectly predict the evolution of both IOs anti-trafficking efforts in the Prevention domain. Nevertheless, the utility of realist premises remains limited. The necessary consideration of relative influence of respective members cannot be simplified into a general formula and, subsequently, its conclusions require a complex understanding of geopolitical considerations. Moreover, the realist hypothesis drew certain troubling inconsistencies. In conclusion, not one of the presented approaches has been single-handedly able to account for observed changes. To uncover patterns offering a comprehensive explanation of causal relations, independent variables of both realism and historical institutionalism needed to be employed. Although the historical institutionalism has been able to estimate principal tendencies, it was not sufficiently precise in all its aspects. Thus, to accurately explain influence of IOs on the policy making in the trafficking of human beings, it has been necessary to include considerations of both realist and historical institutional theories

To conclude, the primary objective of the thesis has always been the effort to bring attention to the human trafficking problematic and to familiarize its readers with the most recent developments on the European continent. Despite the gravity of this problem, there remains a considerable lack of devoted studies to this issue. At the time of writing, when the number of victims of the human trafficking in Europe is on the rise, it seems especially important to offer a work that provides critical engagement with key debates on the human trade. Addressing the subject within the broader context, it draws on discussions about the role of globalization, internationalisation of crime control and the impact of human rights regime that shape the human trafficking debate. Simultaneously, the work presents competing

explanations of influence that IOs have on the formation of international norms and conduct of states in the domain of human trafficking. Explaining changes in the anti-trafficking policy design leads toward an improved understanding of the relative importance that specific factors have on IO's designation of policies. Furthermore, by presenting a theoretical concept of comprehensive anti-trafficking policies, it is hoped that the work clears some of perplexities about what represent an effective counter-trafficking response. After all, recognising underlying causes is the first step to their successful resolution.



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# Thesis Project

Univerzita Karlova  
Fakulta sociálních věd  
Institut politologických studií

Diploma thesis project

## International Regimes against Trafficking in Human Beings: European Experience



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Obor: **Mezinárodní vztahy (MV)**

Datum odevzdání: **2018**

## **Introduction to the topic**

Although in Europe the issue of slavery tends to be considered as a marginal problem, the reality of trafficking in persons (THB) is far from being resolved. With the statistical estimation of 40.3 million people being currently exploited in the conditions of modern slavery (ILO, 2017), the lack of studies dedicated to one of the gravest human rights abuses is not only perplexing, but detrimental to the formation of an effective policy response. The need of dedicating greater attention to this troubling issue is especially pronounced in times of an ongoing migration crisis, which is witnessing a concerning rise in the number of trafficked persons on the European continent (European Commission, 2017).

Last two decades have been marked by a formation of multiple initiatives targeted to combat the malpractice of trafficking in human beings. The governance of human trafficking has developed into a transnational regime complex, in which public and private actors share responsibilities over various global governance tasks including information sharing, standard setting, monitoring and evaluation. Although collective effort of all these actors is undeniably important, the focus of this work will be concentrated on the role of IOs. The reason for this is not only limited length of this study, but also the fact that the character of IO makes them the suitable mediator, which has the potential of establishing an international regime that could effectively fight this problem.

The understanding of how IO form their policy objectives and what instruments they employ to achieve them is the first step for comprehending how their activity affects changes in the regime that combats the human trafficking. Therefore, the key interest of this work will be to find out how international organization's activities in the area of human trafficking are determined.

### **Research target, research question**

The target of this research is to reveal causal factors that influence the way policy goals and instruments of international organizations in the domain of human trafficking are determined. By tracking the evolutions undergone by the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), we should be able to uncover decisive factors affecting their behaviour. Consequently, the contribution of this study should lead to an improved understanding of the relative importance that specific factors have on IO's designation of policies.

The thesis will consider and test theoretical assumptions of three rivalling theories on institutions, the realism and historical and neoliberal institutionalism. These three broad approaches, which offer contrasting perspectives on the functioning of international organizations, will form the theoretical framework of the study and help to formulate our hypotheses. By considering assumptions of three theories, the study will be in better position to reach objective conclusions.

Consequently, based on premises of respective theories, the study will establish corresponding independent variables. The dependant variable being the changing design of institutions, the detailed cross-case analysis spanning a period of one decade will uncover causal relations between independent and dependent variables. Thus, by means of time series data collection, patterns revealing which of independent variables can be designed as responsible for observed changes will become visible. In this way, the study will be able to answer to what extent assumptions of given theories can serve to accurately explain the influence of IOs on the policy making in the area of human trafficking.

The research question asks *what explains changes in the functioning of Council of Europe and Organization for Security and Cooperation in Europe in the area of combating the human traffic?*

### Literature review

Because human trafficking is a neglected political issue, there is only limited pool of literature that turns attention towards this problem. Majority of sources dedicated to this theme is concerned with studying the human trafficking as a security problem. Consequently, we come across numerous legal studies identifying gaps and weaknesses in the European anti-trafficking regime, leading to the inability of states to effectively prosecute and fight human trafficking. As a result, many studies conceptualizing the definition of human trafficking, as well as effective methods for fighting this phenomenon exist. Nevertheless, we see very limited number of proposed measures applied in practice. The reason for this is less clear and, therefore, an issue worthy of attention.

According to Gómez-Mera, we can understand the evolution of governance of human trafficking as a result of emergence and spread of novel forms of soft or voluntary rule making, developed by intergovernmental organizations (IGOs) and private actors. In other words, she asserts that the degree of implementation of anti-trafficking rules and norms can be explained through the prism of transnational regime complexes. The author claims that despite new formal laws and informal cooperative arrangements at the international, regional, and national levels, goals of effectively combating the human trafficking has not been reached. She states that implementation of anti-trafficking rules continues to reflect state preferences and, in particular, their security and domestic political concerns about immigration. Belief that governments continue to implement anti-trafficking laws selectively is the leading idea of her thesis. She supports her argument by building on academic writings studying effects of regime complexes, more specifically concerned with regime shifting or international law fragmentation.

Gómez-Mera's hypothesis has been an important point of departure for this research. If author's claim is valid, we should see its confirmation in a detailed case study based on the

cross-evaluation of qualitative changes in IO's policy activity. However, if the causality between state interests and IO's changing behaviour is not confirmed, another theory studying international organizations can reveal what really explains transformations in the functioning of COE and OSCE in the area of combating the human traffic. In consequence, the overview of contemporary realist and liberal approaches to international institutions will be an important point of departure forming the theoretical framework of this study. Drawing on works of Robert Keohane, Joseph Nye, Paul Pierson and Simmons and Martin the study will familiarize the readers with basic relevant theories. Attention will be focused mainly on three perspectives; historical and neoliberal institutionalism and realism, which will be used to build working hypotheses and whose validity will be then tested against the collected statistical data. For the analytical part of the thesis, the most relevant literature is presented by reports published by COE and OSCE, together with academic secondary sources, which analyse the impact and interactions between observed regional organizations. Particularly significant is the article by Tallberg et al., whose proposed means to measure the performance of IO will be applied in the final analysis. Another important source has been the thesis of Viktor Staníček, which presents a clear delineation of indicators necessary for an effective human trafficking combat. The elaborated characteristic of an effective process to suppress trafficking in human beings has enabled this study to capture the changing design of IO's. Capturing this process on a period of last decade, selective employment of indicators has served as the basis for operationalization of the study's dependent variable.

### **Conceptual and theoretical framework, research hypotheses**

The introduction will present the significance of the COE and the OSCE in the European combat against the human trafficking. To effectively illustrate their respective roles, the work will delineate organizations' histories and describe their internal design and building principles. The detailed case study will be used to bring out similarities and differences in the formation of organizations' policy objectives, as well as instruments that they adopt to combat the human trafficking. Thus, we will be able to observe their influence on the formation of norms concerning the human trafficking on a European continent.

Regarding the conceptual framework of the study, in the discipline of international relations we come across multiple theoretical approaches with differing perspective on the role and impact of international organizations. Depending on the theoretical approach adopted, divergent variables can be claimed as plausible explication for shifts in organization's policy activity.

To understand the role that IOs have on the formation of international norms and conduct of states in the domain of human trafficking, this thesis will review some of the contemporary theories of institutions. Three academic views will be presented and evaluated to engage in the debate between their varying perspectives.

In order to draw up a functioning model delineating causality, we first need to review basic assumptions of rivalling methodological approaches with which this study will be concerned - the realism, the neoliberal institutionalism and the historical institutionalism. While the neoliberal institutional conception views organizations as actors resolving collective action problems with capacities to constrain self-interested behaviour of individual states, the historical institutional perspective accentuates the impact of path dependency on the behaviour of institutions. As for realists, institutions are primarily understood as tools serving interests of the most powerful states.

Consequently, the thesis will consider changing power relations among MS and their national preferences. According to theoretical assumptions of realism, changes in international organizations' design may reflect important shifts in policies of the most influential member states. Therefore, according to this perspective, key independent variables might be changing based on interests of powerful member states, reflecting their preoccupation with relative power concerns and national security. If the realist hypothesis is correct, developments in human trafficking regime might be proven subordinated to changing national economic and security concerns. We should be able to observe strong links between evolving geopolitical concerns of significant member states with changes in IO's activity.

We will continue with the neoliberal institutional perspective (NLI) that focuses on the importance of institutions as instruments for solving solve collective-action problems. This approach sees IO's as mediators with means to achieve cooperation among actors in the system. According to this perspective, one of the consequences of globalization of security concerns (such as human trafficking) is the realization that threats to any country's security cannot be addressed unilaterally. Successful responses to security threats, represented in this case by organized transnational criminal networks, require IO for enabling cooperation and promote coordination of policy responses. Among core assumption of NLI is the belief that while institutions are relevant, states remain the instrumental actors whose goal is to maximise their proper interests. However, being able to appreciate benefits of cooperative behaviour, states are willing to shift their loyalty and resources to IO, in case those can be perceived as mutually beneficial. As a consequence, the greatest obstacle to successful cooperation tends to be the non-compliance or cheating by states.

In case of adopting the perception of IOs as seen by neoliberal institutionalists, changes in the policy design should be the consequence of IO's effort to find most suitable ways to alleviate collaborative issues, transaction costs, and uncertainties among member



states. As neoliberal approach presents IOs as quasi-independent actors whose *raison d'être* is to solve collective problems, evolution of policies concerning human trafficking should reflect this expectation. Thus, by for example conceptualizing European migration crisis as an externality that could negatively affect the internal security of European states, if we prove that COE and OSCE have in its aftermath developed into platforms attempting to solve the dilemmas of collective action, neoliberal suppositions will be confirmed.

Turning to an alternative explanation, the thesis will then consider theoretical assumptions of historical institutionalism (HI). This theoretical approach studies IO's to find sequences of social, political and economic behaviour and change across time. Rather than accepting historical development as a linear process, they examine conditions under which a particular trajectory was followed. The basic concept of this theory is a path dependence. According to writings of Paul Pierson and Theda Skocpol path dependence expresses the idea that outcomes at a critical juncture trigger feedback mechanism that reinforce the recurrence of a pattern into the future. In consequence, the significance of path dependence is that once actors have ventured down a particular path, they are likely to find it very difficult to reverse its course. In such a case, the political alternatives that were once quite plausible may become irretrievably lost. According to this view, the dynamics established during IO's foundation can have a long and lasting effects on its functioning. Thus, a process established at one point in time can reproduce itself, even in the absence of the recurrence of the original event or process.

Subsequently, the principles guiding the foundation of respective IO's can be understood as having decisive influence on their consequent behaviour. The Council of Europe has been established with the aim to protect fundamental human rights and freedoms, to safeguard the principle of the rule of law in Europe and to guarantee the democracy. According to path dependency, we may consider that COE remained faithful to its founding

values and, subsequently, its advances in the fight against human trafficking should be demonstrably affected by heightened considerations of victims' wellbeing. In contrast, the Organization for Security and Co-operation in Europe is the world's largest security-oriented intergovernmental organization. Consequently, the organization should reflect its preoccupation with the security aspect of combating the trafficking in human beings.

Based on the above described theoretical frameworks, the working hypotheses have been designed in the following manner:

**H1:** Changes in IO' design reflect important shifts in national economic and security concerns of the most influential member states.

**H2:** The changing design of IO's policies is the consequence of increasing interdependence among the member states.

**H3:** Differences in IO's policy design are caused by effects of path dependence.

### **Empirical data and analytical technique**

Considering the sensitive aspect of the analysed problem, there is a shortage of primary data to be obtained. Human trafficking, as is the case for any other issue concerning criminal activity, is a shadow area in which neither states nor international organizations can obtain accurate statistics. All data presented is therefore limited, presenting only informed and calculated approximation and never certainty. In consequence of this limitation, the research is chiefly based on secondary sources, gathered from official reports and documentation published by concerned states, various international organizations and NGOs. Although there has been an effort to work with the greatest variety of sources possible, due to the little attention dedicated to the human trafficking phenomena the data is in greatest part based on information provided by IO's themselves. However, as the chief objective is to study organizations' policy output and changing design, it should not negatively impact the objectivity of the findings.

To remind the goal of the thesis, this study aims to uncover mechanisms influencing the changes in the policy orientation of Council of Europe with the Organization for Security and Cooperation in Europe over the time period of the last decade by explaining changes in their policy output. Paragraphs below display the operationalization of dependent and independent variables that are necessary to reach this end.

The dependent variable, which depicts changes in anti-trafficking agendas of analysed IO's, will be measured in the following manner. Firstly, the thesis will determine five key indicators necessary for an effective combat of human trafficking. Based on measures that can be identified as commonly accepted in anti-trafficking European regime, the thesis will consider following areas: prevention; victim protection; increasing cost for criminal groups; cooperation with other actors and support for research. Followingly, using data mining techniques on the RapidMiner platform, the study will be able to process the annual

documents of both organizations. Thus, the thesis will reveal the degree to which respective indicators have been fulfilled by IOs over the period of the last decade. We will be able to establish this knowledge by matching the frequency of relevant keywords (corresponding to respective indicators of human trafficking combat) to annual reports of both organizations.

After determining five key areas fundamental for an effective combat of human trafficking, the thesis will assess varying levels of IO's activity in the given domains. By tracing changing policy orientation and employed tools through the period of the last decade, the work will make the first step towards uncovering causal explanations that will show factors, which have had the greatest role in observed IO's policy evolution. Overall, the study will designate following variables:

*Dependent variable (DV):* Changes in the organizations' design (i.e. goals and instruments as they evolve in time)

*First independent variable:* Changing interests of key member states

*Second independent variable:* Increasing interdependence among states

*Third independent variable:* Consequences of path dependence

Comparative analysis of two regional organizations will then establish, which of examined independent variables have been the most influential cause behind changes in the design of studied IOs. Based on observation gained from the analysis, the study will construct a simplified causal model, illustrating by which factors changes in IO's policy orientation are determined. Those findings will be then employed to confirm/refute formulated hypotheses.

## *Planned thesis outline*

### *Introduction*

#### *Chapter I: Human trafficking and IOs*

- 1.1 Human trafficking
- 1.2 European anti-trafficking regime
- 1.3 Council of Europe
  - 1.3.1 The Convention on Action against Trafficking in Human Beings
  - 1.3.2 European Court of Human Rights
  - 1.3.3 Monitoring mechanism: GRETA
- 1.4 Organization for Security and Cooperation in Europe

#### *Chapter II: Combat against human trafficking: COE and OSCE*

- 2.1 Operationalization of the dependent variable (changes in IO's design)
  - 2.1.1 Indicators of anti-trafficking combat
  - 2.1.2. Data mining
  - 2.1.3. Evaluation of data series
    - 2.1.3.1 Council of Europe
    - 2.1.3.2 Organization for Security and Cooperation in Europe

#### *Chapter III: Theoretical Framework*

- 3.1 Theories of International Organizations
  - 3.1.1 Realism
    - 3.1.1.1 Hypothesis I
    - 3.1.1.2 Operationalization of independent variable I
  - 3.1.2 Neoliberal Institutionalism
    - 3.1.2.1 Hypothesis II
    - 3.1.2.2 Operationalization of independent variable II
  - 3.1.3 Historical Institutionalism
    - 3.1.3.1 Hypothesis III
    - 3.1.3.2 Operationalization of independent variable III

#### *Chapter IV: Empirical testing*

- 4.1 Application of Theories and Causal Analysis
  - 4.1.1 Realism
  - 4.1.2 Neoliberal Institutionalism
  - 4.1.3 Historical Institutionalism

#### *Chapter V: Conclusions*

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## Annex

**TABLE 6.1 Comprehensive list of keywords corresponding to 5 policy domains**

Prevention	Victim protection	Increasing cost for criminal group	Support for research	Cooperation with other actors
awareness	asylum	common Information System	mapping	civil society
campaigns	children protection	comparable penalties	monitoring	collaboration
demand	health care	criminal groups	evaluation	cooperation
democratic institutions	legal aid	criminal networks	documenting	coordination
development	legal help	high penalties	reporting	governmental organization
discrimination	legal proceedings	investigations	researching	IGO
economic situation	new identity	joint Investigation Teams	evaluation of implementation	international organization
education	physical protection	legal definition	knowledge	IO
equality policies	protection	legislation	review	networking
financial sanctions	psychological care	offenders	assessment	NGO
global supply chains	residence permit	organized crime	scrutiny	non governmental organization
human rights	special visas	penalty	monitor	teamwork
information	victim protection	penance	evaluate	think tank
inspection	women protection	perpetration	document	
offer reduction		prison	report	
protection of human rights		prosecution	research	
reducing offer		punishment		
reducing poverty		sentence		
reducing unemployment		uniform legal definition		
removing license				
risk awareness				
security situation				
socio-economic situation				
source countries				
supply chains				
support for education				
target countries				



**TABLE 6.2 Keyword frequency matching outcomes (5 policy domains)**

IO	Prevention	Victim Protection	Combatting crime	Research	Cooperation
COE_2009-12	277	128	61	243	112
COE_2013-15	750	547	261	747	266
COE_2016-*	809	822	292	865	165
OSCE_2009-12	4624	2127	1707	1250	1434
OSCE_2013-15	1205	544	620	428	520
OSCE_2016-*	352	147	185	159	168

**TABLE 6.3 Keyword frequency matching outcomes in percentages**

IO	Prevention	Victim Protection	Combatting crime	Research	Cooperation
COE_2009-12	34%	16%	7%	30%	14%
COE_2013-15	29%	21%	10%	29%	10%
COE_2016-*	27%	28%	10%	29%	6%
OSCE_2009-12	42%	19%	15%	11%	13%
OSCE_2013-15	36%	16%	19%	13%	16%
OSCE_2016-*	35%	15%	18%	16%	17%

**TABLE 6.4**  
**COE and OSCE**  
**membership**

<b>OSCE (57 members):</b>	<b>COE (47 members):</b>
Albania	Albania
Andorra	Andorra
Armenia	Armenia
Austria	Austria
Azerbaijan	Azerbaijan
Belarus	/
Belgium	Belgium
Bosnia and Herzegovina	Bosnia and Herzegovina
Bulgaria	Bulgaria
Canada	/
Croatia	Croatia
Cyprus	Cyprus
Czech Republic	Czech Republic
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Georgia	Georgia
Germany	Germany
Greece	Greece
Holy See	/
Hungary	Hungary
Iceland	Iceland
Ireland	Ireland
Italy	Italy
Kazakhstan	/
Kyrgyzstan	/
Latvia	Latvia
Liechtenstein	Liechtenstein
Lithuania	Lithuania
Luxembourg	Luxembourg
Malta	Malta
Moldova	Moldova
Monaco	Monaco
Mongolia <sup>4</sup>	/
Montenegro	Montenegro
Netherlands	Netherlands
Norway	Norway
Poland	Poland
Portugal	Portugal
Romania	Romania
Russian Federation	Russian Federation
San Marino	San Marino
Serbia	Serbia
Slovakia	Slovakia
Slovenia	Slovenia
Spain	Spain
Sweden	Sweden
Switzerland	Switzerland
Tajikistan	/
Macedonia	Macedonia
Turkey	Turkey
Turkmenistan	/
Ukraine	Ukraine
United Kingdom	United Kingdom
United States	/
Uzbekistan	/

<sup>4</sup> \*the only state to join in the aftermath of the analysed time-period (in 2012)

**TABLE 6.5 Evaluations of anti-trafficking policies in selected countries (2008-2015)**

Country	Year	Prosecution	Protection	Prevention
France	2008	5	4	4
France	2009	5	4	5
France	2010	5	4	5
France	2011	4	5	5
France	2012	5	5	5
France	2013	4	3	5
France	2014	4	3	5
France	2015	3	4	5
Germany	2008	5	5	5
Germany	2009	5	5	5
Germany	2010	5	3	5
Germany	2011	4	3	5
Germany	2012	4	3	5
Germany	2013	4	3	5
Germany	2014	4	3	5
Germany	2015	5	3	4
Russia	2008	4	3	3
Russia	2009	5	2	3
Russia	2010	5	2	3
Russia	2011	5	2	2
Russia	2012	5	2	3
Russia	2013	4	2	2
Russia	2014	2	1	1
Russia	2015	1	1	2
UK	2008	5	3	5
UK	2009	5	3	5
UK	2010	5	3	5
UK	2011	4	3	4
UK	2012	5	3	4
UK	2013	5	3	5
UK	2014	4	3	5
UK	2015	5	5	5
USA	2008	5	5	5
USA	2009	5	5	5
USA	2010	5	5	5
USA	2011	5	3	5
USA	2012	5	3	5
USA	2013	5	3	5
USA	2014	5	3	5
USA	2015	5	3	5

**TABLE 6.6 ‘3P’ policy intensity in selected countries in 2008-2012 and 2013-2015**

<i>Country</i>	<i>Year</i>	<i>Prosecution</i>	<i>Protection</i>	<i>Prevention</i>	<i>Country</i>	<i>Year</i>	<i>Prosecution</i>	<i>Protection</i>	<i>Prevention</i>
France	2008	100%	80%	80%					
France	2009	100%	80%	100%					
France	2010	100%	80%	100%	France	2013	80%	60%	100%
France	2011	80%	100%	100%	France	2014	80%	60%	100%
France	2012	100%	100%	100%	France	2015	60%	80%	100%
<i>Average</i>		96%	88%	96%	<i>Average</i>		73%	67%	100%
Germany	2008	100%	100%	100%					
Germany	2009	100%	100%	100%					
Germany	2010	100%	60%	100%	Germany	2013	80%	60%	100%
Germany	2011	80%	60%	100%	Germany	2014	80%	60%	100%
Germany	2012	80%	60%	100%	Germany	2015	100%	60%	80%
<i>Average</i>		92%	76%	100%	<i>Average</i>		87%	60%	93%
Russia	2008	80%	60%	60%					
Russia	2009	100%	40%	60%					
Russia	2010	100%	40%	60%	Russia	2013	80%	40%	40%
Russia	2011	100%	40%	40%	Russia	2014	40%	20%	20%
Russia	2012	100%	40%	60%	Russia	2015	20%	20%	40%
<i>Average</i>		96%	44%	56%	<i>Average</i>		47%	27%	33%
UK	2008	100%	60%	100%					
UK	2009	100%	60%	100%					
UK	2010	100%	60%	100%	UK	2013	100%	60%	100%
UK	2011	80%	60%	80%	UK	2014	80%	60%	100%
UK	2012	100%	60%	80%	UK	2015	100%	100%	100%
<i>Average</i>		96%	60%	92%	<i>Average</i>		93%	73%	100%
USA	2008	100%	100%	100%					
USA	2009	100%	100%	100%					
USA	2010	100%	100%	100%	USA	2013	100%	60%	100%
USA	2011	100%	60%	100%	USA	2014	100%	60%	100%
USA	2012	100%	60%	100%	USA	2015	100%	60%	100%
<i>Average</i>		100%	84%	100%	<i>Average</i>		100%	60%	100%

FIGURE 6.1 Screenshot of data mining in the RapidMiner

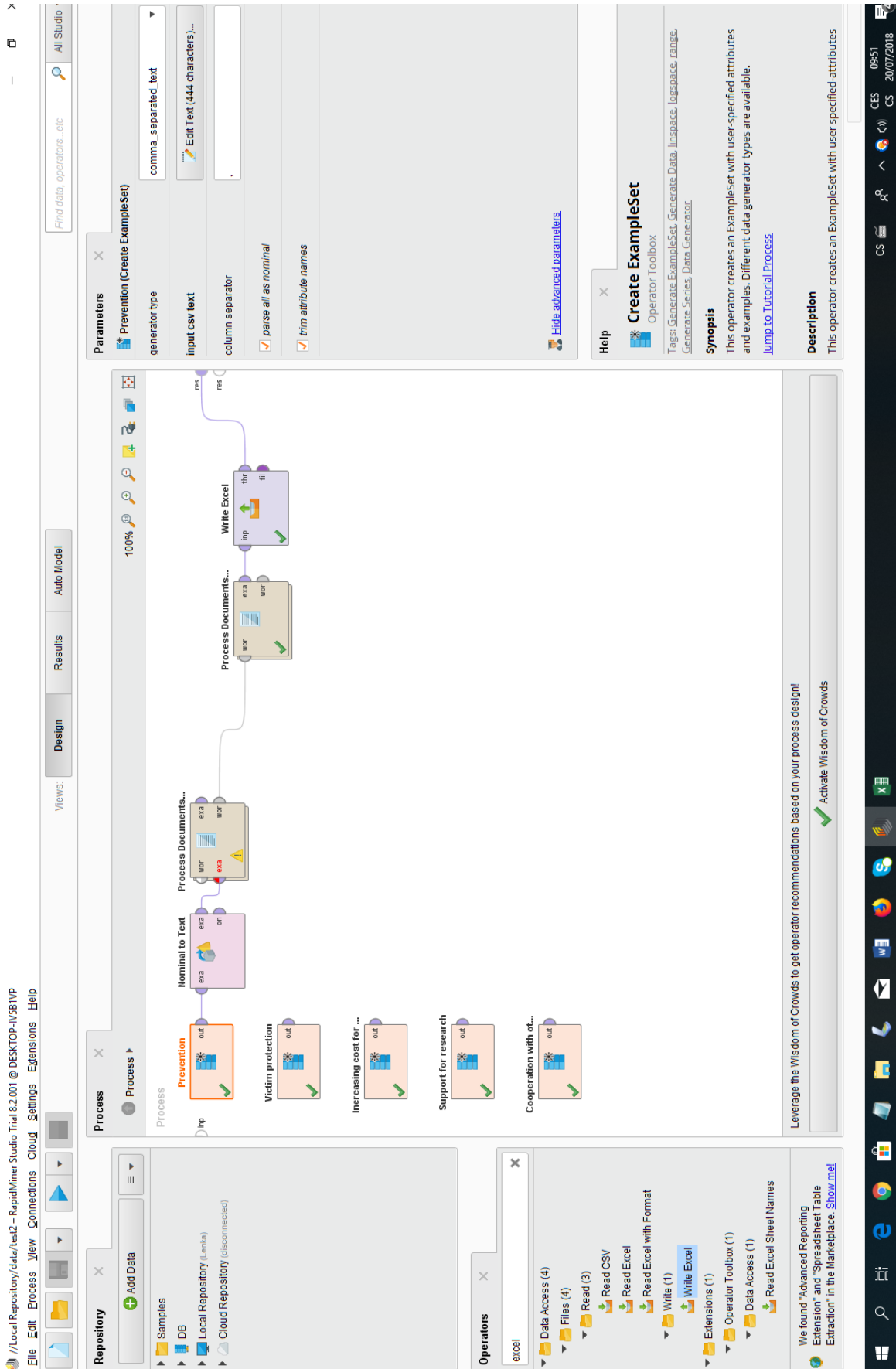


FIGURE 6.2 Screenshot of data processing in the RapidMiner

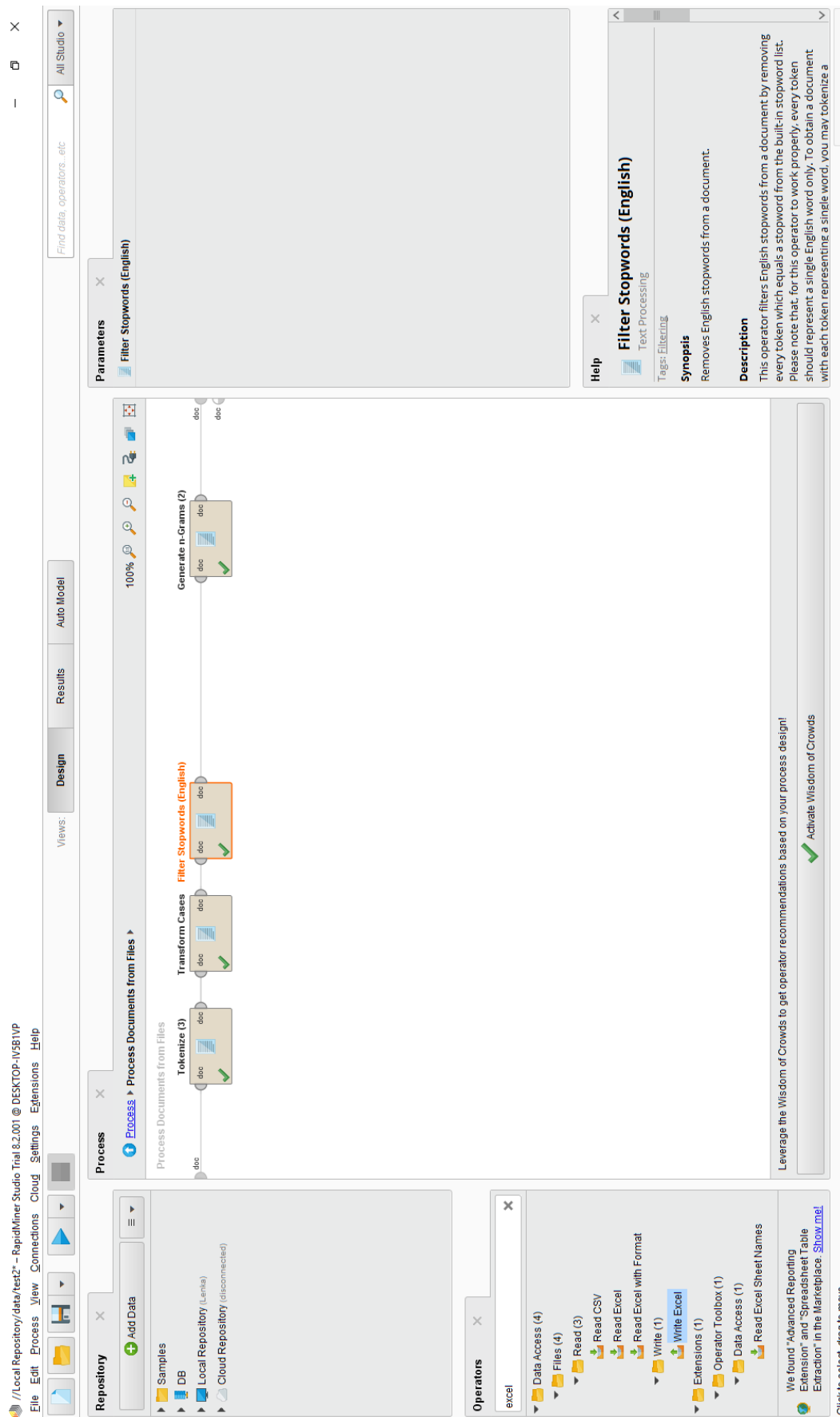


FIGURE 6.3 Screenshot of data processing in the RapidMiner

