CHARLES UNIVERSITY

FACULTY OF SOCIAL SCIENCES

Institute of Political Studies

Department of Political Science

Bachelor's Thesis

2021 **Sofie Korčyková**

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Human Trafficking in De Facto States: Analysing Policies Outside International Reach

Bachelor's Thesis

Author of the Thesis: Sofie Korčyková

Study programme: Politologie a mezinárodní vztahy

Supervisor: Mgr. Jakub Tesař, Ph.D.

Year of the defence: 2021

Declaration

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.
2. I hereby declare that my thesis has not been used to gain any other academic title.
3. I fully agree to my work being used for study and scientific purposes.

In Prague on 4. 5. 2021 Sofie Korčyková

References

KORČYKOVÁ, 2021. Human Trafficking in Unrecognized De Facto States: Analysing Policies Outside International Reach. Praha. 60 pages. Bachelor's thesis (Bc). Charles University, Faculty of Social Sciences, Institute of Political Studies. Department of Political Science. Supervisor Mgr. Jakub Tesař, Ph.D.

Length of the Thesis: 92 871 characters

Abstract

The thesis analyses human trafficking within the the post-Soviet territories that are functioning independently from their de iure governments due to the provided financial and military support of Russia. Through analysing the evolution and purpose of relevant international legislative norms, monitoring and accountability mechanisms, and international courts' interpretations, a lack of both oversight and elementary insight in relation to the human trafficking situation within these territories is illustrated. The policies that were enacted by local de facto governments are analysed to understand their level of compliance with international norms in comparison with their patron state, Russia. Though Abkhazia, Donetsk, Luhansk and South Ossetia show minimal deviance from Russian legislation, Transnistria emerges as an outlier. Potential policy determinant variables are identified and coded for quantitative analysis, their influence is hypothesized. Interest group strength, parent state issue severity and high level of international attention are identified to predict a higher compliance to international norms than Russia manifests, whereas economic dependence on Russia and more stringent external border control negatively influence the compliance. Furthermore, greater foreign attention to the issue has not been found to politicize and eventually negatively affect the de facto states' compliance with norms, unlike how it has been demonstrated to happen in Russia.

Abstrakt

Tato práce analyzuje problematiku obchodování s lidmi na postsovětských územích, která fungují nezávisle na svých de iure vládách díky finanční a vojenské podpoře Ruska. Analýzou vývoje a účelu příslušných mezinárodních legislativních norem, monitorovacích mechanismů, a skrze interpretaci rozhodnutí mezinárodních soudů je poukázáno na nedostatek dohledu nad i elementárního vhledu do situace obchodování s lidmi na územích těchto de facto států. Je provedena analýza zákonů, které byly přijaty místními de facto vládami, aby bylo možné určit jejich soulad s mezinárodními normami ve srovnání s Ruskem, které je vydržuje. Ačkoli Abcházie, Doněck, Luhansk a Jižní Osetie vykazují minimální odchylku od ruské legislativy, Podněstří se jeví jako nečekaně progresivní. Dále jsou identifikovány potenciální proměnné určující v de fakto státech politiku v otázce obchodování s lidmi, a tyto jsou kódovány pro kvantitativní analýzu. Síla zájmových skupin, závažnost problému v de iure státu a vysoká úroveň

mezinárodní pozornosti jsou identifikovány jako přepoklady vyšší shody s mezinárodními normami, než jaká existuje v Rusku, zatímco ekonomická závislost na Rusku a přísnější vnější kontrola jejich de facto hranic negativně ovlivňují jejich dodržování. Mezinárodní pozornost k této problematice na území de fakto států také nevedla k politizaci a neměla tedy negativní vliv na soulad s normami, jako to bylo popsáno v Rusku.

Keywords

Human trafficking, slavery, forced labour, de facto states, Russia, diffusion theory

Klíčová slova

obchodování s lidmi, otroctví, nucená práce, de facto státy, Rusko, teorie difuze

Obchodování s lidmi v de facto státech: Analýza politik vně mezinárodního dosahu

Acknowledgement

I would like to express my sincere gratitude to my thesis advisor, Dr. Jakub Tesař, for his patience, time and extremely valuable input which greatly helped me in my work.

Huge thanks also belongs to my family and friends who supported me on this lengthy journey, helped me brainstorm, find relevant information, and proofread.

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Abbreviations and language used

CoE – Council of Europe

CoE Convention – Council of Europe Convention on Action against Trafficking in Human Beings

DCFTA – Deep and Comprehensive Free Trade Area

ECHR – European Court of Human Rights

ECtHR – European Court of Human Rights

EU – European Union

GRETA – Group of Experts on Action against Trafficking in Human Beings, the monitoring mechanism established by the CoE Convention

ICTY – The International Criminal Tribunal for the former Yugoslavia

IGO – intergovernmental organisation

ILO – International Labour Organisation

NGO – non-governmental organisation

OSCE – Organization for Security and Co-operation in Europe

THB – trafficking in human beings

TIP – trafficking in persons

UN – United Nations

TIP Protocol – the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the United Nations Convention against Transnational Organized Crime

UNODC – United Nations Office on Drugs and Crime

UNTOC – United Nations Convention against Transnational Organized Crime

US – United States

US TIP Report – the annual global Trafficking in Persons Report issued by the US Department of State

In the work, I use the term ‘de facto state’ to describe the unrecognized separatist territories. In using it, it is not my intention to state that Scott Pegg’s territories best fits the reality of these individual territories, but to evoke the opposition to the legal term ‘de iure’, as in parts of the text this dichotomy is referred to.

I use the term ‘patron state’ to refer to the legitimate state that sustains the separatist entities (in this research Russia) and ‘parent state’ to refer to the legitimate state that the territories are de iure a part of (here Georgia, Moldova, Ukraine).

I also occasionally use the terms “legislation”, “criminal code”, “border” and similar to refer to the statutes and de facto borders of analysed separatist territories. This is only to reduce verbosity and should not be construed as taking a stand for the legitimization of the entities.

The terms “human trafficking”, “trafficking in persons”, and “trafficking in human beings” are used interchangeably in the work. The latter two are terms used in the UN and CoE conventions and terminology respectively, and the former is a somewhat more colloquial term, but the phrases on their own have not been established to refer to different concepts in research or media.

Introduction

A majority of post-Soviet states have been classified as significant origin and transit countries of human trafficking victims in the early 2000s (US TIP Report 2001; UNODC 2006 Report), and most continue to be disproportionately affected by the problem to this day. The mass scale of the problem has its root in 1990s, when transnational organized crime developed through the combined effects of the opening of borders, socioeconomic push factors and weakness of the newly emerged independent states, many rife with unchecked corruption and uncontrollably growing black market. (Tverdova 2011, Hughes 2000, Frisby 1998).

This regional problem had significantly contributed to the global political will for setting up a modern mechanism that would facilitate the transnational fight against the issue, which manifested into the adoption of the UN Convention against Transnational Organized Crime (UNTOC) in the early 2000s.

One of its optional protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (TIP Protocol), addresses the fight against human trafficking, an issue significantly neglected by the system of international law for half a century before. Though the TIP Protocol had not had a review mechanism until 2020, it has brought notable progress, especially in prompting a majority of states to criminalize trafficking and in raising awareness on the issue, with attention significantly increased in media and political discourse as well as in scientific research since (Ricard-Guay 2016, p.354; Tennant 2020, p.31).

Still, the problem remains prevalent and insufficiently addressed across the globe. One of the phenomena that the UNTOC explicitly aimed to rectify was the existence of ‘safe havens’ for organized criminal groups, i.e. territories where the threat of persecution for such crimes is lower (UN Resolution 55/25).

However, organized crime within unrecognized separatist territories remains formally unchecked by the international community.

Several such territories can be found in the post-Soviet space. These territories are dependent on a patron state for their existence, and the patron state upkeeps them for geopolitical reasons (O'Loughlin & Toal 2016).

These states receive limited or no recognition from legitimate United Nations (UN) members, and therefore are not considered as independent territories by international

actors. In effect, they are not viewed as independent actors by intergovernmental organisations (IGOs), non-governmental organisations (NGOs) and state actors that in various ways participate on addressing organized crime around the globe.

Their de iure parent state then does not have control over the territory and the existing monitoring mechanisms that assess the issue of trafficking in human beings (THB) usually do not treat THB within the territories as the parent state's responsibility for that reason. At the same time, they have not been assigning blame to the patron state which sustains the territory.

In this way, international pressure to address organized crime on their territories is significantly lower and may presumably allow them serve as above-named safe havens to an extent.

In this work, I aim to analyse the issue of THB in the context of international norms, which include international law and international monitoring mechanisms, to understand how the specific standing of the de facto states within the international community might affect the trafficking legislation within them.

Specifically, I will target five post-Soviet separatist territories that are de iure part of three different countries: Abkhazia (Georgia), Donetsk (Ukraine), Luhansk (Ukraine), South Ossetia (Georgia), and Transnistria (Moldova). These are all of the de facto states that depend on Russia for financial and military support (Ivanel 2016).

Specifically, I will analyse the legislation implemented within the territories and possible influences on variance of this legislation, using an input from expert interviews to interpret some of the findings.

The analysis will aim to answer two research questions:

1) How compliant are the de facto legislations of individual de facto states to the international standards in comparison to their patron state, Russia?
2) What are the diffusion factors that might affect policy adoption in Russia-backed de facto states?

The methodology used to answer them is based in large part on the research of Dean concerning human trafficking policy variation, adoption and implementation in the post-Soviet space, as developed throughout her research and applied throughout her publications, among others in Journal of Comparative Policy Analysis (2017) and the Policy Press publication Diffusing Human Trafficking Policy in Eurasia (2020). Her methods will be adjusted to the realities of the de facto territories both regarding relevance and available data.

Question 1 will be answered using the content analysis of relevant de facto legislative frameworks and comparing them to the Russian framework.

Question 2 will be answered using primarily a method of quantitative coding of relevant policy determinant variables. The impact of these variables on existing legislation will be hypothesized and then confirmed or refuted. The relevance of the variables' impact will be assessed using the individual legislation in the territories, with further insight provided from expert interviews.

Initially I intended to dedicate the thesis to comparison of the human trafficking situation in Ukraine and Russia. My aim was to analyse the factors that caused Ukraine to be a regional innovator in regards to THB legislation and Russia the government near-universally characterized as one of the least active in combatting THB, see whether Ukrainian approach changed in the years following the Revolution of Dignity, and pay special attention to the situation in the Donetsk and Luhansk territories.

However, this topic has been researched significantly and was especially well covered by publications in 2020 (Dean 2020; Molodikova 2020; Andrushko 2020), and innovative research would require extensive groundwork and go beyond the scope of a bachelor's thesis. With a more in-depth understanding of the legal conception of human trafficking I also realized that analysis using the standard framework of the issue may not be fully applicable to warzones, such as Donetsk and Luhansk, because when the crime is committed by armed conflict parties, it might fall within the scope of a war crime, rendering the assessment of state in/action irrelevant and bringing forward the question of state complicity.

For this reason, during the research of the subject, I chose to change the topic in favour of working on the same issue in all of the unrecognized republics sustained by Russia. This allows for a more relevant study which, to the best of my knowledge, has not been conducted in research, media or any sort of international evaluation or reporting mechanism. The issues are specific and little information is available publicly, therefore I chose to use policies used within the territories as the primary subject of study.

International Human Trafficking Norms in Unrecognized Territories

Human trafficking is a highly globalized problem, both in the nature of the crime which benefits from a vulnerable position of its victims who are frequently exploited in a foreign country where they have limited means of protection, and the existing system of combatting it. Few global issues find a near-universal agreement of the states on the basic problem definition and approach to their resolution, but human trafficking as a part of the United Nations criminal treaty system is, with 178 ratifications for the TIP Protocol, among them. For this reason, when analysing the issue on territories that fall outside of the ubiquitous norms of international law, it's helpful to understand this international system itself to see the scope of the irregularity that will be discussed, and consider how it could theoretically fit within the norms despite it.

For successful content analysis of the legislation as well as in-depth understanding of the issue, it is also important to see how the understanding of slavery, forced labour, human trafficking, and other related concepts historically overlapped and contradicted. As this is a very recent history, with human trafficking being just twenty years old as an international law subject, they still project into today's norms. Only a few of the older treaties are now effectively obsolete; many are still applicable.

For this reason, I will initially analyse the inception of the notion of 'human trafficking', how it interacts with the conceptions of slavery and forced labour, what are the international norms in regards to combatting THB and how this encompasses and ignores the issues specific to the unrecognized territories.

What's in a Name: Slavery, Trafficking and the International Law

The modernisation of the THB definition has been neglected as an issue by the international law system for most of the second half of the 20th century. While the understanding of the crime evolved, the corresponding legal framework was lacking.

It had not been until the early 1990s that the UN resolved to establish a normative framework on global action against transnational organized crime that would unify its definitions and response mechanisms (Vlassis 2002). An Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established as a result of previous negotiations in 1997, and by October 2000 it had finalized the drafting of the UN Convention against Transnational Organized Crime (UNTOC) and its three supplementary Protocols (Gallagher 2010). The TIP Protocol addressed the

issue of human trafficking. It helped define the crime as it is known today, resolving preceding contentions as to what exactly constitutes THB, and established the State Parties' obligations in regards to criminalization, prosecution and international cooperation, as well as set out recommendations for prevention and protection of the victims.

The previous ambiguities stemmed from the history of international conceptualization of THB. To understand why some legislation might be considered lacking, regressive or conflating in comparison to the present norms, the modern-day definition will be explained along with the evolution that preceded it.

Table 1: THB-related international law

Year	Name	Issue	Victim Specifications
1904	LON International Agreement for the suppression of the White Slave Traffic	Transnational procuring of prostitution	white women/girls
1926	LON Convention to Suppress the Slave Trade and Slavery	Slavery	None
1930	ILO Convention Concerning Forced or Compulsory Labour	Forced labour	18-45 y.o. able-bodied males are allowed to be called upon for forced labour if it benefits authority/community
1949	UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Procuring and exploitation of prostitution	Esp. migrants, particularly women and children
1956	UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	Slavery and practices similar to slavery	specified women for servile forms of marriage and children for child labour exploitation
1957	ILO Convention concerning the Abolition of Forced Labour	Forced labour	None
2001	UN TIP Protocol	Human trafficking	Esp. women and children
2005	CoE Convention on Action against THB	Human trafficking	Esp. women and children

Table 1 contains a non-comprehensive list of international treaties on concepts related to our today's understanding of THB. They represent shifts in definitions of the issues they covered or perception of the victims. On the basis of these agreements I will try to explain the progression of these shifts and how they might relate to the researched topic.

The concept of THB originates in the 1904 League of Nations Convention and is tied to the aim of creating an international instrument that would suppress the recruitment of women in prostitution. What has been referred as a turn-of-the-century moral panic (Hill 2011) has had an effect on the fight over the definition a century later. In the drafting of the TIP Protocol, one of the most contentious issues was whether to include non-coerced adult sex work in the definition of THB. The strong positions of two opposing lobby blocks essentially disagreeing on whether all prostitution is inherently coercive or not has defined the civil society input into the negotiation (Ditmore and Wijers 2003). In the end, coercion has been established a necessary element of THB when an adult victim is concerned. It has however been also argued that the ambiguity of how the term 'exploitation' is used within the TIP Protocol has left the States notable leeway in application of THB legislation in regards to prostitution (Skrivankova 2010).

The 1949 Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others, which was the document that addressed the crime called human trafficking in the half-a-century before TIP Protocol, explicitly aimed to suppress the practice of procuring and exploitation of prostitution, voluntary or coerced.

As will be described in the research, not all national legislative frameworks have fully adopted the new framework of TIP Protocol and some still reflect the earlier THB concepts, and in prosecutorial practice of THB, the concepts are frequently conflated.

In parallel to the pre-2000 human trafficking treaties, slavery and forced labour, which today constitute the human rights violation central to the concept of THB, have been addressed by separate legislation.

The 1926 League of Nations Convention to Suppress the Slave Trade and Slavery aimed to suppress slavery as 'condition of a person over whom any or all of the powers attaching to the right of ownership are exercised'. Its 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices

Similar to Slavery then targeted practices *related* to slavery (such as the slave trade and marking of enslaved persons) and practices *similar* to slavery such as debt bondage, serfdom, servile forms of marriage and selling or loaning a child for the purpose of servitude. The expansion of the definition to practices similar to slavery came only in 1956 due to the States at rejecting them in 1926 (Allain 2009).

Servitude was demonstrably a point of contention. In the 1948 Universal Declaration of Human Rights, both slavery and servitude were expressly prohibited, however the 1956 Convention aimed for abandonment 'as soon as possible' of the practices of servitude. The inclusion of ban on servitude, understood generally as 'exploitation and coercion of labour falling short of slavery' (Allain 2009, Gallagher 2010), was already lobbied against by the United Kingdom during the drafting of the 1948 Declaration, and the discord manifested in the 1956 Convention, which contained the gradualist approach. During its drafting, the Soviet Union aimed to omit the notion of servitude from the 1956 Convention entirely, ostensibly citing the lack of appropriate term for the concept in Russian, though this was an especially thinly-veiled excuse.

We can still observe that not all state legislations explicitly criminalize all of the practices related to slavery. Some divide them into separate codes that reflect a separate gravity of the crimes, including the successor state of the Soviet Union, Russia, which opts to include forced labour practices in its Labour Code, while only a narrower scope is criminalized as THB (Russian Federation 2003a).

Forced labour was addressed separately in the 1930 ILO Convention Concerning Forced or Compulsory Labour, which is notable for its large amount of concessions. For example, it allowed forced labour (on top of military service and prison labour which with exceptions remains allowed to this day) mandated by legitimate authority to a large portion of the male population.

Later it was supplemented by the 1957 ILO Convention concerning the Abolition of Forced Labour, which amended some of the perceived shortcomings.

Though these practices, now under the THB normative umbrella, had seemingly been already covered by international law in the described legislation, the need for more encompassing and practical provisions that would address both the human rights dimension and the prosecution of THB was becoming evident in several ways. While human rights treaties have started to establish monitoring mechanisms, such as expert committees or quasi-judicial bodies, the anti-slavery legislation remained without it.

And while the forced labour conventions had the International Labour Organization (ILO) as an accountability monitor, the organization did not have the mandate to address its forms not related to forced labour.

The law on forced labour and slavery-like practices was quickly becoming insufficient, especially considering the transformation of the nature of the crime related to continuing globalization that facilitated the spread of transnational organized crime. In 1991, the issue has been described by the notable UN international criminal justice expert M. Cherif Bassiouni:

“A particular example is the use of migrant agricultural labour, particularly when induced by false pretences or expectations […] The key legal element in all of these practices is that the "employer" claims that the "worker" has agreed, of his/her own free will, to terms or conditions of "employment," and that the "worker" is "free" to leave the "employment" at any time. These supposed elements of free choice, consent, and freedom to leave technically negate the applicability of international instruments on the subject. […] The primary reason for these still prevalent manifestations of slavery and related practices is that the basic legal element in international instruments on slavery is the total physical control by one person over another. Whenever the control is less than total, such as when it is partial and limited in time, it is removed from the system of protections developed by these international instruments.”

The system was entirely insufficient as it was, according to Gallagher (2010), who claims that the States could not agree on neither definitions nor specific legal obligations, were subject to almost zero international oversight, and THB was very rarely linked to violations of specific treaties in practice.

The need for an instrument to address modern TBH has been magnified throughout the 1990 by the general need to take a unified stand against organized crime internationally, which was on the rise after the dissolution of the Eastern Bloc. The political will to address it rose with public awareness of the issue. (Tverdova 2011, Hughes 2000, Gallagher 2010, Tennant 2020).

The drafting process of the TIP Protocol brought to light a number of discrepancies that were unaddressed before, as well as newly emerged ones. These were the questions of whether it will address both prostitution and forced labour, whether it will define the victims in relation to their gender, whether it will include non-coerced sex work, and the increasingly relevant question of how to set the divide between THB and migrant

smuggling, the crime of facilitating an illegal crossing of an international border, since "an individual can be smuggled one day and trafficked the next." (Gallagher 2010)

The agreed-upon TIP Protocol definition consists of three elements necessary to constitute THB. First an action element, which necessitates for 'the recruitment, transportation, transfer, harbouring or receipt of persons' to happen.

The second element establishes that it has to happen 'by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person'. This element does not apply to child victims of trafficking, where establishing a coercive element is not required.

The third and last element is the requirement of intent of exploitation, without necessarily achieving the aim. Exploitation can be 'at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.' This can be very difficult to establish the farther in the chain of exploitation a participant is from its final destination.

It is notable that any new legislation on THB was expected to fall under the competence of the UN's then Commission on Human Rights, as the preceding treaties were part of its' human rights treaty system. The issue was reassigned to the UN Crime Commission in late 1990s as it had been set to become a part of the UNTOC (Gallagher 2010).

As per Gallagher (2010), the adviser for UN Commissioner on Human Rights in the years of the drafting and ratification of the Protocol, the instrument was significantly more effective thanks to the reassignment. A strictly rights-based treaty would not be able to refer to investigative and prosecution tools that serve to fight corruption or establish mechanisms related to the multi-jurisdictional investigations such as exchange of evidence across borders, asset seizure of offenders, mutual legal assistance or extradition. A human-rights treaty would also likely not have received the necessary support to enter into force just two years after its adoption, and subsequently would not prompt the outbreak of reforms nor the upsurge of attention or resources in relation to THB.

The prosecution system of the UNTOC obliged the states to effectively criminalize and adequately punish THB, establish jurisdiction and cooperate internationally in

investigation and prosecution. It has proposed mechanisms of protection and support regarding the victims, which, however, are not binding.

Twenty years later, the TIP Protocol is strongly criticized and has become a sort of lowest common denominator, not stipulating, but rather suggesting policies that are now commonplace in countries with pro-active approach to combatting THB (Shoaps 2013, Stoyanova 2012).

However flawed, the TIP Protocol filled some gaps in the existing instruments fighting slavery, forced labour, and related crimes. None of the post-Soviet states except for Ukraine have criminalized these practices until the adoption of the protocol (Dean 2014). Slavery would usually be prohibited by constitutional documents, which meant that the actual violations were practically never prosecuted under relevant statutes. This goes doubly so for the post-Soviet space where the investigation and prosecution parts of criminal proceedings are usually strictly divided, with the former being handled by the police and other Interior organs, frequently with insufficient resources and knowledge, but with strong pressure on producing high conviction rates. Even after the adoption of the relevant laws this system leads to the officers prosecuting for crimes they have more experience using and providing proof for (Buckley 2018).

Arguably, the fast adoption and rapid ratifications of the TIP Protocol has been at the expense of an effective enforcement mechanism. The Parties could only agree on the Implementation Review Mechanism in 2018; it launched in late 2020 and is undergoing its' first phase during the beginning of 2021. The agreed-upon mechanism is also a result of significant compromise, the final product being highly dependent on the States' willingness to cooperate that renders it less powerful as an accountability tool. The issues in establishing such a mechanism were financial as well as ideological – Parties to treaty would not agree on whether independent review from the side of civil society is acceptable, with Russia being among the countries strongly opposing the involvement of NGOs. (Tennant 2020).

The focus on prosecution has also brought criticism on the vague and insufficiently enforced protections of victims' human rights, posing that the treaty is used more efficiently to regulate migration and bolster border control, which contributes to the securitization of the issue (Jackson 2006, Shoaps 2013)

Some critics furthermore argue that the human trafficking framework in its essence is anti-human rights through being anti-immigration, seeing as it aims to fight the act of 'recruitment, transportation, transfer, harbouring or receipt of persons', instead of the

exploitation itself, and its use should be discontinued, rather focusing on applying and developing the relevant statues on slavery, servitude and forced labour as international legal tools (Stoyanova 2012).

These criticisms may be applicable to the practice of law enforcement and courts in countries that proactively use the legislation and fund the fight against trafficking. However, in the context of laggard states such as Russia, migration had been regulated through much blunter instruments in the past (Molodikova 2020), as the political discourse in their context doesn't need sophistication.

Absence of Accountability

The above-named delay of an accountability mechanism for UNTOC has not gone unnoticed by the international community and a number of monitoring systems emerged to partially fill the role. They were implemented by a variety of actors – intergovernmental, non-governmental, and states.

The most notable state input is the yearly Trafficking in Persons Report by the United States Department of State (US TIP Report), generally considered to be one of the most impactful tools, though it is criticized for its bias and antagonizing of governments that begin to approach THB as a politicized issue and might be then inclined to boycott progress (Dean 2014). The mechanism evaluates states on their efforts to combat human trafficking. There are four tiers of compliance; the countries placed in the worst will not be eligible for non-humanitarian and non-trade US aid unless given a presidential waiver.

Further relevant mechanisms are the UN and the Organization for Security and Co-operation Special Rapporteurs on Trafficking, which present annual reports, conduct country visits and respond to complaints and whistleblowing information.

Then there is the Group of Experts on Action against Trafficking in Human Beings (GRETA), the monitoring mechanism established by the Council of Europe (CoE), a mechanism to monitor and evaluate the efforts of Parties to CoE Convention on Action against Trafficking in Human Beings (CoE Convention).

United Nations Office on Drugs and Crime (UNODC), which is a 'guardian' of the UNTOC, also publishes a biannual report on human trafficking that observes trends, rather than evaluating country reports.

From the NGO sector reports, the Global Slavery Index is noteworthy. The project evaluates individual countries based on fieldwork research and frequently collaborates

with ILO and International Organization for Migration. These IGOs also issue reports and recommendations to the governments that in part relate to THB.

All the legitimate states are subject to this multifaceted international monitoring and scrutiny. And despite the fact that for example Russia is strongly antagonistic towards such oversight from the US as suggested above, which might further deteriorate the situation within the country, the monitoring spreads information to independent media, civil society and international actors, which attracts more research and funding.

In contrast to that, almost no publications analyse the issue of human trafficking separately in the de facto states discusses in this research, although they operate within a separate legal framework from their parent states.

The gap is immense; all of the legitimate states discussed in this thesis – Georgia, Moldova, Russia and Ukraine – are subject to scrutiny as described above, and therefore to sustained diplomatic, media and civil society pressure. As will be described in detail, these territories might occasionally be mentioned, but are not investigated on their own, which leads to a sort of information vacuum – without analysis or data it is hard to lobby for the improvement of a situation.

Potential for Legal Accountability

The nature of human rights treaties is that they both define the rights and identify the Parties' obligations in upholding them; the latter is usually broadly defined. The system of UN law dealing with organized crime is fairly recent and practical in nature, establishing very specific obligations in investigation and prosecution, while leaving human rights obligations optional.

Although this has meant development in many respects as described above for THB, states are responsible to prevent and punish the crime, not to ensure the victim's rights are protected in the process according to the TIP Protocol.

This brings forward the question of whether the human rights of the victims of THB can be enforceable in the international context and how this would be applicable to de facto states.

Some UN human rights treaties have quasi-judicial expert bodies, the stronger of which can receive complaints and make judgements that are not legally binding, but may still be significant as they bring international attention to the state's violations. While UNTOC's monitoring mechanism is still in its infancy, and already noted for the notable weakness of its provisions, as described above, the parties to the treaty and its protocols have generally enforced the basic criminalization and prosecution

requirements; for 124 states the TIP Protocol has been identified as the reason for adapting a THB policy (Dean 2017).

However, the human rights aspect is key, as it includes the most basic protections that would prevent the perpetrator from continuing victimization or retribution or the victim's right to be identified as a victim of trafficking – if a state criminalizes the practice but does not educate the law enforcement, the victims will inevitably be misidentified and mishandled.

Still, the possibilities to enforce these norms against states remain low.

The prohibition of slavery is now widely considered to be a peremptory norm (Bassiouni 1996), meaning it is in theory a fundamental principle of international law that cannot be changed by other norms or derogated from under any circumstances; it also binds individual states regardless of their ratification of a relevant treaty or other recognition of the norm.

In practice, the application of the concept is complicated. In regards to the issue of human trafficking, the question is whether the modern slavery-like practices fall within the scope of what is peremptorily prohibited. As described above, the States always aimed to differentiate between slavery and practices similar to it. Though, as Allain (2012) argues, this is not due to the strictly separate normative understanding of the concepts, but to lessen their obligations.

Still, it is specifically the prevention of slavery that is most frequently mentioned as the peremptory norm, despite the practices being closely related. Cases in international courts on the topic are sparse and present a varied picture. The International Criminal Tribunal for the former Yugoslavia in Kunarac et al. (2002) has for example interpreted a modern manifestation of human trafficking as in line with the concept of enslavement, noting that the 'exercise of a power attached to the right of ownership' does not need to constitute of 'constant control' of the victim. Meanwhile European Court of Human Rights (ECtHR), which interprets the European Convention on Human Rights (ECHR), has first presented an extremely narrow definition in 2005 in Siliadin v. France, stating that slavery requires 'genuine right of legal ownership', then reversed in the 2010 Rantsev v. Cyprus and Russia case, when a modern manifestation was sustained as a manifestation of slavery according to Article 4 of ECHR.

These complexities are a prelude to the question of responsibility in the case of unrecognized territories.

ECtHR has a line of precedent judgements that establish the jurisdiction of Russia over Transnistria and Armenia over Nagorno Karabakh, meaning these governments were recognized as responsible for rights violations on the territories by virtue of having effective overall control and decisive influence over local de facto authorities. This does not mean that the conduct was necessarily directly attributable to the Russian or Armenian authorities, but that the violation of rights came into the jurisdiction of the legitimate states as a result of them sustaining the local de facto authorities (ECtHR 2018).

However, an ECtHR J. and Others v. Austria case from 2016 established that '[s]tates are not required under Article 4 of the [ECHR] to provide for universal jurisdiction over trafficking offences committed abroad'. It is therefore hard to guess whether the notion of overall control would still work with the precedent of not applying extraterritorial jurisdiction in relation to trafficking, albeit in a different context.

Seeing as Russia is the sole member of CoE that has not ratified the CoE Convention, it might be additionally difficult to pursue trafficking-related charges against it. Despite the CoE Convention not being a Protocol to the ECHR, and Russia being a Party to the ECHR, the ECtHR has used obligations specified in the CoE Convention in its judgements on the Article 4 of ECHR on slavery and it is unclear whether it would be possible to do so in the case of Russia (V.C.L. and A.N. v. the United Kingdom).

For the UN treaties, the prospect of enforcing them extraterritorially is much more theoretical. As mentioned above, the slavery conventions do not have treaty bodies. ILO as the guarantor of the forced labour treaties has reporting procedures and the quasi-judicial powers of the Governing Body of ILO, which in some cases has limited powers to address representations against individual states by its 'social partners', i.e. workers' and employers' organizations. But neither have touched upon the question of extraterritorial jurisdiction, unless mentioning that the parent state does not have de iure jurisdiction over the de facto state.

Curiously, in regards to ILO, it has been noted that the most power is borne by the Trade Agreements some of which bind parties to following ILO's Conventions and sometimes establish judicial bodies (Chazournes 2019). However, though Transnistria joined the Deep and Comprehensive Free Trade Area (DCFTA) with EU as a part of

Moldova, the 2014 Association Agreement establishing the DCFTA does not provide for complaints related to labour violations.

In effect, the system of international and regional law does not have any established or prospective mechanism for enforcing the prohibition of slavery and related offenses as human rights violations nor as crime in the de facto states. This is despite a widespread conversation and a complex set of rules related to establishing criminal jurisdiction over trafficking cases (Gallagher 2010) and despite the expressly stated intent of the international criminal law on this issue to eliminate safe havens.

THB Legislation in Unrecognized Territories

After analysing the history and variability of legal frameworks and accountability mechanisms that concern what we understand as human trafficking, and of how unrecognized states factor in, it is possible to assess the practical fallout of the theoretical implications on the specific territories.

It is by now clear that the international legislation and mechanisms were not designed with territories with unclear jurisdiction in mind. None of the overlapping concepts of slavery, forced labour and THB provide for instruments that now enforce these norms in de facto states.

Given the described situation, it might seem reasonable to presume that since the international community does not seem to have any way to impact the trafficking situation within the de facto states, the only true influence in this regard would be Russia, a state that the local authorities depend upon for their territories' separate existence and therefore emulate.

Despite that, the issue is not as clear-cut. Whereas Russia is a regional laggard when it comes to adopting trafficking legislation and combatting slavery, and has an openly antagonistic stance to international pressure to improve that situation, it could be argued that human trafficking has not become as politicized or polarizing issue in the unrecognized territories. It can also be said that the territories which are not sealed-shut from their parent state might be more open to international influence than for example Russia is, as this might open doors to acts of legitimization and/or foreign development funding.

In this part, I would therefore like to examine the question of whether there are any other influences on policies in these territories than Russia as a patron state, and if so, what they are and what they are dependent on.

I aim to answer the following questions:

1) How compliant are the de facto legislations of individual de facto states to the international standards in comparison to their patron state, Russia?

To answer this question, I will identify policies that are in effect and concern human trafficking within the five separatist territories that are sustained by Russia: Abkhazia, Donetsk, Luhansk, South Ossetia, Transnistria. Then I will conduct a content analysis focusing on the de facto legislations' differences as compared to the Russian legislation which all of them are based on, and use conducted expert interviews to add more insight.

2) What are the diffusion factors that might affect policy adoption in Russia-backed de facto states?

To answer this question, I will use Dean's methodology (2014, 2017, 2020) of analysing trafficking policy diffusion in post-Soviet states, and adjust it for the context of the unrecognized territories. I will only analyse Abkhazia, South Ossetia and Transnistria, as the analysis is not applicable to warzones. First I will determine possible variables that might influence local policies and then code them to quantitatively analyse their influence in individual territories. I will hypothesize on what influence the individual variables have in the states and then based on their score and their policies assess whether the hypotheses were proven to be true.

How compliant are the de facto legislations of individual de facto states to the international standards in comparison to their patron state, Russia?

I will begin by collecting the available policy documents that address THB in the five analysed de facto states: Abkhazia, Donetsk, Luhansk, South Ossetia, Transnistria. This question reveals the variance of legislation and level of legislative independence on Russia perhaps more than it does the state of human trafficking (though it does give an insight into issue salience and opens up space for more questions on reasons for the specific variations). For this reason, the analysis includes Donetsk and Luhansk, though as territories that are active warzones they are unsuitable for in-depth research on

human trafficking specifically using the framework applicable to peaceful regions, as explained in answering Question 2.

Table 2: Human Trafficking Policies in De Facto States

Territory	Policies
Abkhazia	Criminal Code Article 121. Human Trafficking Criminal Code Article 122. Use of Slave Labour
Donetsk	Criminal Code Article 129. Human Trafficking Criminal Code Article 130. Use of Slave Labour
Luhansk	Criminal Code Article 136. Human Trafficking Criminal Code Article 137. Use of Slave Labour
South Ossetia*	Criminal Code Article 127-1. Human Trafficking Criminal Code Article 127-2. Use of Slave Labour
Transnistria	Criminal Code Article 123-1. Human Trafficking Criminal Code Article 123-2. Use of Slave Labour National Law "On Combatting Trafficking in Human Beings"

*South Ossetia uses the Criminal Code of Russian Federation

In Table 2 we can see how the legislation in all the de facto states is conceptualized. All have two criminal code articles that criminalize "human trafficking", which means the exploitation of prostitution, and "slave labour", which is defined as slavery. The only outlier at first sight is Transnistria, which has a national law on combatting trafficking.

As this scheme mimics the legislation in Russia, and as the legislation in these de facto states generally has a tendency to 'harmonise' with the Russian legal codes (Novosti PMR 2016, President of Abkhazia 2020), I will first describe in greater detail the Russian framework and approach, and further analyse how the individual de facto states compare.

Russia has evolved from a source country to be a destination country for human trafficking victims, though it still remains a transit and source country as well (Global Slavery Index 2018). It has been consistently a country with one of the worst records on the issue, both in its approximated scale and the unwillingness of the government to make progress. It is the only European country which did not accede to the CoE's

Convention, and the only post-Soviet country which did not implement any other legislation besides the basic criminalization. (US TIP Report 2020).

Even the criminalization statutes have been passed with delay; the law was only pushed through when the president spoke out in favour of the it, while an effort to authorize a much more comprehensive national law on trafficking failed earlier in the State Duma, mainly for financial reasons, as the government was unwilling to invest into the protection and coordination mechanisms (Buckley 2018). Experts also claim the criminalization was passed in large part due to the fact that Russia has been evaluated in the US TIP Report as failing to meet minimum standards for two years in a row, and at that point the loss of a large amount of US aid was a significant risk. (Buckley 2018). It was in 2003 when the two criminal code articles directly addressing human trafficking were introduced in Russia.

Article 127.1 on trafficking in human beings (Russian Federation 2003a) criminalizes the 'purchase and sale of a person, other transactions in relation to a person, as well as recruitment, transportation, transfer, harbouring or receiving of a person for the purpose of exploitation', with exploitation being further defined as 'the use of prostitution by others and other forms of sexual exploitation, slave labour (services), servitude.' The definition notably doesn't utilize the coercive 'means' as a necessary part of the actus reus as is the international standard, but rather lists this as an aggravating circumstance.

However, only limited means of coercion are listed as aggravating circumstance – violence or threat of violence, seizure of documents, and trafficking of a person who is 'knowingly for the guilty person in a helpless state, or in material or other dependence on the guilty person'. Coercion, abduction, fraud, deception, other abuse of power, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, is not explicitly included in the article, though some are covered by other articles of the Criminal Code, such as abduction, which is covered by Article 126.

If the crime is committed without aggravating circumstances, and the perpetrator is a first-time offender who willingly released the victim and collaborated with the investigation, he shall not be prosecuted for the crime.

In effect, while removing the 'means' from the equation might make the crime seem easier to prosecute at first, but really it conflates it with less serious crimes, such as voluntary procuring of prostitution. This in effect leads to lesser understanding of the

issue among the investigators and prosecutors, and still conditions that the criminal investigation proves the aggravating circumstances to convict the crime, which are defined in a narrower way than what should be prosecutable according to the international standard.

The investigators then frequently opt to investigate trafficking according to the Articles 240 (involvement of a third party in prostitution), 240.1 (receiving sexual services from a minor), and 241 (organization of prostitution), which are easier to prosecute and get a conviction on, but have smaller penalties, in effect minimize the issue, and may in some cases result in the prosecution of the victim (Buckley 2018).

Article 127.2 on use of slave labour (Russian Federation 2003b) defines the crime as 'the use of the labour of a person in respect of whom the powers inherent in the right of ownership are exercised, if the person, for reasons beyond his control, cannot refuse to perform work (services).' It targets the crime of benefitting from slave labour, for which it uses the definition of slavery which does not include servitude and other related forms of slavery.

Among post-Soviet states Russia is a significant outlier, with all other states having at least a national law that addresses the issue more comprehensively, by establishing the organisational framework and clarifying competences of the government bodies responsible for the agenda of combatting THB, outlines the approach to victim protection and rehabilitation, and provides accountability measures. All post-Soviet states but Tajikistan and Turkmenistan have further legislation, such as regularly renewing action plans, further decrees on specific aspects of the issue, and so on (Dean 2020).

The lack of these instruments manifests itself in several ways in Russia. Basic coordination strategies and a primary responsible body within the government, the response is disjointed and directionless. (Dean 2020) Without any provision for victims' rights, they are unprotected in many ways – first responders are rarely taught to identify them, they don't have access to specialized assistance, specialized victim protection is unavailable, and the limited legal safeguards such as witness protection or a grace recovery period for the victims that are in the country illegally are tied to the victims' cooperation in prosecution. A 'trafficking victim' is not defined by the legislation, making provisions tied to that status nonviable. (Buckley 2018)

Furthermore, the Russian government has been frequently criticized for complicity of its actors in facilitating slave labour, especially with regards to the mass issuing of work

visas to North Korean labourers who were probable victims. The government also significantly hinders the efforts of NGOs providing services to victims. The 'Yarovaya' package of anti-terrorism legislation made it a crime to provide assistance to victims who are in the country illegally, regardless of them being a victim of trafficking. Laws which oblige organizations that receive foreign funding to register as 'foreign agents' significantly affected the functioning of NGOs providing services to victims (US TIP Report 2020). As the Russian government provides no funding for organisations supporting trafficking victims, virtually all of them had foreign donors. As a result, the last dedicated trafficking shelters closed in 2015 because of insufficient funding. The victims sometimes turn to domestic violence, homeless, or religious shelters, which however also suffer underfunding and cannot provide specialized support. (Buckley 2018)

Russia has led the efforts to implement a Programme on Co-operation in the Fight against Human Trafficking among the Parties to Commonwealth of Independent Countries (CIS), but the last dedicated cooperation strategy ended in 2018 and was replaced by a more general strategy on prevention of crime. (CIS Internet-Portal 2021) The effort produced calls for updating the individual laws and even a creation of CIS model law, but hasn't affected the Russian legislation.

Due to their dependence on the regime of their patron state, de facto states in the post-Soviet space have a very similar legislation to Russia. The criminal articles of the individual territories as described in Table 1 are functionally equivalent to the Russian ones, with the little variance present described further in the text. The outlier with a national law, Transnistria, is analysed in greater depth. South Ossetia uses the Russian Criminal Code. The statues on human trafficking in Donetsk are word-for-word identical with the Russian Code. The Articles in Luhansk are identical to the Russian ones except in the provision for asset seizure as punishment for trafficking, which is not a part of the Russian law.

In Abkhazian statues, we find two variations. First, in comparison to the Russian legislation, trafficking of 'especially vulnerable' and pregnant persons is not considered an aggravating circumstance. Second, within the punishment, mandatory prison terms and mandatory minimum sentences are introduced where the Russian code allows for sentencing 'up to' a certain term without a minimum and allows for compulsory labour as an alternative punishment.

The only significant outlier is Transnistria, which has both the most differences in the formulation of its criminal codes and has also enacted a National Law on Combating Trafficking in Human Beings (national law) in July 2010.

The Transnistrian Criminal Code articles outlawing human trafficking are also heavily based off of the Russian version; however, they differ more than the others, and have been amended several times.

Firstly, whereas in Russia, the articles for human trafficking and forced labour are part of the Article 127 prohibiting unlawful deprivation of liberty, in the Transnistrian code the articles are a part of an Article 123 on abduction, and the unlawful deprivation of liberty is covered by Article 124. This implies that the act of abduction is a necessary part of actus reus, which would strongly contradict international standards. However, Articles 123-1 and 123-2 themselves contradict that this would be the case.

As Abkhazia, Transnistria enacts mandatory prison terms and mandatory minimum sentencing for trafficking, except when there are no aggravating circumstances. The sentences are also somewhat stricter. Transnistria expands the aggravating circumstances byadding use of a weapon, blackmail, rape, and torture and other degrading treatment as well as pre-mediation between two or more persons, and intent to use victim as surrogate. Moreover, it defines the crime and all its elements in line with the definitions from TIP Protocol. On the other hand, the aggravating circumstance that ensures sentencing of committing the crime against a minor is formulated as committing the crime against a person ‘known to be a minor’. This would shift the burden of proof on prosecution and goes against the CoE Convention provision that directs the victim to be considered a child if the age is unclear. This would also mean that if the victim was a child, but the perpetrator did not know it and there were no other aggravating circumstances, a first-time perpetrator could forego criminal punishment if he releases the victim and cooperates with the investigation; this goes against the TIP Protocol practice where no coercion has to happen to punish the crime as trafficking if done against a child. However, the legislation clearly states that the means of coercion are not necessary to qualify the crime if the victim is under 18 years of age.

To understand the limits of the national law that is unexpectedly found in Transnistria, it is necessary to understand that it is heavily, in many of its’ articles practically word-for-word, inspired by the above-named unsuccessful draft of the Russian national law on THB [Russian Federation 2003a] that was rejected before the criminalization for financial reasons. The foremost difference is that in the Transnistrian

version, there is no obligation for financing from the governmental budget the services it envisages.

The respective articles dealing with the competences of the individual governmental bodies in regards to human trafficking outline generally similar responsibilities, with mostly cosmetic changes reflecting on the fact that the Russian draft is from 2003 and the Transnistrian law was effectual from 2010, after the UNODC model law on trafficking publication in 2009. But, for example, in the section on the social rehabilitation of trafficking victims, two of the three points are copied word-for-word, but an equivalent of the third is again absent:

"Social rehabilitation of victims of trafficking in persons is carried out at the expense of the federal budget and funds from the budget of the constituent entity of the Russian Federation, on the territory of which the act of trafficking in persons was committed."

This pattern can be found throughout the law. According to the director of the NGO Interaction which provides hotline and services for trafficking victims in Transnistria, "[t]he law does not work in Transnistria. It was adopted but it is not being applied because the authorities do not consider it a priority issue. The Transnistrians deny the existence of the problem in Transnistria as such. And accordingly, in the law, there's the matter of provision of social and other assistance to victims, but it does not work, because there is a prerequisite that there be a separate budget line for victims of human trafficking in the state budget. But this budget line is never there." (Interview with Oxana A. 2021)

This is in reference to last section of the last chapter of the Transnistrian national law on entry into force of said law, which finally mentions the financing of the national law's provisions:

"Articles 24 [Social rehabilitation of victims of human trafficking] and 25 [Assistance to victims of human trafficking and measures for their protection] of this Law enter into force from the date of entry into force of amendments to the law on the state budget for the next financial year, providing for the allocation of funds from the state budget for the implementation of measures provided for by these articles." (Transnistria 2010)

Since the yearly national budgets have not included lines for victim services since the passing of the law, the two most significant chapters on rehabilitation and protection have not actually entered into force. (Interview with O. Alistratova 2021)

Still, the law defines the problem, its components, puts forward a definition of a victim, and establishes a model of cooperation between government bodies on the issue. It established an Interdepartmental Commission on Combating Trafficking in Persons that was meant to bring together all three branches of government, local officials, the ombudsman, and representatives of civil society to comprehensively work together on the monitoring and elimination of the issue.

"It was established in 2011 and dissolved probably in 2013 or 2014. Only one meeting was conducted," says the head of Interaction.

„[T]here used to be a whole department [within the Ministry of Interior], there were three people who identified [human trafficking] cases and could qualify them. But the president changed two years ago. And after that, when the president changed, the minister of internal affairs changed. And the minister of internal affairs had disbanded this department. And included [the agenda] in the organized crime department. Only one person worked in this department. This topic was included within his tasks. And literally last week he came and said he's giving his notice. And if something, to go to the minister directly." (Interview with O. Alistratova 2021)

The existence of the national law itself, and all the attempts to follow up on its provisions, however, points to the fact that the Transnistrian situation is not typical for the context, which will be further analysed in answering Question 2.

The practical fallout of having identical or near-identical laws to Russia on the unrecognized states is harder to estimate than in the case of Russia itself. The question of how the policies are implemented arises – but the lack of data limits this type of research.

Reliable data on trafficking is notoriously hard to get anywhere in the world, due to the nature of organized crime and the high latency of trafficking in particular, the fear of victims to testify both for security reasons and for fear of being deported, and the confusion surrounding the definitions during prosecution (Goodey 2008).

But even estimating the scope of the problem in the unrecognized territories is nearly impossible. The lack of international monitoring and internal transparency brings up to the need of independent on-site research.

While in the press, the territories have been labelled as 'black holes' of organized crime, (King 2001, European Parliament 2002), this has been also labelled as an attempt of the parent states to draw attention to the problem of separatism through magnifying

this issue, and there is a lack of reliable testimonies or thorough investigations (Lobjakas 2005).

Though the nature of these 'grey zones' may lead to the facilitation of corruption, organized crime, and the presence black market, it is a mistake to look at these territories through the same lens as at failed states. The territories are small, and local authorities exercise control over them, in some cases notoriously stringently in both provision of services and crime regulation. (Interview with O. Alistratova 2021). This is of course with the caveat that the pressure of international standards is limited, and the authorities are thus able to give themselves and their associates large amounts of leeway. A journalist and activist from South Ossetia states:

"I have not heard about the occurrence of human trafficking [in South Ossetia]. Abductions and captivity were witnessed here mainly during the most acute phases of the hostilities, as a rule, captured people were needed to exchange for their own. This applies to both sides of the conflict. The specificity is that after the collapse of the USSR and during the formation of South Ossetia, the phase of "lawlessness" was almost absent, or very short. All the time, there was a leadership that was responsible for what was happening on the territory of South Ossetia, and, accordingly, such facts would definitely not play into the hands of the republic." (Interview with Z. Sanakoeva 2021)

Similarly, the three Abkhazian experts I contacted have not encountered issue in the past despite their work with women's and refugee's issues, (survey of three civil society activists working in Abkhazia 2021) though the last several Freedom Score reports of the US NGO Freedom House noted that unidentified local NGOs expressed concerns about human trafficking in the region (Freedom in the World 2019 & 2020).

Except for Transnistria, I found no dedicated organizations in the territories dealing with the issue that could provide an insight, though in itself this could also indicate its lower occurrence.

The problem with identification of victims abroad originating from the unrecognized regions is highly specific for their legal status, as victims "[l]eave Transnistria with a Transnistrian passport, and then leave the Republic of Moldova with any other citizenship. For example - Russian, Ukrainian, Bulgarian, Moldovan, Romanian. And tracking which citizenship they [were using when they] became victims is difficult, because they disperse into the statistics of those countries." (Interview with O. Alistratova 2021)

The Russian ‘passportisation’ policy, which formally began with the adoption of the Law on Citizenship in 2002 but had been practiced before, made it possible for stateless people who had a Soviet passport to receive Russian passports in a simplified process. It had been actively targeting neighbouring countries and used as a geopolitical tool to anchor its influence through establishing a sizeable diaspora. This has been then stated as an official reason to support local separatism and ‘protect its own citizens’ while deploying Russian military to South Ossetia or annexing Crimea (Iovu 2020).

Naturally, the parent states too issue passports to their de iure citizens, on different conditions and in different regimes depending on the specific situation of each territory, and in Transnistria, the historical and regional context helps illustrate how far can the issue reach. The identified victims of trafficking who resided within the territory can be identified as coming from five different countries, misrepresenting the reality which no one is motivated to uncover.

The local authorities are not putting themselves forward to take the responsibility for the victims that were recruited or abducted from their territories, and as was documented in Russia, when the crime happens in Transnistria, the practice of convicting traffickers for lesser crimes is also reported due to the difficult-to-prove and hard-to-grasp nature of the actus reus of trafficking. Despite some exploiters allegedly operating in Transnistria as an open secret, no victim is willing to testify, and many feel that they are to blame (Interview with O. Alistratova 2020).

To further investigate this, I attempt to examine the Transnistrian government statistics on the relevant crimes. The statistical office lumps the crimes of unlawful deprivation of liberty, abduction, human trafficking, forced labour, and unlawful commitment to a psychiatric hospital together as ‘crimes against freedom, honour and dignity of the person.’ In Table 3. we can see the comparison of filed complaints and the prosecution practice regarding these crimes over the years 2017-2020. (Criminality in Pridnestrovian Moldavian Republic 2017-2020)

Table 3. Statistics on Crimes Against Freedom, Honour, And Dignity of the Person in Transnistria

Year	Filed Criminal Complaints based on Criminal Code Articles 123-125	Criminal Cases Opened/Closed (incl. from previous years)	Cases punished with punishment of more than 30 days in prison	Number of victims identified
2017	37	9/4	0*	7
2018	23	5/5	0*	5
2019	28	9/7	0*	8
2020	32	8/2	0*	2

*In the corresponding years, the following number of perpetrators were convicted to punishment of five days in prison or lesser: 2017 & 2018: 10 perpetrators, 2019 & 2020: 12 perpetrators

We may see that in the past years, there have been 3-5 times more complaints filled than there have been cases opened based on the crimes under the Articles 123-125. There is about 1.2 victims identified per case closed.

The statistics also identified one victim in 2019 that has suffered serious bodily harm as a result of the crime. Despite that, no sentence harsher than 30 days in prison has been given out in the past 4 years.

The source does not state specifically which articles were the prosecutions related to, and therefore it is not possible to ascertain to what extent this statistic reflects the prosecution of human trafficking, but it provides at least an approximate insight.

It would be a challenge to even approximately compare it to the statistics on crimes reportedly most frequently prosecuted in place of trafficking, as the crimes of involvement of a third party in prostitution, organization of prostitution, or production or distribution of child photography is statistically analysed in the category of ‘other crimes against public health and public morals’ which also contains unrelated crimes such as unlawful conservation or use of cultural heritage, insulting the memory of World War II, or animal abuse. Whereas in the category analysed in Table 3. all but one of the analysed crimes could conceivably be related to human trafficking, in this category it is impossible to assume that a large part of the numbers would be relevant.

The situation in Donetsk and Luhansk is, obviously, strongly affected by the ongoing armed conflict. Internally displaced persons from the regions are extremely vulnerable to trafficking, and the inhabitants have been reported kidnapped for the purpose of sex and labour trafficking in both Ukraine and Russia. Children are reportedly used as soldiers, informants and human shields (US TIP Report 2017). Testimonies on forced labour and coerced sexual exploitation inside the territories are numerous as well, particularly in the prisons inside the territories (Evans 2016, Umland & Aseyev 2021). As many of these crimes are presumably facilitated or committed by the local authorities that participate in the war, this may constitute war crimes or the crime against humanity of enslavement. The situation within these territories would therefore have to be assessed under the framework of assessing government's complicity rather than action or inaction.

After taking an in-depth look at the policies enacted in the individual de facto states, we can ascertain that while like the rest of their statutes, they are heavily derived from the Russian legislation, we can still find certain variance, and the compliance with international standards might in some cases be higher, such as in the case of Transnistria. I will attempt to investigate the reasons further in answering the Question 2.

When it comes to the follow-up concern regarding the implementation of the statutes, we encounter a lot of uncertainties tied to a significant lack of data. The insight of local experts reveals both a varied extent of the issue in different territories and a question as to whether it even exists in some of them. We see that despite the Transnistrian relative progress, the national law is paying lip service to the issue instead of being implemented, and prosecution on the criminal codes seems to be limited, though it is difficult to establish for sure. The states also avoid responsibility due to the fact that the victims originating in the unrecognized territories are identified when they are using a passport of a legitimate state.

In effect, one of the five de facto states has a more compliant legislation than Russia does, though punishments in both Abkhazia and Transnistria were more stringent in their inclusion of mandatory minimums.

What are the diffusion factors that might affect policy adoption in Russia-backed de facto states?

In answering this question, I will exclude Donetsk and Luhansk from the analysis. As described above, the situation in these regions is affected by the armed conflict on the territory. Many of the incidences of human trafficking and slavery within the regions might constitute war crimes or crime against humanity such as enslavement (Bassouni 1991). The situation within these territories would therefore have to be viewed under the framework of assessing the government's complicity and responsibility rather than action or inaction in relation to its inhabitants. And while it is possible to assess the legislation drafting even within this context, analysing various diffusion factors would gravely misinterpret the situation, as above all, the facilitating factor is the war and the related absence of reliable information flow.

I will therefore analyse the diffusion factors of the policies in Abkhazia, South Ossetia and Transnistria. To do that, I will use the theories of policy innovation as described by Berry and Berry (2007) and adopted by Dean (2014, 2017, 2020) for human trafficking policy research.

Policy innovation theories identify either internal determinants such as political and socioeconomic characteristics as drivers for new policy adoption, external diffusion factors related to interaction, competition with or pressure of another state actors, or put forward a combination of both in various schemes of influence action. (Berry and Berry 2007)

Dean also divides influences into external and internal and analyses both with the help of semi-structured interviews and analysis of existing research.

I have adjusted her methodology further for the context of de facto states and used some pointers from the previous research of policy innovation factors such as Allard's presumption that worsened economic conditions have led to the deterioration of an issue, and it is the problem severity that in turn causes a need for a solution in the form of policy innovation (Berry and Berry 2007).

Table 4: Policy Determinant Variables Coding

Variable	Coding
Freedom Score	Not Free = 0 Partly Free = 0,5 for each assessed year*
Interest Group Strength	Specific issue NGOs absent = 0 Specific issue NGOs present = 1
Parent State Issue Severity	Tier 1, Tier 2 = 0 Tier 2 Watchlist, Tier 3 = 0,5 for each assessed year*
Economic Dependence on Russia	No other identifiable trade relations = 0 Other identifiable trade relations = 0,5 Trade relations with progressive policy country = 1
External Border Control	At least one border does not show securitization = 1 All borders permeable but securitized = 0,5 All borders securitized and some non-permeable = 1
International Attention	No mention of TIP in the reports = 0 Mention of TIP on the territory in any report = 0,25 Investigation or analysis of TIP on the territory in any report = 0,5*

*Scores assessed in 2009 and 2019, for each assessed year the appropriate points are added up.

Table 5: Summary of Hypotheses

Variable	Hypothesis Policy Adoption Influence
Internal Determinants	
Freedom Score	Positive
Interest Group Strength	Positive
External Determinants	
Parent State Issue Severity	Positive
Economic Dependence on Russia	Negative
External Border Control	Negative
International Attention	Positive

In Tables 4 and 5, I have conducted research using quantitative analysis. First I established six relevant policy determinant variables that could reasonably have effect

on TIP policy adoption within de facto states and established codes that would operationalize the measurement of the variables. I hypothesised on whether the influence of the variable would promote the adoption of further legislation (positive) or discourage it (negative). Then I calculated scores for the three territories used the established coding. The coding assigns higher score to positive influence variables and a score of 0 to negative influence variables. In effect the territories with the highest score are more likely to adopt policies compliant with international standards.

The variables were divided into internal and external and were based on Dean's above-named research. In her 2020 publication, Dean has used six internal determinants for policy adoption (state commitment, state capacity, policy entrepreneurs, bureaucratic influence, issue salience, interest group strength), and four external (TIP Protocol, US, CoE, EU). She conducts a mixed method analysis and operationalizes the variables both based on interview coding and quantitative variables. For the purpose of this work, I have significantly simplified the method, operationalizing based on quantitative variables. I will, however, further analyse the context of the scored countries based on expert interviews and theoretical research.

Where applicable, I have used scoring on the variables from two years, 2009 and 2019. 2009 was the year following the Russo-Georgian War, where the Russian influence on the territory in its current form had been established. Simultaneously, it was the year prior to the adoption of the Transnistrian national law, and is therefore suitable to observe the influences that might have played a role in its adoption. 2019 is the latest year for which most of the sources used for variables' coding are available in full and represents a sort of a 'control year' to 2009, showing whether a shift has happened and whether it had any influence.

The following variables were operationalized and applied when scoring the individual territories:

- **Freedom Score**

A yearly report on the 'Freedom Score' of states and territories put together by the US NGO Freedom House called 'Freedom in the World' is one of the very few democracy rankings that evaluates the unrecognized territories separately. Seeing as more democratic governments are more likely to have encompassing TIP legislation (Niewiarowska 2015), I hypothesize that a higher Freedom Score would influence trafficking policy positively. The evaluated states and territories are ranked based on

indicators that are divided into two categories, political rights and civil freedoms. The level of political rights is evaluated on the electoral process, political participation, government's transparency and power. Civil liberties are assessed based on the presence of independent media, religious and academic freedoms, freedom of assembly and association, level of rule of law, and level of individual rights and personal autonomy.

The states and territories can be then rated as Free, Partly Free, or Not Free. I operationalised the variable to give 1 point for the Partly Free rating and 0 for Not Free, as none of the territories has been assessed as Free in 2009 or 2019.

Abkhazia was evaluated as Partly Free both in 2009 and 2019, receiving a score of 1. South Ossetia and Transnistria were evaluated as Not Free both years, receiving a score of 0.

Based on this scoring we can see that the Freedom Rating is not demonstrably a positive or a negative influence for trafficking policy adoption.

- **Interest Group Strength**

This variable reflects presence of NGOs that deal specifically with the issue of human trafficking within the territories, which would mean a presence of a strong lobby group that would presumably positively affect the legislation. Based on personal investigation and interviews with experts, I have to the best of my abilities established that out of the three, only Transnistria has NGOs (two in 2009 and three in 2019) that specifically work on activities related to prevention of TIP and support its victims. Though the Freedom in the World reports mention Abkhazian NGOs that have expressed concerns about human trafficking within the territory (Freedom House 2020), it is possible that these NGOs do not work with the issue directly and reported the concern due to the fact that one of the questions asked in the expert interviews during calculating the Freedom Scores was on whether human trafficking is a risk. As I have not been able to find NGOs working with the issue in the territory, I assign both Abkhazia and South Ossetia 0.

Transnistria receives a score of 1. It is possible to ascertain that interest group strength correlates with the policy adoption, though it might be in the first place influenced by the issue severity.

- **Parent State Issue Severity**

If the issue of THB is perceived as a greater problem in the parent state, it is possible that this would to an extent influence the separatist territory, as the issue might spread to the de facto state territory, with victims exploited across the entire de iure territory of parent state.

Therefore, greater issue severity in the parent state might affect issue severity in de facto state and support the need for policy adoption of more stringent laws. This is evaluated based on the US TIP Report score of the parent states in 2009 and 2019.

Georgia has been Tier 1 in both 2009 and 2019, though it has been on Tier 2 between 2013 and 2015. Abkhazia and South Ossetia are both ranked 0. Moldova had been on Tier 2 Watchlist in 2009 and on Tier 2 in 2019, and Transnistria therefore receives 0.5 points.

This demonstrates that issue severity in parent state could affect the adoption of the legislation within the territories as the issue might be perceived as more severe within them as well. I would further presume this would be only relevant for the territories that share relatively permeable borders, and would not be applicable to South Ossetia, whose borders with Georgia are sealed shut, even if the variables suggested otherwise.

- **Economic dependence on Russia**

Though all of the researched territories are highly dependent on the economic subsidies of Russia, which also represents the majority of its' trade ties, it is difficult to ascertain the exact percentage of income from Russia, as the de facto government's sources might be unreliable or incomplete.

For this reason, I have chosen to operationalize this variable on a simple scoring scale dependent on of whether territory has discernible trade relations with any other country than Russia, and whether the country has progressive policies and may potentially push for or inspire progress in the territory. I am not counting the parent state in this category as it can be presumed that the parent state's approach to trade with the territory would be highly strategic and aiming at restoration of its territorial integrity, with TIP not being a consideration.

Abkhazia has trade relations with Turkey (Rukhadze 2015), which has a TIP Tier 2 ranking (US TIP Report 2020) and could not be considered progressive within the region. This gives Abkhazia a score of 0,5. South Ossetia has no other identifiable trade relations but Russia, and receives a score of 0.

Transnistria has become a trading partner of the EU within its DCFTA with Moldova (Gueme 2019). As the EU countries have comprehensive and progressive policies on TIP, this could play a role in the Transnistrian case. However, Transnistria was not a part of DCFTA in 2009, when the national law was adopted, but it did have trade relations with some less progressive European countries even before then (Burla, Gudim, Kutyrkin & Selari 2005). Transnistria therefore gets a score of 1.

It can be presumed that a level of other trade relations outside Russia could mean that the territories feel less compelled to completely mimic its outlier legislation on topics that are not key to their relations with the patron.

- **External Border Control**

This variable describes the permeability of the borders with the territory based on external control. It considers the securitization of the border with the separatist territory on the part of the legitimate states based on media content analysis related to customs issues relating to these territories and expert interviews. I hypothesize that the more securitized the topic is on the side of the legitimate neighbours, the lesser the salience of the topic will be within the individual territories.

This is due to the fact that neither the parent state nor other neighbours will have as much incentive to raise the issue of THB within the territories, as they will have tighter control on the movement across the borders. This might seem as a paradoxical hypothesis, as it is also possible to assume that the securitization of the border could be a response to a deteriorating trafficking situation, not a preclusion of it. However, in the cases of the unrecognized territories, the border control and customs regulations are influenced largely by geopolitical factors, as the influence over a territory or a strategic show of alliance has shown itself to be of a greater importance to the governments than the practicalities regulation of a black market.

In evaluating the border securitization, Abkhazia showed securitization on borders both with Russia and with Georgia. The borders with Russia are securitized based on the Swiss-mediated Russia-Georgia 2011 agreement that mandated Russia's membership in WTO, which Georgia was blocking up until that point, by the provision that a neutral private company conducts the monitoring of all customs and trade transactions on Russo-Georgian border, including those taking part in the regions of Abkhazia and South Ossetia, which Georgia demanded to be able to monitor the shipments coming from Russia to its de iure territory (Warner 2014). However, the

border with Russia is still highly permeable and unchecked for non-trade purposes, and this agreement was not in place in 2009.

Abkhazia's de facto border with Georgia is securitized but permeable as well, the securitization is here upheld mostly by Russia. As Russia shares a border with Abkhazia and has a high level of securitization of its own borders, it cooperates with Abkhazian authorities on its border control, allegedly using a common database which it tightly monitors (Interview 2 with Respondent 1 2021). Abkhazia therefore receives a 0,5 score.

South Ossetia's border with Georgia is non-permeable (Caravanistan 2020), and the border with Russia is securitized for trade purposes based on the above-named agreement with Georgia, and therefore gets a 0 score.

Transnistria's border with Ukraine has been securitized both in 2009 due to customs dispute between Transnistria and Ukraine (Socor 2006), and in recent months, due to Ukraine's rising tensions with Russia (Necsutu 2021). Transnistria's de facto border with Moldova, however, is highly permeable and not securitized. Unlike in the case of Abkhazia, as Russia doesn't share a border with Transnistria, it does not have an immediate motivation to bolster the Transnistria's border control, and is not as closely involved in the work of the Transnistrian border guards (Interview 1 with Respondent 1 2020). Transnistria, therefore, gets 1 point.

Based on this, I presume that the border permeability and securitization from the side of external actors has an effect on trafficking policy, though not in the way that seems logical at first. In the past, external securitization of borders has happened for reasons motivated by geopolitical strategy, not for tightening the control on black market. In this way, I presume this had a negative effect on trafficking legislation, as the TIP problem in the de facto state did not transfer as much to the neighbouring territory, which in turn was not motivated to attempt to influence the trafficking situation in the neighbouring de facto state.

- **International Attention**

The attention of the international community to the issue within the territories might motivate the state to improve for several reasons, notably the hope for a gesture of legitimization, or a possibility of receiving more financial support for compliance on non-key issues. I evaluate whether there were any mentions on the TIP situation within the individual territories in the publications that aim to evaluate individual countries and

cover the years 2009 and 2019: US TIP Reports, UN/OSCE/CoE Special Rapporteur on Trafficking Reports, Global Slavery Index. I evaluate Freedom House's Freedom Score in 2019 only as the 2009 full reports are not available. Due to limited resources available, I include the report closest to the researched year if no report for the year is available. Presumably, greater international attention to the problem might positively influence policy adoption.

2009:

2009 US TIP Report

Trafficking in Transnistria is mentioned once, stating that Moldova does not have control over the territory but it remains a source of trafficking victims.

Trafficking in Abkhazia and South Ossetia was mentioned once, stating that Georgia does not control the territories, but that labour trafficking is present within them.

2011 OSCE Special Rapporteur on Trafficking Report on Moldova

Trafficking in Transnistria is mentioned; the Rapporteur mentions meeting the representatives of four Transnistrian NGOs working on TIP issues, noting that the problem is present, though did not she include the specific findings within the report on Moldova.

2016 Global Slavery Index

Trafficking in South Ossetia is mentioned in regards to reports that children have received military training on its territory, though acknowledging that the source of this information is US Government and limited verification on it can be done.

2011 GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia

The report mentions that Georgia does not have full control of Abkhazia or South Ossetia and therefore the investigation could not be conducted within them, however it expresses concern over the effect of the recent Russo-Georgian War on the situation of TIP.

2019:

2019 US TIP Report

The report mentions that Transnistria remains a source for victims of both sex and labour trafficking.

It says that no information is available in regards to the existence of TIP in Abkhazia and South Ossetia, but that both the Georgian government and local NGOs expressed their concerns that internally displaced persons originating from the regions are especially vulnerable to it.

2019 OSCE Special Rapporteur on Trafficking Report on Georgia

The report does not mention Abkhazia nor Georgia.

2020 GRETA Evaluation Report on Republic of Moldova

The report states that the evaluation of the issue in Transnistria is prevented by the fact that Moldova does not control the area, but that the Experts met with representatives of anti-trafficking NGOs from Transnistria, who reported a high prevalence of victims within Transnistria whose identification was made difficult due to the fear to speak up. The Report also notes that the provision of support to the victims of TIP in the region is made difficult by the lack of governmental support to the NGOs working on the issue.

Freedom Score for 2019 (in Freedom in the World 2020) mentions that NGOs have expressed concern about THB in Abkhazia, and that in Transnistria, many women 'still fall victim to traffickers who subject them to forced labour or sex work,' but does not elaborate further.

To operationalize this variable, I chose to assign 0,25 for each mention that states the presence of the issue in any of the relevant reports, and 0,5 for a mention that highlights an investigation done within the territory or with the help of actors from the territory and which goes further in depth that stating the issue is present, as this marks higher engagement and higher international interest.

Abkhazia and South Ossetia both receive, a score of 1, and Transnistria a score of 1,75. This might be due to the fact that researchers conflate Abkhazia and South Ossetia, especially governmental and intergovernmental agencies, as the only two reports where Abkhazia was mentioned and South Ossetia was not and vice-versa were the Global Slavery Index and Freedom Score reports which are conducted by NGOs. I can say that a significantly larger amount of international attention such as in the case of Transnistria correlates with more comprehensive legislation on the issue.

In the case of Russia, it has been argued, that for example the attention of the US TIP Report has led to the deterioration of the issue, as the government began to see it as a politicized one (Dean 2014). I would argue that in the case of Transnistria, this has not been a problem as of yet. According to expert interviews, it suits the government that

there are outside sources of funding going towards the social services in general, despite the general discourse being against foreign-funded NGOs, and the government cooperates with the providers of these services when a victim is identified and needs to be helped (interviews with O. Alistratova, 2021 and Respondent 1, 2020).

Moreover, according to the interview with O. Alistratova (2021), it has been due to the influence that the national law was adopted:

"In 2007, an Estonian parliamentarian came to our Tiraspol, she met with the chairman of the parliament and said - do you see what your statistics are? Please explain what your next steps are. In addition, she initiated a round table in Brussels on [THB] [...] The President of the Parliament undertook to adopt such a law, and this law was adopted on the basis of our statistics."

Table 6: Score Comparison

Territory	Score	TIP Legislation Framework (Established on Question 1)
Abkhazia	3	Harsher sentencing than in Russia
South Ossetia	1	Same as in Russia, uses Russian Criminal Code
Transnistria	5,25	Greater compliance than in Russia

In Table 6, we can see the total score comparison based on the previous analysis. Transnistria has the highest score of positive influence variables and in agreement has the most progressive policies out of the three. Abkhazia scores second, and much higher than South Ossetia, though their difference in the legislation is on the first glance not great. However, the fact that South Ossetia uses the Russian Criminal Code and Abkhazia does not carries potential for the future, as Abkhazia's policy could in theory change.

Conclusion

In this work, I have analysed the situation of human trafficking within the post-Soviet territories that are functioning independently from their de iure governments due to the provided financial and military support of Russia.

First I have described the evolving definition of trafficking in human beings itself, as the often ambiguous and overlapping character of the concepts of slavery, forced labour and human trafficking often manifests today. The modern understanding of human

trafficking, which includes three elements of a crime – action, means, and purpose – is frequently misunderstood and misrepresented in both legislation and law enforcement actions aimed at combatting of the crime.

It became clear throughout the analysis that the international legislation and monitoring mechanisms were not designed with territories with unclear jurisdiction in mind. None of the overlapping concepts of slavery, forced labour and THB provides for instruments that would be applicable in this non-standard situation.

I have explored the theoretical possibilities for seeking justice in de facto state if an action of an authority violated the right to freedom from slavery or forced labour, finding that for example in the ECtHR, there is a series of precedents that might suggest Russia would be the one responsible for this violation on the territory of the analysed de facto states, though conflicting judgements have also been issued. Precedent where the ICTY has established a case of human trafficking to fall within the definition of 'enslavement' shows that this could mean it would be possible to punish similar alleged crimes within the warzones of Donetsk and Luhansk as crimes against humanity.

But while the ECtHR has a limited number of precedents that facilitate its' extraterritorial application, the conception of slavery has not been updated within the UN framework of human rights law in over half-a-century and has not developed a mechanism that would enable any accountability on the basis of the relevant treaties. ILO conventions on forced labour have so far practiced strict territoriality and generally aimed for the control of labour inspection mechanisms within the de iure territories of contracting parties; as de facto states are de iure parts of states that have no control over their territory, the enforcement is not possible. And as the modern conception of human trafficking focuses on criminalization and international cooperation in criminal matters, and also lacks an effective accountability mechanism, it excludes the unrecognized territories from its oversight as well. The various reporting mechanisms mirror this approach to a large extent, and forego conducting analyses of the de facto separately functioning regimes.

With the use of content analysis of legislation, I have answered the first research question, 'How compliant are the de facto legislations of individual de facto states to the international standards in comparison to their patron state, Russia?', finding that while in Abkhazia, Donetsk, Luhansk and South Ossetia the differences from Russian legislation are minimal or lack entirely, Transnistria is a significant outlier which has notably more compliant legislation than Russia.

I have then answered the second question, ‘What are the diffusion factors that might affect policy adoption in Russia-backed de facto states?’. Using a simplified methodology of trafficking policy diffusion, I have quantitatively coded five variables that might potentially influence the policies, and then saw whether the hypotheses fit based on results from Question 1. I have found that higher level of freedom is not a predictor of more compliant anti-trafficking policy. Interest group strength, higher level parent state issue severity and higher level of international attention all seem to at the least predict a trafficking policy more compliant with international norms, while high levels of economic dependence on Russia or stronger external border control seem likely to have a negative effect.

Throughout the research, I have found that human trafficking has not become a politicized issue in the de facto states the way it has, for example, in Russia. Therefore, while Dean (2020) showed that U.S. pressure might have a negative effect on the anti-trafficking legislation in the country, it hasn’t been so in the territories analysed within this work, despite their dependence on Russia.

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