

EXPLAINING COMPLIANCE WITH INTERNATIONAL AGREEMENTS AGAINST THE TRAFFICKING OF CHILDREN

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Abstract

The sexual exploitation of children is detrimental to the physical and emotional health and development of the children and undermines the development and growth of nations. Since 1989 the international community has taken serious legislative steps to attempt to eliminate child sex trafficking. However, despite nearly universal ratification of international conventions on the topic, the sexual exploitation of children continues. The literature that addresses regime compliance suggests two general explanations for the lack of follow-through among signatory countries: a lack of capacity (both political and economic) and cultural proximity. This paper will examine the validity of each of these categories through analysis of data across sixty-seven countries drawn from diverse regions. This study finds that political capacity, followed by economic capacity, better accounts for compliance with child sex trafficking conventions than measures of cultural proximity.

That children require special protection has long been recognized. This unique need was first internationally acknowledged in 1924 with the *Geneva Declaration of the Rights of the Child*, which “regulates[es] that mankind owes to the Child the best that it has to give...and must [protect the Child] against every form of exploitation” (1924).⁶ Since then many international conventions have recognized that the vulnerability and impressionability of childhood create a special need, and have created specific legislation to address it. The relevant legislation includes the 1924 League of Nations *Geneva Declaration of the Rights of the Child*, the 1948 United Nations (UN) *Universal Declaration of Human Rights*, the 1959 UN *Declaration of the Rights of the Child*, the 1966 UN *International Covenant on Economic, Social and Cultural Rights* and the UN *International Covenant on Civil and Political Rights* from the same year.⁷ In the area of sexual exploitation of children the most notable of these conventions are the UN 1989 *Convention on the Rights of the Child*, the 1999 International Labor Organization (ILO) *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* (Worst Forms of Child Labor Convention), and the 2002 UN *Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography*. Each of these three conventions includes specific prohibitions against sexual exploitation and abuse with regard to prostitution, sex trafficking and sex tourism. However, despite the nearly universal ratification of each of these conventions, little is being done to improve the horrendous conditions in many of the ratifying countries.

⁶ See Appendix A for definitions.

⁷ See Appendix B for more details.

Children around the world are being used in ways that no adult should ever tolerate. Because of the illegal and generally taboo nature of the subject there are few reliable statistics that can give specific numbers of children being sexually exploited. However, stories such as that of Nayla from Azerbaijan keep emerging.⁸

Azerbaijan/UAE: After her father died when she was 9, Nayla was given to an orphanage. But her mother took her from the orphanage and sold her to traffickers who brought her to Dubai. She was prostituted in clubs in Dubai until she was 13 years old. After the Dubai police discovered her illegal status, Nayla was deported back to Azerbaijan. Once she returned to Azerbaijan, she was prostituted for three more years before becoming pregnant. She contracted AIDS either in Dubai or in Baku and gave birth to an HIV-positive baby last year. (Trafficking in Persons Report 2006)

This story is just one of many. Each of these exploited children have their childhood, their freedom and their chance at life taken away from them. Many are left with sexually transmitted diseases, including AIDS, as Nayla was. This is a national and a transnational issue which needs to be universally addressed to be effectively halted. Children are often taken across borders to where regulation of prostitution is less strict, or to countries that are known sex tourism destinations. Nayla's story demonstrates the lack of effective treatment that these countries' justice systems give the issue. Instead of Nayla's traffickers being brought to justice when her illegal status in the United Arab Emirates (UAE) was discovered, Nayla was simply deported and returned to Azerbaijan where her exploitation continued.⁹ This aspect of her story is by no means unique. Many of the countries with a high incidence of child exploitation actually prosecute or deport the children who are being exploited. This does nothing to reduce the problem but rather

⁸ Name changed by the Trafficking in Persons Report 2006.

⁹ Azerbaijan has ratified all three of the relevant conventions and UAE has ratified both the 1999 ILO Convention and the 1989 UN Convention.

exacerbates it, as the traffickers will simply find and bring in a new child while the one deported, who has known only exploitation and has had no opportunity to improve his or her life, will have nothing to turn to but back to what they know.

Many countries say on paper that they agree the problem is outrageous and promise to take steps to halt this exploitation, but then do little or nothing. This paper will attempt to explain differences in the level of compliance with child exploitation conventions cross-nationally. It will begin by examining the general literature on regime compliance and then draw hypotheses relevant to noncompliance with international child sex trafficking conventions. These hypotheses will then be tested with data drawn from international values surveys, fact books, and non-profit organizations. These results will then be analyzed and conclusions drawn as to what can explain this worrying lack of compliance and what might be done to improve compliance in the future.

EXPLAINING COMPLIANCE

Much of the literature on compliance tends to be sociological in nature. It generally focuses on varying theories regarding how to enforce compliance (Dai 2005; Heyns and Viljoen 2001; Hirsch 2005; Hurd 1999; May 2004; Neubauer and Kastner 1969; Pollis 1996; Renteln 1988 and 2005; Tallberg 2002). These studies have broken compliance theory down into two main debates; the realist-liberal debate and the management-enforcement debate. The realist-liberal debate stems from the neorealist school of thought, which purports that compliance is best secured through coercion, versus the rationalist-neoliberal school of thought, which believes that compliance is secured through the self-interest of the participant. Both schools are based on the acknowledged concept that there are three well-established methods of social control

which each stem from one of three general reasons why a player might comply with a law or standard; (1) coercion stemming from a fear of the punishment inflicted upon disobedience, (2) self-interest stemming from a belief that compliance will benefit oneself and (3) legitimacy which stems from a belief that the law or standard is legitimate and therefore should be obeyed on its own merits (Hurd 1999).

The management-enforcement debate, on the other hand approaches the explanation of compliance from a prevention versus remediation angle. The management school insists that a problem-solving technique which focuses on remedying problems—such as lack of capacity, differing or mistaken interpretations of laws/standards, and greater governmental transparency—which aggravate noncompliance is the most successful means.

While this paper addresses the issue of *why* countries do not comply with international regimes rather than *how* to obtain greater compliance, this sociological literature can still point toward a couple of general approaches to the relevant question. Within this literature are hints—often only implied by the suggested solutions to the lack of compliance problem—at what factors cause countries to comply (or not) with international conventions. Peter May, for example, suggests;

Compliance with regulations is far from automatic for a variety of reasons... Regulates may not know about regulatory requirements, may not agree with them, may not be capable of complying with them, may find it too costly to comply, or simply may not care (1999).

These ideas break down into two general approaches: capacity and cultural proximity.

The Capacity Approach

Springing from the management-enforcement debate comes the idea that it is because of a lack of political and/or economic capacity that these problem countries are

not able to comply with the international conventions they say they support. Proponents of the management school believe that states have every intention of complying with international regimes to which they sign on, but it is because of “political and economic capacity limitations” (Tallberg 2002, 613) that they do not comply.

This idea is reinforced in the general literature about the problem of sex trafficking and exploitation. Factors such as “poverty, the attraction of perceived higher standards of living elsewhere, lack of employment opportunities, organized crime...government corruption [and] political instability” (*Trafficking in Persons Report 2006*) are commonly mentioned in these sources. These factors are indicative of such capacity failures as are mentioned by the sociological authors.

Not only do these factors further noncompliance at a governmental level, but they further the problem of trafficking itself, which then makes it even more difficult for these governments to comply. An often cited example of this will be referred to as the “golden opportunity principle”. This expresses the idea that the situation, often economic, in these noncompliant countries is so unbearable that “many of the...victims view [their trafficker] as a savior rather than a trafficker of human lives” (Renteln 2005, 61). Often, the literature points out, sexually exploitive acts are not actually a culturally desired or even accepted practice but are only viewed as such because of the frequency with which a blind eye is turned. This, rather than reflecting the culture of the country, reflects the exceedingly harsh conditions in which these people live their lives. These suffering people sometimes see these exploitative actions as a way of bringing money and through to relieve themselves and their fellow countrymen. As Renteln says; “sex slavery and

forced labor, are not valued cultural traditions, but reflect the desperation on the part of families” (2005).

The literature also proposes a factor of pride associated with capacity limitations. It has been suggested that governments will “resist international supervision and are reluctant to implement recommendations and views” (Heyns and Viljoen 2001, 517) because they are jealous of their sovereignty. This issue is further exacerbated when the international culture is at odds with local traditions and practices. The general literatures also cite many sources which are cultural in nature as contributing factors to incompletion. This leads to the second approach that is hinted at in the sociological literature; the cultural proximity approach.

The Cultural Proximity Approach

Cultural relativism is now being emphasized as extremely important to the understanding of compliance motivations (Fellmeth 2000; Pollis 1996; Renteln 1988 and 2005). Preference as a reason for noncompliance has been said often to be caused by a lack of connection to the ideals supported by the international regime. When compliance with the international regime requires major changes in either/both beliefs or behaviors, there is less likelihood that a country will comply. In other words, the countries whose belief structures and actions begin at the farthest point from those pushed by international regimes will remain the most distant because these countries have farther to go and less incentive to do so. This idea is reflected in the “depth-of-cooperation hypothesis” discussed by Tallberg. This hypothesis theorizes that noncompliance rises with the degree of behavioral and legal change required to attain compliance. Therefore, “varying adjustment pressures...translate into varying degrees of compliance” (2002). This

supports the idea that international legislation—such as that addressing child sexual exploitation—likely will not impact its target countries, because the behavioral and legal changes required would be much greater than in those already close to compliance.

Often these conflicting traditional practices are not seen as harmful and are even, in some cultures or contexts, considered beneficial. For example, child marriage is often thought to give the child a better life while alleviating some of the financial burden on their family. These children are often given away with only their best interests in their parents and communities' hearts. However, “violence, exploitation, and abuse may be tolerated or encouraged in the form of child marriage” (Landgren 2005, 232). These awful results are often not seen in communities from which the child has been taken since often the child has no way to communicate with their family. Because of this, many of the local communities do not know how dangerous and detrimental the practice can be. The fostering of children—sending children from their family to work for a wealthier family in exchange for an education—is a similar practice and situation. Often the child is forced to work as a slave with none of the promised education given to them. Both of these practices, besides being injurious to a protective environment for children in and of themselves, also open the door for sex traffickers to easily steal children by simply posing as marriage prospects or a potential family (*Trafficking in Persons Report 2006*). Often practices that are intended to uphold cultural values are some of the most formidable challenges to compliance.

Combination

Many specific factors that are suggested throughout the various literatures draw from both of these approaches. For example, public knowledge and discussion has been

suggested by several authors (Landgren 2005; Harris-Short 2003; Heyns and Viljoen 2001) as a key factor influencing compliance. This public knowledge and public discussion, however, draws its source not from either of the singular approaches but from both. Culturally, these “issues which permeate child protection [such as sex and violence], are frequently taboo for public and even private discussion” (Landgren 2005, 223). The public feels more comfortable simply ignoring the problem and hoping it will go away, which of course it will not until it is actively addressed. The public is not alone in holding blame for lack of discussion, though. The government, either because of embarrassment—related to the capacity issue of pride that was discussed earlier—or because of economic gains for the country, or even simply because of personal greed and corruption, ignores the problem as well.¹⁰ In addition to their ignorance, they keep the public in the dark by refusing to disseminate this important information which could fuel public discussion and through it change in the way children are protected. Even when the national government does pass legislation meant to protect children it backfires because the government refuses to broach the subject in the public discourse. As Landgren states; “Legislation passed in isolation from a national debate and broader engagement can push practices underground, as well as generating backlash” (2005).

This example of public discussion is just one of many factors which offer explanation through both capacity and proximity approaches. Not only are single factors often explained by both approaches, but it is nearly universal in the non-sociology based literature that a combination of factors are cited when reasons for noncompliance are

¹⁰ “Protection abuses, or more precisely their public airing, can be felt as nationally humiliating and their official acknowledgement may be slow in coming” (Landgren 2005, 228).

discussed. The sociological literature would likely agree that it is a combination of factors that can explain noncompliance. However, it is from this sociological literature that separate approaches are laid out. This paper will use the two approaches given by sociology, and break them into individual specific factors suggested by the literature on sex trafficking within these categories.

HYPOTHESES

Based on the approach the literature takes, it is logical to break the hypotheses into three sections. The political capacity section will address predictions regarding how the political capacity of a nation will affect its compliance with international conventions regulating child sex trafficking. The economic capacity section will do the same, looking at economic factors. The cultural proximity section will attempt to measure attitudes and see how these various factors play into compliance. The following three sections will lay out what exactly are the hypotheses tested in this paper.

Political Capacity

The political capacity hypotheses contain a single general hypothesis followed by two more specific hypotheses, the confirmation of which would show the confirmation of the general hypothesis. The general hypothesis is based on the logical conclusions drawn from the literature and can be related as follows:

H₁: The level of government compliance with international conventions on the sexual exploitation and trafficking of children is positively correlated with high political capacity of the government.

This general hypothesis leads to implied hypothesis, H_{1.1}, which addresses corruption, a widely recognized key factor affecting political capacity. It seems obvious that the more corrupt a nation's government, the lower the political capacity of the country and

therefore, based on H_1 , the less compliant with international regimes on child sex trafficking. Therefore, $H_{1.1}$ can be summarized as the following:

$H_{1.1}$: Level of corruption in the national government is negatively correlated with the level of government compliance with international regulations on sexual exploitation of children.

The second more specific hypothesis, $H_{1.2}$, deals with the legitimacy of the governments of these various nations. It, like the previous, is drawn from a seemingly logical assumption, in this case that the more legitimate a government, the more compliant it will be with international regimes. This hypothesis is stated as follows.

$H_{1.2}$: Increases in the legitimacy of the national government will be positively correlated with increases in the level of government compliance with international regulations on the sexual exploitation of children.

Economic Capacity

The economic capacity hypotheses are in much the same format as the political capacity section, but include three more specific hypotheses which attempt to address the general hypothesis rather than only two. In this section the general hypothesis is:

H_2 : The level of government compliance with international conventions on the sexual exploitation and trafficking of children is positively correlated with high economic capacity of the country.

This hypothesis is drawn from theorizing that countries with lower economic capacity will have more motivation to ignore signs of child sex trafficking because they need the income that can be brought in by such trade. The first more specific hypothesis, $H_{2.1}$, specifically looks at this theory through the Gross Domestic Product (GDP) Per Capita of each case country. GDP – per capita is an effective measure of economic capacity, as it directly reflects the amount of money that a country has. $H_{2.1}$ is based on the same reasoning as the general economic capacity hypothesis, and is stated as follows:

H_{2.1}: The GDP – per capita (PPP) will positively correlate with the level of compliance with international conventions on the sexual exploitation and trafficking of children.

The second more specific hypothesis, H_{2.2}, takes this same reasoning again but this time uses the unemployment rate of the nation as a measure of economic capacity. This is justified as a proper measure based on how the opinion of the public can influence government compliance, especially when a government is legitimate. While GDP works to measure motivation of the national government to comply, unemployment rate can measure motivation of the general public to accept the exploitation of children when they otherwise would not. When many people cannot get legitimate legal employment, they will be more likely to engage in illegal practices to bring in income, such as child sex trafficking. Because of this reasoning, H_{2.2}, is as follows:

H_{2.2}: Increases in the unemployment rate will negatively correlate with the level of compliance with international conventions on the sexual exploitation and trafficking of children.

The final specific economic capacity hypothesis addresses the same issue and uses the same reasoning as H_{2.2}. The percent of the population living below the poverty line is used instead of the unemployment rate, but can arguably be used as a very similar measure. Therefore, H_{2.3} is very similar to H_{2.2} and is stated as follows:

H_{2.3}: The greater the percentage of the population below the poverty line, the less a country will be compliant with the international conventions on the sexual exploitation and trafficking of children.

While both these final two hypotheses are being used mainly to examine the motivations of the general public, it must be kept in mind that both also encompass the economic motivations of the government. This is because the economic interests of the population

often coincide with those of the government, since everyone is relatively better off with more money flowing through the country.

Cultural Proximity

The general cultural proximity hypothesis stems from the idea that the more culturally congruent a nation's traditions and values are with the presiding, and arguably western, international regime the easier it is for the country to comply. Therefore, this general hypothesis is stated as follows:

H₃: The traditions and cultural attitudes of the people toward factors related to sexual exploitation of children influence government compliance with international regulations more than the international views expressed in these regulations.

The first of the three more specific hypotheses deals with the liberality of national attitudes toward issues such as gender equality and sexuality. Since most of those exploited are girl children, it is believed that a more liberal view of female empowerment would positively correlate with a stricter view on the sexual exploitation of children. As for sexuality, the more liberal the general attitude toward sexual freedom, the more likely it is that there will be an active discussion of the issues surrounding sex trafficking, and with discussion come solutions and action. This hypothesis stems from the basic idea that the more open a people and government are, the more responsive the government will be to human rights violations such as child sex trafficking. Because of the previous reasoning H_{3.1} proposes the following:

H_{3.1}: Countries with more liberal attitudes toward female empowerment and sexuality will be more compliant with international conventions on the sexual exploitation of children.

The second specific hypothesis is very similar to the first, but instead deals with how conservative the nation's attitude is toward prostitution. The logic is that the less

approval there is of prostitution, the more likely the public would be to support legislation minimizing prostitution and through it the sexual exploitation of children. This leads to $H_{3.2}$ which is:

$H_{3.2}$: Countries with more conservative attitudes toward prostitution will be more compliant with international conventions on the sexual exploitation of children.

The final specific hypothesis deals with the value a country places on female children. The logic behind this hypothesis is the same as that of female empowerment in $H_{3.1}$. Because girl children are more often exploited and trafficked, it seems overtly logical that the less a country values these little girls, the less they will be protected and the harder this attitude will be to change, and it must be changed for the relevant legislation to be enforced. Because of this reasoning, $H_{3.3}$ is as follows:

$H_{3.3}$: Countries which place little value on female children will be less compliant with international regulations on the sexual exploitation of children.

RESEARCH DESIGN AND METHODOLOGY

The research reported in this paper follows a comparative cross-national research design involving sixty-seven cases from around the world. The data used to test the hypotheses were gathered from a variety of statistical and/or academic sources which were analyzed to draw conclusions on the previously stated hypotheses.

Case Selection

To identify the factors that account for varying levels of compliance with international conventions on the sexual exploitation of children, it is necessary to include cases from different geographical regions, levels of socio-economic development and cultures. Further criteria for inclusion consist of: (1) the country must have ratified the

three key conventions that deal with the sex trafficking of children (the 1998 UN Convention on the Rights of the Child, the Optional Protocol added to the previous Act in 2000, and the 1999 ILO Elimination of the Worst Forms of Child Labor Convention); (2) the country must be identified as a democratic state by the CIA World Factbook; (3) each case must have/had at least some direct experience with child sex trafficking as reported in the U.S. State Department Trafficking in Persons Report (TIP) which requires that included countries be "... determined to be countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking" (2006); and finally (4) there has to be available and comparable data across the range of variables. After going through the list of possible cases and cutting those that did not meet the criteria, sixty seven cases were left.¹¹

Table 1 - Regions							
	Africa	Asia	Central America	Eastern Europe	South America	Sub-Saharan Africa	Western Europe
Number of cases	4	11	8	13	9	15	7

Dependent Variable: Compliance

The dependent variable in this study is the compliance of a country with international conventions regarding the sexual trafficking and exploitation of children. This variable is measured through the recoding of a three tier system from TIP. TIP reports from 2001, 2002, 2003, 2004, 2005 and 2006 were used. The TIP does not base its ratings on compliance with the three international conventions this paper examines; rather it uses a U.S. Public Law called the Trafficking in Victims Protection Act of 2000

¹¹ See Appendix D for a complete regional list.

(TVPA).¹² Section 108 of this Act lays out specific “Minimum Standards for the Elimination of Trafficking” which are what the TIP uses as its measure of compliance.¹³ The minimum standards are directly comparable with the requirements of the three major conventions on child sex trafficking; therefore it serves as a valid measure .

The TIP bases its tier placement on the following criteria:

- 1) The extent to which the country is a country of origin, transit, or destination for severe forms of trafficking; 2) The extent to which the government of the country does not comply with the TVPA’s minimum standards and, in particular the extent of the government’s trafficking related corruption; and 3) The resources and capabilities of the government to address and eliminate severe forms of trafficking in persons.

While the third criterion may, at first glance, seem to be the same as economic capacity or political capacity, this is not the case. While the variables used in this study use direct measures of corruption, legitimacy, GDP, rate below the poverty line and unemployment to test these capacity issues, none of these are even mentioned in the individual country narratives which the TIP says “explains the basis for rating a country as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3” (2006). Rather, when the TIP references resources and capabilities, it speaks only of what resources the government has dedicated to the fight against the sex trafficking of children and what resources they should dedicate. Because of this it is not felt that this criterion conflicts with either category of hypotheses.

From the tier placement criteria, the countries the TIP addresses are broken into four categories: Tier 1 includes countries which comply fully with the minimum standards of the TVPA; Tier 2 countries’ governments do not yet fully comply with the

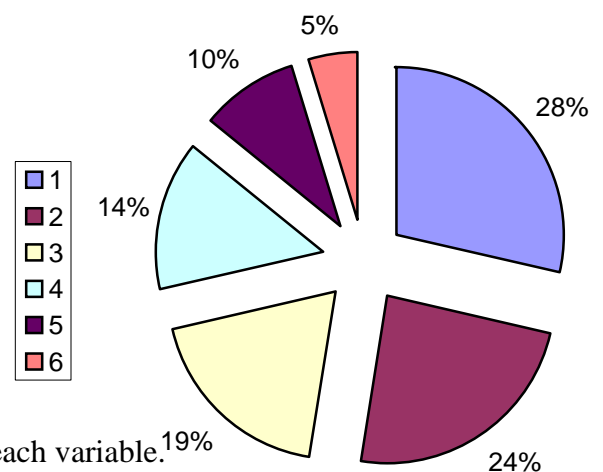
¹² Pub. L. No. 106-386.

¹³ See Appendix C for complete Minimum Standards directly from the TIP 2006.

TVPA minimum standards but have been making “*significant* efforts” (31) (emphasis added) to comply fully; Tier 2 Special Watch List (Tier 2W) includes countries which would fall into the criteria for Tier 2 but about which the TIP has concerns based on a) the increasing level of trafficking, b) lack of evidence of increasing effort to combat trafficking, and/or c) future commitments to further steps are the only real basis for placement in Tier 2 in the first place; Tier 3 is the final category and includes countries whose governments do not fully comply with TVPA Minimum Standards and are making insignificant, if any, efforts to bring themselves into compliance. It is worth noting that these tiers were not determined based solely on the self-reporting of a country. Because of issues of exaggeration or flat-out lying, the TIP put little weight on the statements of the governments, but rather focuses on “the concrete actions governments have taken to fight trafficking, especially prosecutions, convictions, and prison sentences for traffickers, victim protection, and prevention efforts” (2006). The report does not take indirect efforts—such as education programs—into account when making these tier placements, though the report does acknowledge the benefit such programs can have.

For use as a measurement device in this paper, these tiers were recoded into a six-point scale. A country was given the ranking of 6 if it had been consistently ranked Tier 1 by the TIP or had moved up to Tier 1 from a lower tier.¹⁴ A country was considered a 5 if it had risen in rank to Tier 2 from a lower rank and was considered a 4 if it had been pretty

Graph 1 - Compliance Distribution



¹⁴ See Appendix E for Tables of the distribution for each variable.

consistently Tier 2. A country was coded a 3 if it had dropped to Tier 2 from Tier 1 or if it had risen to Tier 2W from Tier 3. A coding of 2 represents a country which has dropped to Tier 2W from a higher tier or the country has been almost consistently Tier 2W. The lowest number, 1, was awarded to countries that have been consistently Tier 3 or have dropped to Tier 3 from any of the higher categories.

Independent Variables

The independent variables included in this study were broken down into the same three categories as the hypotheses: 1) political capacity, 2) economic capacity and 3) cultural proximity.

Political Capacity Variables

The political capacity factors include corruption and legitimacy. These capture the greatest problems affecting political capacity and therefore accurately measure the effect this approach has on compliance. Corruption is measured with the rankings from the 2005 Corruption Perceptions Index (CPI) compiled by Transparency International, a self described “global civil society organization” (Transparency.org). The CPI is created based on assessments made by experts in the field and by opinion surveys done in each of the countries which are used to self-assess the problem. The CPI scale ranges from 10 representing no corruption and 1 representing extreme corruption, these numbers were then coded directly into the dataset used in this study.

The measure of legitimacy came from the 2006 “Freedom in the World” ratings by Freedom House, a widely recognized expert on freedom in countries around the world which produces this “annual comparative assessment of the state of political rights and civil liberties in 192 countries and 14 related and disputed territories”

(freedomhouse.org).¹⁵ Freedom House gives each country a rating of “Free”, “Partially Free” or “Not Free”. For the purposes of this study these numbers were coded so that any country rated by Freedom House as “Free” was coded as 3, a ranking of “Partially Free” was given a 2, and those that were said to be “Not Free” were given a 1.

Economic Capacity Variables

Economic capacity variables are also meant to capture the capacity of the government, though this time in the economic arena. These variables include GDP-Per Capita (PPP), the percent of the population living below the poverty line and the unemployment rate. These measures effectively capture economic capacity, as a government with higher economic capacity would be better able to provide for their citizens, which would lower both the unemployment rate and the rate of people below the poverty line. It is also assumed that the higher the GDP-Per Capita, the higher the economic capacity of the country.

Each of these three variables are measured with numbers taken from the 2006 version of *The World Factbook* created by the Central Intelligence Agency (CIA). GDP – Per Capita (PPP) shows the GDP divided by the population (in the 2006 World Factbook this number is taken as of July 1, 2006) thereby showing the GDP per person at the purchasing power parity (PPP) level, which means at the prevailing United States (US) dollar exchange. The number was taken from the World Factbook and divided by 1000 and then coded into the dataset of this study.

The unemployment rate represents the percentage of the labor force—typically, those of working age who are seeking employment—that are not employed. The

¹⁵ Chad and Costa Rica are exceptions to this. The numbers to measure these two countries came from the 2005 ratings as the 2006 numbers were not available.

percentage of people living below the poverty line is estimated through “surveys of sub-groups, with the results weighted by the number of people in each group” (cia.gov). The poverty line itself fluctuates from country to country, as richer nations typically use “more generous standards of poverty than poor nations” (cia.gov). The measures of population below the poverty line and unemployment rate with both given in percentages so these numbers were coded directly into the dataset.

Cultural Proximity Variables

The final category is cultural factors. In this study, culture is measured by attitudes of the public towards prostitution, underage sex, female empowerment and girl children. The gender attitudes are included because the great majority of those trafficked are female, and especially girl children. These specific attitudinal variables are felt to encompass traditional values which will likely differ from country to country, though more especially from region to region. The selected variables are those which will likely have a direct impact on how the public of a country view the issue of sex trafficking and other sexual exploitation of children.

The level of female empowerment in this study is measured with the Human Development Reports’ 2005 Gender Empowerment Measure (GEM). This measure is created by “measuring gender inequality in three basic dimensions of empowerment—economic participation and decision-making, political participation, and decision-making and power over economic resources” (hdr.undp.org). The GEM uses four measures to capture these dimensions: seats held by women in parliament; female legislators, senior officials and managers; female professional and technical workers; and the female to male ratio of estimated earned income. The GEM gives countries a value of 0 to 1; the

closer the value is to 1 the more empowered the women of that country are said to be. The number assigned to each country was then directly coded into the dataset for this study.

The attitudes toward prostitution, underage sex, sexual freedom and girl children were all measured with questions from the World Values Surveys (WVS) and the European Values Surveys (EVS) from 1981-2004, a dataset that combines seven total surveys. From this dataset, this survey used four individual questions. The first, question D024, measures attitudes toward sexual freedom; “If someone said that individuals should have the chance to enjoy complete sexual freedom without being restricted, would you tend to agree or disagree?” After running frequencies for each case on SPSS, the valid percent of respondents that answered “disagree” was coded directly into this study’s dataset. The next question, D025, was used to measure attitudes toward girl children: “If you were to have only one child, would you rather have it be a boy or a girl?” SPSS frequencies were again run, and this time the valid percentage that answered that they would prefer a boy child was entered.

The questions measuring attitudes toward prostitution and underage sex, F119 and F135 respectively, were the same question with only the active phrase being different. Specifically the question read: “Please tell me for each of the following statements whether you think it can always be justified, never be justified or something in between”. “Prostitution” and “sex under the legal age of consent” were two of the statements. For both of these questions, SPSS was run and the valid percent that answered “Never Justifiable” was entered into this study’s dataset.

FINDINGS AND ANALYSIS

This section will report and analyze the results uncovered through empirical analysis. Bivariate correlations were run to test the strength and directionality of the relationship between each independent variable (corruption, legitimacy, GDP-Per Capita (PPP), percent below the poverty line, unemployment rate, female empowerment, sexual freedom, value placed on boy children, justifiability of prostitution, and justifiability of underage sex) and the dependent variable (compliance). These tests also determined the statistical reliability of each finding. The results found that, in general, the directionality of the results was consistent with the proposed hypotheses. There were, however, some exceptions that went opposite to the direction predicted. These exceptions will be discussed in detail under the section in which they arise.

Political Capacity

The political capacity factors proved to be the most statistically significant grouping as well as the pair with the strongest correlations. Corruption was extremely significant (as can be seen in Table 2) and also held the strongest relationship of any

Table 2 – Political Capacity Results				
	Expected Direction	Correlation Coefficient	Significance (1-tailed)	N
Corruption	positive	0.335*	0.003*	66
Legitimacy	positive	0.208*	0.046*	67
** = significant at the .01 level * = significant at the .05 level				

results at 0.335.

Since the measure

of corruption used

in the Corruption Perceptions Index approaches 10 as corruption decreases, and the measure of compliance created for this study approaches 6 as compliance rises, a positive correlation would be the expected result of the bivariate testing. Therefore, this finding of 0.335 confirms $H_{1,1}$, that as corruption rises, the level of government compliance with international regulations on sexual exploitation of children decreases.

reduced, even only by 10 cases, the statistical significance significantly worsens. However, the statistical significance is not so bad that indications of results cannot still be claimed.

As seen in Table 3, the results for GDP – Per Capita (PPP) are statistically significant reaching almost the 0.01 level. This, partnered with a correlation of 0.277 confirms $H_{2.1}$, that GDP – per capita (PPP) will positively correlate with the level of compliance. Unemployment rate and poverty line are much shakier but do suggest confirmations of the hypotheses $H_{2.2}$ and $H_{2.3}$. While neither is statistically significant or has particularly strong directionality, both do run in the expected negative direction. It was expected that these variables would both show a negative relationship to compliance because rises in both the percentage of people living below the poverty line and of persons unemployed represent increased poverty. It seems logical that the poorer the people of a country are, the more likely they would be to allow for any income possible—and unfortunately sexually exploiting children can bring income into a country—which would mean less compliance with international regulations on these possible incomes.

Overall, this study finds that the general hypotheses— H_2 : The level of government compliance with international conventions on the sexual exploitation and trafficking of children is positively correlated with high economic capacity of the country—regarding economic factors is confirmed. This also confirms what the literature suggests and leads to the examination of the final aspect that the literature suggests would affect compliance with international conventions on the sexual exploitation and trafficking of children, cultural proximity factors.

because of this, of exploitation. This leads to the variable of justifiability of sexual relations under the age of consent, which actually turns out to suggest disapproval of this theory, by showing that where it is felt that sex under the age of consent is never justified, there is greater compliance with international conventions on the sexual exploitation and trafficking of children.

As seen in Table 4, the measure of approval of underage sex came back with a relationship of 0.199 and a statistical significance of 0.187. While this is not extremely reliable, it suggests a relationship that would likely be confirmed if the N could be raised above the very low number of 22. This relationship was in the expected direction, which was not surprising. It seems fundamentally logical that countries in which the people approve less of underage sex will be more stringent with the regulation of underage sex, and through regulation, more compliant with the conventions on the sexual exploitation and trafficking of children. The other expectation that seemed fundamentally logical, however, went in the completely unexpected direction. This was the measure of attitudes toward prostitution.

It was expected that countries in which the people approved less of prostitution would be more compliant with the relevant international conventions. This was assumed simply because the sexual exploitation and trafficking of children is linked so fundamentally with prostitution. However, though a positive relationship was expected, the results returned a correlation of -0.238 with a reliability of 0.072. While not technically significant, it is quite close to being significant at the 0.05 level, and regardless of the significance, it is an arguably strong relationship. This finding was

extremely surprising and no reasons for it jump to mind. Therefore, it is felt that this variable requires further study to try to explain this result.

The final two cultural proximity variables—value on male children and gender empowerment—both fell in the expected directions and had a statistical significance of 0.053 and 0.055 respectively. They both had very strong relationships with compliance, with the value of male children bringing in the second strongest number with -0.313 and gender empowerment coming in fourth with 0.268. It was believed that the value placed on male children would be negatively correlated with compliance, since girls are much more often sexually exploited. Conversely, it was expected that female empowerment would positively correlate with compliance.

Overall, it appears that the general hypothesis—H₃: The traditions and cultural attitudes of the people toward factors related to sexual exploitation of children influence government compliance with international regulations more than the international views expressed in these regulations—regarding cultural proximity as a factor was confirmed, even though H_{3,2}—that countries with more conservative attitudes toward prostitution will be more compliant with international conventions on the sexual exploitation of children—was apparently refuted.

CONCLUSIONS

My original research question addressed what factors affected the compliance of a country with international conventions on the sexual exploitation and trafficking of children. The literature suggested that political and economic capacity and cultural proximity of the nation played a role. The results reported in this paper seem to confirm these suggestions. However, some results were weak, insignificant or surprising. This

opens the door for future research examining cases that may be exceptions to the general rule. It would be interesting to research these specific cases in more detail, and perhaps uncover why these exceptions occur. There is also, of course, the ever-present hope that previously unfound data will appear and make the already tested variables have more reliable results. In addition, there are more factors—such as the practice of child fostering, child labor standards of the individual countries, and the amount of public discussion and the availability of information on this topic individual level—that these results suggest may also figure in to compliance. These questions will, it is hoped, be answered with further research.

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APPENDICES

Appendix A: Definitions

- **Child:** Defined in the legislation as either 1) under 18 years of age or 2) pre-pubescent.

This study defines a child anyone under 18 years of age, as do the three international conventions this study focuses on.

- **Sex Trafficking:** “The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (TIP 2006).

- **Child Prostitution:** “The use of a child in sexual activities for remuneration or any other form of consideration” (Optional Protocol 2000).

Appendix B: The Conventions

- **Geneva Declaration of the Rights of the Child:** Adopted by the League of Nations September 26, 1924.
 - **Principle 4:** “The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation”
- **Universal Declaration of Human Rights:** Adopted by the UN December 10, 1948.
 - **Article 25 Section 2:** “Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”
- **Declaration of the Rights of the Child:** Adopted by the UN November 20, 1959.
 - **Preamble:** “The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection.”
 - **Principle 2:** “The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.”
 - **Principle 9:** “The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any

- occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.”
- **International Covenant on Economic, Social and Cultural Rights:** Adopted by the UN on December 16, 1966.
 - **Article 10 Section 3:** “Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”
 - **International Covenant on Civil and Political Rights:** Adopted by the UN on March 23, 1976.
 - **Article 24 Section 1:** “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”
 - **Convention on the Rights of the Child:** Adopted by the UN on November 20, 1989.
 - **Article 11:** “1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad. 2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.”
 - **Article 34:** “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.”
 - **Article 35:** “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”
 - **Article 36:** “States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.”
 - **Article 39:** “States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

- **Worst Forms of Child Labor Convention:** Adopted by the ILO on June 17, 1999.
 - **Article 3 Sections a, b and d:** “For the purposes of this Convention, the term *the worst forms of child labour* comprises: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”
 - **Article 7 (especially Section e):** “1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions. 2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: (a) prevent the engagement of children in the worst forms of child labour; (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; (d) identify and reach out to children at special risk; and (e) take account of the special situation of girls.”

- **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:** Adopted by the UN on May 25, 2000.
 - **Article 1:** “States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.”
 - **Article 2:** “For the purposes of the present Protocol: (a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration; (b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration; (c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”
 - **Article 3:** “1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis: (a) In the context of sale of children

as defined in article 2: (i) Offering, delivering or accepting, by whatever means, a child for the purpose of: a. Sexual exploitation of the child; b. Transfer of organs of the child for profit; c. Engagement of the child in forced labour; (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption; (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2; (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2. 2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts. 3. Each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature. 4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative. 5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.”

Appendix C: Trafficking Victims Protection Act

“TRAFFICKING VICTIMS PROTECTION ACT — MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS

Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.

(I) Minimum standards

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

2. The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
3. For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

4. For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
5. The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(B) Criteria

In determinations under subsection (a)(4) of this section, the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

1. Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government, which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
2. Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.
3. Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.
4. Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.
5. Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

6. Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.
7. Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
8. Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
9. Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
10. Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year." (TIP 2006)

Appendix D: Cases

Cases by Region						
Africa	Asia	Central America	Eastern Europe	South America	Saharan Africa	Western Europe
Egypt	Azerbaijan	Belize	Belarus	Argentina	Angola	Austria
Morocco	Bangladesh	Costa Rica	Bosnia and Herzegovina	Bolivia	Chad	Denmark
Sudan	Japan	El Salvador	Bulgaria	Brazil	Congo, Dem. Republic	France
Tunisia	Kazakstan	Guatemala	Croatia	Chile	Equatorial Guinea	Italy
	Kyrgyzstan	Honduras	Estonia	Columbia	Madagascar	Norway
	Lebanon	Mexico	Lithuania	Ecuador	Mali	Portugal
	Mongolia	Nicaragua	Macedonia	Paraguay	Mauritius	Spain
	Philippines	Panama	Poland	Peru	Mozambique	
	South Korea		Romania	Uruguay	Niger	
	Syria		Serbia and Montenegro		Rwanda	
	Turkey		Slovakia		Senegal	
			Slovenia		South Africa	
			Ukraine		Tanzania	
					Togo	
					Uganda	

Appendix E: Variable Distribution

Code	# of Countries
6	11
5	13
4	29
3	2
2	9
1	3

Code	Number of Countries
9 to 10	1
8 to 9	2
7 to 8	4
6 to 7	3
5 to 6	3
4 to 5	9
3 to 4	16
2 to 3	25
1 to 2	4

Code	Number of Countries
3	34
2	22
1	11

Code	Number of Countries
0 - 4.9	27
5 - 9.9	17
10 - 14.9	9
15 - 19.9	3
20 - 24.9	2
25 - 29.9	3
30 - 34.9	3
35 - 39.9	0
40 - 44.9	1
45 - 49.9	0
50 - 54.9	1

Code	Number of Countries
0 - 4.9	9
5 - 9.9	21
10 - 14.9	13
15 - 19.9	6
20 - 24.9	1
25 - 29.9	2
30 - 34.9	1
35 - 39.9	1
40 - 44.9	0
45 - 49.9	2

Code	Number of Countries
0 - 4.9	3
5 - 9.9	9
10 - 14.9	9
15 - 19.9	7
20 - 24.9	2
25 - 29.9	5
30 - 34.9	2
35 - 39.9	3
40 - 44.9	3
45 - 49.9	4
50 - 54.9	2
55 - 59.9	0
60 - 64.9	2
65 - 69.9	0
70 - 74.9	2
75 - 79.9	1
80 - 84.9	1

Code	Number of Countries
0.900 - 1.000	1
0.800 - 0.899	0
0.700 - 0.799	2
0.600 - 0.699	7
0.500 - 0.599	14
0.400 - 0.499	8
0.300 - 0.399	2
0.200 - 0.299	3
0.100 - 0.199	0
0.000 - 0.099	0

Code	Number of Countries
5 - 9.9	1
10 - 14.9	1
15 - 19.9	2
20 - 24.9	0
25 - 29.9	1
30 - 34.9	2
35 - 39.9	4
40 - 44.9	6
45 - 49.9	3
50 - 54.9	2
55 - 59.9	1
60 - 64.9	3
65 - 69.9	2
70 - 74.9	2
75 - 79.9	2
80 - 84.9	1
85 - 89.9	1

Code	Number of Countries
15 - 19.9	3
20 - 24.9	1
25 - 29.9	9
30 - 34.9	9
35 - 39.9	6

Code	Number of Countries
40 - 44.9	5
45 - 49.9	2
50 - 54.9	2
55 - 59.9	6
60 - 64.9	3
65 - 69.9	8
70 - 74.9	6
75 - 79.9	1
80 - 84.9	2
85 - 89.9	1
90 - 94.9	2
95 - 100	1