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The Construction and Implementation of International Human Trafficking Law

DISSERTATION

Submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Sociology

by

Tania Eileen DoCarmo

Dissertation Committee:
Professor Francesca Polletta, Co-Chair
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2020

DEDICATION

To

my parents, husband, and two children

in recognition of their sacrifices and unwavering support

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2019. DoCarmo, Tania. "Ethical Considerations for Studying Human Trafficking: Negotiating Access, Data Collection, and Responsible Representation" in *The Palgrave International Handbook of Human Trafficking*. J. A. Winterdyk, and J. Jones, eds. Palgrave Macmillan.

2019. DoCarmo, Tania. "Major International Counter-Trafficking Organizations: Addressing Human Trafficking from Multiple Directions" in *The Palgrave International Handbook of Human Trafficking*. J. A. Winterdyk, and J. Jones, eds. Palgrave Macmillan.

ABSTRACT

The Construction and Implementation of International Human Trafficking Law

by

Tania Eileen DoCarmo

Doctor of Philosophy in Sociology

University of California, Irvine, 2020

Francesca Polletta, Co-Chair

David John Frank, Co-Chair

Human trafficking recently shifted from being considered a marginal problem to an urgent one. As recent as twenty years ago, however, laws criminalizing trafficking were few and public perception mostly understood slavery as an issue of the past. Why do issues enter the global arena and receive worldwide attention when they do? Why is there suddenly so much urgency and activity around a problem that has, in fact, existed throughout history? Social scientists increasingly devote attention to how global norms and policies emerge when they do, and how international policies are translated into meaningful action. This dissertation draws from cultural and global sociology to explain why human trafficking recently emerged as a significant global issue of concern, and how we might make better sense of its diffuse effects among practitioners and affected populations.

To address the first question, I draw from over 300 UN documents to analyze why the UN Trafficking Protocol helped motivate international activity against trafficking in 2000 when a strikingly similar UN trafficking treaty in 1949 failed to do so. Contrary to popular accounts, trafficking did not re-emerge as an urgent problem in 2000 because the problem was worse than

before, nor did it succeed because states suddenly had new political interests in combating the problem or because movements succeeded in getting trafficking on the agenda. Rather, I argue that the macro-cultural transformations that occurred during the decades after 1949, including decolonization and the institutionalization of human rights made trafficking's perceived harms or "wrongs" at that time become increasingly obsolete. After the issue was resurrected and reshaped by delegates at UN conferences during the 1990s, its new framing as an issue of violence against women and transnational crime quickly gained traction and attention within the contemporary global environment. By probing the complex relationship between macro-cultural changes and political action, these findings provide new insights into why issues enter the global arena when they do, how existing policy paradigms transform into new ones, and the institutional mechanisms by which new global norms emerge.

To address the extent to which human trafficking law actually addresses how trafficking works and victim vulnerabilities I use qualitative comparative analysis (QCA) to analyze over 800 interviews with formerly trafficked persons in Cambodia, a country routinely referred to as one of the "worst" places for child trafficking. Based on findings that suggest vulnerability to exploitation in Cambodia is intimately tied to structural and social inequalities more so than a typical perpetrator-victim incident, I problematize the legal definitions and remedies for trafficking propagated by international law that focus on criminal activity or the attribution of specific types of rights rather than structural vulnerabilities.

INTRODUCTION

> Slavery was, in a very real sense, the first international human
> rights issue to come to the fore. It led to the adoption of the first
> human rights laws and to the creation of the first human rights
> non-governmental organization. And yet despite the efforts of
> the international community to combat this abhorrent practice, it
> is still widely prevalent in all its insidious forms, old and new, in
> human trafficking.
>   - UN Secretary-General Kofi Annan, 2002

The issue of human trafficking has shifted from a marginally recognized problem to a central and urgent one. Headlines about slave labor in global supply chains and sex trafficking propagate international news feeds on a daily basis. Moreover, politicians, advocates, religious leaders, and nongovernment organizations (NGOs) from across political divides regularly call on the United Nations (UN) and domestic institutions to protect trafficking victims and enact tougher legislation. As recent as twenty years ago, however, laws criminalizing trafficking were few and public perception was that slavery was mostly an issue of the past.

Social scientists increasingly devote attention to how global norms and policies emerge (Anderson 2018, Babb 2007, Boli and Thomas 1999, Hironaka 2014, Kentikelenis and Seabrooke 2017, Meyer et al. 1997b, Nadelmann 1990), as well as how international policies are translated into meaningful action (Boyle 2005, Merry 1992, Merry 2006a). Since adoption of the UN Trafficking Protocol in 2000 the majority of countries around the world have adopted counter-trafficking laws. How and to what extent do legal categories, such as the Trafficking Protocol's framing of trafficking as a "crime" rather than a human rights violation, constrain its remedies and solutions? If international law comes from the top-down, to what extent do they reflect cultural understandings or realities on the ground level?

This dissertation draws from cultural and global sociology to explain why human trafficking recently emerged as a significant global issue of concern and assesses whether the policy's framing addresses underlying vulnerability factors among disadvantaged young women in Cambodia, a population often in the media spotlight for being targeted for sex trafficking. Highlighting meaning rather than rational action, I ask why issues enter the global arena when they do, how existing policy paradigms transform into new ones, trace the institutional mechanisms by which new global norms emerge and assess why there is often decoupling between trafficking policy and its eventual outcomes. To do this I draw from UN archives, first person historical accounts of those involved in creating trafficking policy, and longitudinal interviews with formerly trafficked persons in Cambodia using comparative historical analysis, thematic document analysis, and qualitative comparative analysis (QCA).

CASE BACKGROUND: HUMAN TRAFFICKING POLICY

Today we understand human trafficking as a problem associated with transnational crime, inequalities of the global political economy, sexual violence and human rights violations (for reviews see Limoncelli 2009b, Patterson and Zhuo 2018, Weitzer 2014). However, trafficking's definitive activities - that is, the exchange and exploitation of unfree sex and labor - have a longer history than many of us imagine. Whereas modern historiographies in North America typically associate the term *slavery* with the 19th century African slave trade, historical documents from other regions such as the Portuguese empire refer to the transatlantic slave trade as the *traffic* of slaves, or *tráfico de escravos* (see Caldeira 2013). Indeed, the trade of human beings for sex and labor date well before the transatlantic slave trade of the 19th century. Ancient civilizations sold captives of war as slaves, women and children were often sold for sexual exploitation by the Roman Empire (see Meltzer 1993, Scully 2011), and colonial women were

traded back and forth across territories of the British Empire to fulfill the sexual needs of the colonial authorities (Limoncelli 2010). Labor and sexual exploitation have taken on different names and forms over time, but whether they were institutionally recognized as slavery, trafficking, or are generally ignored by modern historical accounts all together, the exchange and exploitation of unfree labor is not a new phenomenon and has occurred throughout history (also see Bales 1999, Patterson and Zhuo 2018).

Though the issue itself is longstanding, international attention and concern about slavery, exploitation and trafficking has nonetheless ebbed and flowed over time, as has its legal definition. Most recently, the issue rose to international attention during the late 1990s, resulting in the most comprehensive and widely accepted international policy against human trafficking to date. The UN Trafficking Protocol,[1] adopted in 2000, defines human trafficking as a growing form of transnational crime that occurs when people are forced, tricked and/or coerced into exploitative sex or labor, within or across borders. The actual number of trafficking and forced labor victims is unknown, but global estimates range between 600,000 and 40 million victims at any given time (Bales 1999, ILO 2017, UNODC 2018). Though media images of trafficking usually depict women and girls forced into "sex slavery," the Protocol's definition also includes other forms of labor such as men trapped in exploitative agricultural or construction work, women unable to leave domestic servitude, and children exploited for labor in cocoa and diamond fields. Whether trafficked within or across borders, in the Global South or

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[1] The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplements the UN Convention Against Transnational Crime, both adopted in 2000. Article 3(a) of the Protocol defines human trafficking as: "the recruitment, transportation, transfer, harboring or receipt of persons, 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, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs."

industrialized nations like the U.S., by definition victims cannot leave their exploitative

circumstances due to force, threats of violence, or other coercive factors.

Upon adoption of the 2000 Trafficking Protocol, most countries passed national laws

criminalizing trafficking within and across their borders within the following five years. Besides

the Protocol, these domestic laws are now supplemented by bilateral cooperation initiatives

against trafficking such as those by the Council of Europe, Organization of American States and

other regional bodies, and have proliferated into a transnational policy regime (Gómez-Mera

2017, Lloyd and Simmons 2015, Simmons, Lloyd and Stewart 2018). Whereas there were very

few NGOs or advocacy networks focused on trafficking as recently as the 1990s, current

estimates now number counter-trafficking organizations in the thousands, working in practically

every country of the world (DoCarmo 2019b, Foot, Toft and Cesare 2015, Limoncelli 2016).

CHAPTER OVERVIEW

Drawing on content analysis of over 300 UN archives and historical accounts of those

engaged in policymaking around trafficking, Chapters 1 and 2 address why contemporary human

trafficking policy has taken off in a new and different way even though the issue, in and of itself,

isn't new. Chapter 1 traces and compares the social-historical contexts of two UN human

trafficking treaties: a 1949 Trafficking Convention that was formally adopted but failed to result

in much international activity, and the widely celebrated and adopted 2000 Trafficking Protocol,

which inspired the mass diffusion of domestic counter-trafficking laws in almost every country

of the world. I ask why the Trafficking Protocol was able to inspire a global counter-trafficking

policy regime in 2000 whereas a previous 1949 UN Trafficking Convention subsequently failed.

Global efforts against trafficking are easily recognized as a necessary and obvious

response to a new and growing problem. Modern globalization, after all, is said to propel

transnational flows of organized crime, mass migration, and political and economic upheaval.

Most intuitively, we might accept claims that trafficking and slavery are in fact worse than

before and presume this is why governments are taking action. Alternatively, we might presume

that recent trafficking policies were driven by issue entrepreneurs, activists and/or lobbies who

successfully convinced policymakers and civil society to take action. We might also adopt a

realist or conflict-driven approach, convinced that state policies are driven first and foremost by

political interests and that international regimes only reflect dynamics of the global political

economy, driven by the coercion of powerful states. I argue these existing explanations are

incomplete. In contrast, I build on world society and macro-cultural sociology (Meyer et al.

1997a). What changed between 1949 was not human trafficking itself, but how the global

environment – its norms, political structures, and institutions – contributed to understandings

about the problem's threats to society. During the decades leading up to 1949, trafficking was

through to threaten moral and racial hierarchies, but this quickly became obsolete with

decolonization and the institutionalization of human rights for all, including women, children and

formerly colonized populations. In 2000, however, the harms associated with trafficking became

centered around normative concerns about violence against women and children, a victim's

bodily integrity, violating personal freedoms and its criminal threat.

How and why did cultural conceptions about human trafficking change? In Chapter 2, I

examine *how* social perceptions of trafficking's threat changed between the two treaty periods.

For human trafficking to gain legitimacy in the contemporary global arena after being neglected

and forgotten following 1949, it needed to become salient with established, taken-for-granted

norms and world society principles. Explaining how norms are shaped and codified into global

culture, and why some issues come to have deep institutional meaning while others do not, is

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where structural and cultural theories tend to fall short (Anderson 2018, Bloom 2015, Campbell 2002, Kentikelenis and Seabrooke 2017). To truly explain the globalization of human trafficking policy we must also account for the mechanisms through which the cultural meaning of changed and gained macro-cultural purchase when it did.

To do this, I build upon and extend Hironaka's (2014) notion of "workspaces" a concept that has not been fully explored, elaborated or empirically scrutinized. I trace discussions about trafficking at the UN between 1949-2000 and find that the meaning of trafficking was reshaped during a series of significant UN conferences during the 1990s on rights, women and crime. In contrast to the dominant view that the international counter-trafficking agenda was driven and heavily influenced by states and lobbies who sought to fulfill political interests against legal prostitution and irregular migration (see Doezema 2010, Hertzke 2006, Weitzer 2007), I show that how trafficking shifted from a marginal issue to a central one was in fact incredibly arbitrary, spurred by mundane bureaucratic procedures. Once trafficking's cultural meaning was reshaped at UN conferences and declared in conference documents, the UN Crime Commission further shaped its cultural meaning even further by elaborating on trafficking as a form of transnational crime in the 2000 Convention Transnational Crime Convention.

Chapter 3 considers how trafficking policy's framing as a type of crime influences its impacts in practice. Human trafficking policy is generally celebrated by policymakers and advocates as a victory against transnational crime, violence against women, and global inequality. However, critics scrutinize trafficking's legal definition as a crime and insist defining it as a human rights violation is better (see Brysk and Choi-Fitzpatrick 2012, Hathaway 2008, Jordan 2002). To assess the extent to which human trafficking law actually addresses how trafficking works and victim vulnerabilities I use qualitative comparative analysis (QCA; Ragin

2008, 2014) to analyze over 800 interviews with formerly trafficked persons in Cambodia, a country routinely referred to as one of the "worst" places for child trafficking. Based on findings that suggesting Cambodia's vulnerability to exploitation is intimately tied to structural and social inequalities more so than a typical perpetrator-victim incident, I problematize legal definitions and remedies for trafficking propagated by international law that focus on criminal activity or the attribution of specific types of rights. rather than structural vulnerabilities. Moreover, I argue that because rights-based frameworks remain a "vision" more so than a reality in many oppressive and/or authoritarian contexts, the crime versus rights paradigm touted by critical theorists is not always practical or beneficial.

CHAPTER 1: HUMAN TRAFFICKING – WHY NOW?

Human trafficking is now considered one of the largest, fastest growing, criminal enterprises in the world. Following the 2000 UN Trafficking Protocol, national governments across the globe adopted their own counter-trafficking laws, and agencies, donors, social movements and campaigns have since dedicated millions of dollars and bureaucratic resources to addressing human trafficking every year. Why do issues enter the global arena and receive worldwide attention when they do?

Drawing on content analysis of 310 UN archival documents and first person accounts of policymakers and activists, I trace and compare the social-historical contexts of two UN human trafficking treaties: the 1949 Trafficking Convention which was formally adopted, but failed to result in much civil or political activity, and the strikingly successful 2000 Trafficking Protocol, which inspired the mass diffusion of domestic counter-trafficking laws in almost every country of the world and institutionalization of human trafficking as an urgent and contemporary social problem worldwide. Why did the 1949 UN Trafficking Convention subsequently fail and the 2000 UN Trafficking Protocol spur a global counter-trafficking policy regime? Comparing treaties addressing the same issue but with different outcomes allows for greater analytic utility than studying each one in isolation.

I consider four plausible explanations: 1) functional explanations proposing trafficking was worse in 2000 than in 1949, leading UN delegates to respond with greater urgency; 2) realist and geopolitical explanations suggesting adopting the 2000 treaty better served states' political or economic interests to do so; 3) social movement explanations proposing the 2000 treaty's success was an instrumental outcome of issue entrepreneurs or social movement strategies; and 4) macro-cultural explanations suggesting the 2000 treaty diffused because it was salient with

established, taken-for-granted principles of contemporary world society. I show the first three means-end explanations are incomplete and then build on macro-cultural explanations by tracing how global macro-cultural shifts affected the ultimate failure or success of each trafficking treaty.

I argue the success or failure of each trafficking treaty depended on whether trafficking's perceived harms aligned with global norms during each time period. The 1949 treaty failed because trafficking's perceived harms at the time (notably, the risk that trafficking would give colonial men sexual access to white women) became obsolete with decolonization and the expansion of rights for women, children and non-whites. Indeed, for approximately four decades, the issue of trafficking practically disappeared from UN discourse, with little mention of the problem by governments, UN agencies, NGOs, mass media or activists alike. The issue was not widely discussed again until UN conferences during the 1990s, which served as institutional workspaces where delegates who were pursuing their separate agendas ended up linking trafficking to growing concerns about women's rights, violence against women and transnational crime (a process I explain more thoroughly in Chapter 2).

UN TREATIES ADDRESSING HUMAN TRAFFICKING

UN Trafficking Convention of 1949

Preceded by a handful of counter-trafficking agreements made under the League of Nations, the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (1949 Trafficking Convention) was signed by 28 (out of 59) UN member states only a few years after the UN was established. Drafting of the convention took several years and there was substantial interest in the issue during negotiations. However, relatively few UN member states (less than 20%) actually ratified the treaty after it was adopted

by the General Assembly in 1950 and in many ways the issue of human trafficking quickly

disappeared from the UN agenda. From a functional perspective, the fact that the 1949 treaty fell

out of the conversation is curious. During negotiations, delegates regard trafficking as an urgent

issue, requiring immediate response. Content of the 1949 treaty was very similar to former

agreements against trafficking that were widely adopted under the League of Nations.

Furthermore, formal enforcement mechanisms for the 1949 treaty were weak, requiring very

little commitment from countries that ratified. Indeed, progress reports by ratifying countries for

the 1949 treaty were not mandated until 1974 as part of a widespread effort to increase reporting

for conventions across the board (Scully 2011).

Figure 1-1. Discussions at UN about Human Trafficking, 1947-2010
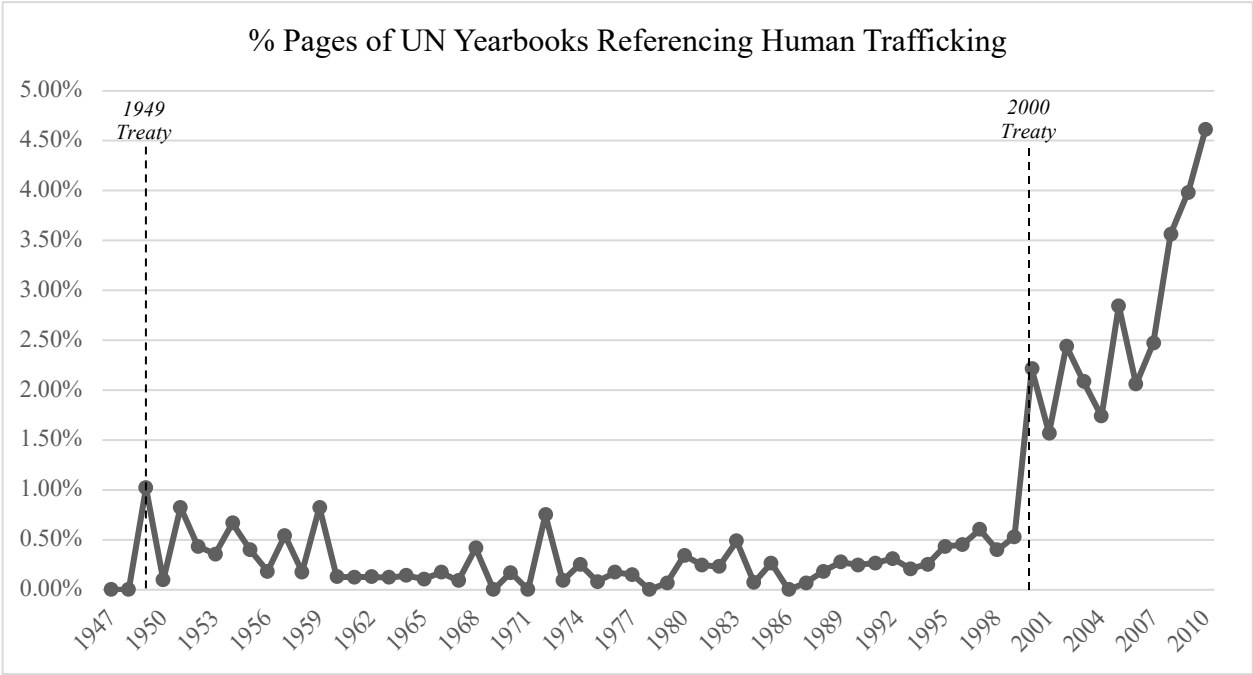
Data Source: *The Yearbook of the United Nations*, 1947-2010. https://unyearbook.un.org/

The Palermo Protocols of 2000

In December 2000, after a decade of negotiations within the UN Crime Commission, the

UN General Assembly adopted the *Convention Against Transnational Organized Crime*

(UNOTC), supplemented by three protocols (i.e., addendums), including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000 Trafficking Protocol).[2] As often occurs following widely adopted contemporary treaties, adoption of the UNOTC and the Trafficking Protocol was followed by a mass diffusion of domestic counter-trafficking laws in almost every country of the world (Simmons, Lloyd and Stewart 2018, Yoo and Boyle 2015) as well as a mass proliferation of trafficking-focused NGOs (Limoncelli 2016). Undoubtedly, the 2000 Trafficking Protocol was key for sparking the diffusion of domestic human trafficking legislation and renewed international interest among legal institutions and NGOs (see Clark 2019, Gallagher 2009, 2010, Simmons, Lloyd and Stewart 2018).

Table 1-1 compares content of the 1949 and 2000 trafficking treaties. The treaties are very similar, including a primary focus on women, children and sexual exploitation as well as relatively weak monitoring. Differences between the two include the 2000 treaty's expanded definition of trafficking to include all forms of exploitative labor in addition to forced prostitution (though, as stated in the 2000 treaty's name, an emphasis on sexual exploitation of women and children remained) and the 2000 treaty's considerable expansion of provisions and requirements for ratifying countries.

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[2] The three supplementary UNOTC protocols are known as the "Palermo Protocols." In addition to one on human trafficking are the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*, and *Protocol Against the Illicit Manufacturing and Trafficking in Firearms*. To sign a Protocol, countries must first ratify the broader convention.

Table 1-1. Comparison of UN Human Trafficking Treaty Content

	1949 Convention	2000 Protocol
TREATY	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementing the UN Convention Against Transnational Organized Crime)
MONITORING BODY	Human Rights Commission; weak monitoring by Contemporary Slavery working group beginning during 1970s	Commission on Crime Prevention and Criminal Justice; no systematic provisions for monitoring
SCOPE	Prostitution only	All forms of exploitative labor, with an emphasis on prostitution and sexual exploitation
DEFINITION	Loosely defined	Exhaustive definition
SUBJECTS	Women and children; ostensibly men	All persons, but "especially women and children"
PROVISIONS	Limited (6 pages total) • Criminalize HT • Punish traffickers • Prevention • Assist victims • Cross-border cooperation (limited to extent of domestic law)	Greatly expanded (12 + 36 pages from convention); Must agree to both • Criminalize HT *as defined* • Punish traffickers (mandatory provisions) • Prevention • Protect & assist victims • Extensive cross-border cooperation
RATIFICATION	Signed and ratified by few states	Signed and ratified by majority of states

Figure 1-2 compares signatories, ratifications and accessions of the 1949 and 2000

trafficking treaties. Ratification of the 1949 treaty remained minimal and little UN and domestic

activity followed. However, the 2000 treaty was ratified by almost 90% of UN members within

only 15 years of its adoption. The percentage of countries with domestic legislation criminalizing

trafficking also increased significantly, from 10% in 2000 to 88% of all countries by 2014

(UNODC 2014). This does not include the significant number of multi-lateral agreements against

trafficking also adopted by regional bodies such as the European Union (see Gómez-Mera 2017, Lloyd and Simmons 2015).

Figure 1-2. UN Human Trafficking Treaty Signatures, Ratifications & Accessions[3]
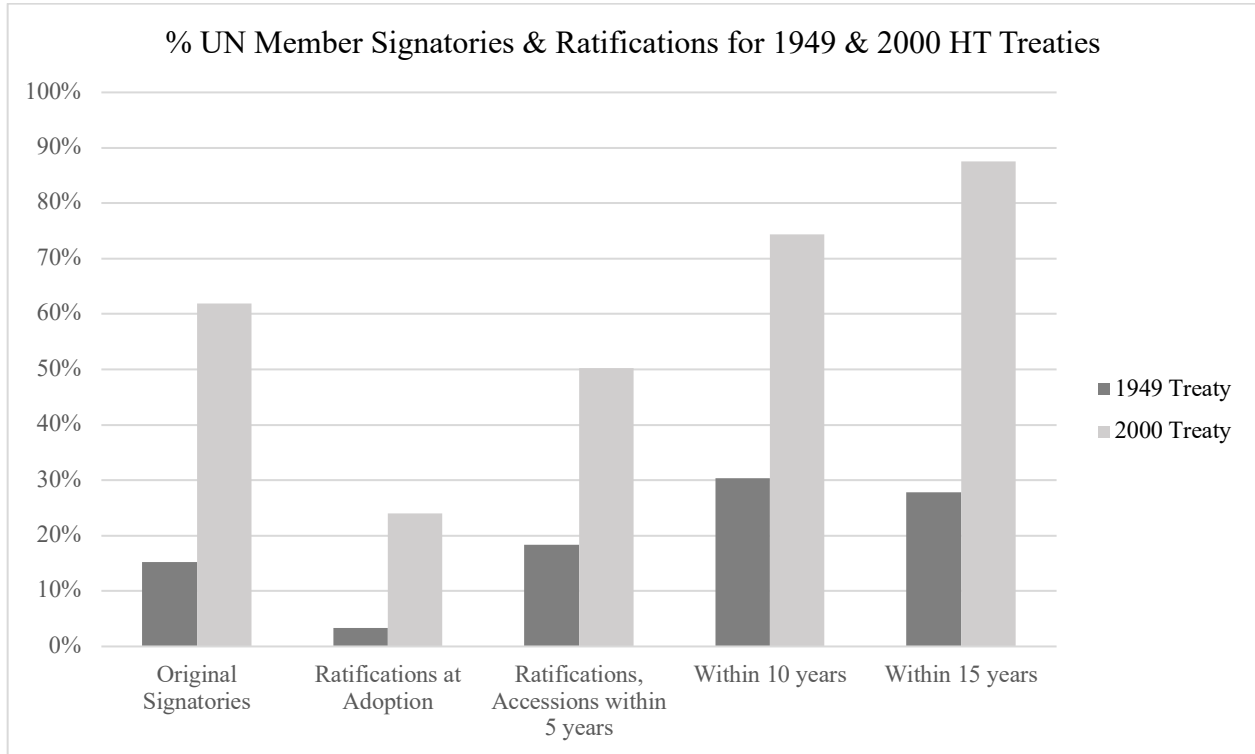
Data Source: *United Nations Treaty Collection*, 2020

PLAUSIBLE EXPLANATIONS

Functional Explanations

It is easy to take recent international activity against trafficking for granted as an obvious response to a seemingly growing contemporary problem. Functional approaches suggest mass treaty ratification occurs when states recognize a problem and strive toward a collective good (Bilder 1989, Simmons 1998). Indeed, policymakers and advocates claim human trafficking is

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[3] States first *sign* a treaty, establishing a willingness to continue the treaty-making process and obligating them to refrain, in good faith, from acts defeating the treaty's purpose. To *ratify* indicates a state's official consent to be legally bound by the treaty. The time that passes between signing and ratifying provides time to enact necessary national legislation. *Accession* is to become a party to a treaty previously negotiated and signed by other states and has the same legal effect as ratification. See "Glossary of Terms Related to Treaty Actions" at https://treaties.un.org.

among the largest, fastest growing criminal enterprises in the world, propelled by growing globalization, transnational organized crime, mass migration, conflict, the rise of neoliberal economic policies, and regional changes such as the collapse of the Soviet Union (see Bales 1999, Patterson and Zhuo 2018, Sassen 2002, Shelley 2010). This perspective would assume more states adopted the 2000 treaty because trafficking was worse in 2000 than it was in 1949.

This perspective does not hold up, however, because advocates and policymakers in 1949 made the same claims about trafficking getting worse that they do today. Indeed, in 1949 delegates claimed trafficking was growing and getting worse due to *practically identical* causes they claim now (e.g., conflict, globalization, mass migration, economic turmoil). Globalization and exploitation in and of themselves are by no means unique to the last several decades (Bartley 2007, Patterson and Zhuo 2018, Wallerstein 2000). Current statistics about trafficking's rapid "growth" are increasingly disregarded by scholars and statisticians who point out that the problem is nearly impossible to count. Moreover, because trafficking's definition has shifted throughout history, we have no historical statistics with which to compare current estimates (for reviews of estimates see Limoncelli 2009b, Savona and Stefanizzi 2007, Weitzer 2014). Indeed, UN agencies promoting counter-trafficking activities admit that measuring trafficking is a relatively new and imprecise process (Laczko 2002), which is consistent with sociological insight about the shortcomings of functional approaches. Drunk driving, child abuse, and environmental degradation, seemingly obvious matters of concern today, were not always viewed as social problems, addressed or measured by significant policy regimes (Best 1995, Gusfield 1984, Hironaka 2014).

This does not mean objective conditions of trafficking don't actually *exist*. Rather, politicized social problems do not rise out of conditions but are socially constructed in ways that

orient society's concern. Global indicators propagated by the UN and other international

institutions may suggest human trafficking is on the rise, but governments, NGOs and analysts

weren't previously counting. Nor were these institutions oriented about what or how to count

until trafficking was defined as a contemporary international problem. Merry (2016) cleverly

asserts that rather than reveal truth, global estimates ultimately *create* truth. Functional

explanations may explain why action is needed, but not why action actually happens.

Realist and Geopolitical Explanations

Perhaps more countries ratified the 2000 Protocol than the 1949 Convention because the

new treaty aligns with their political or economic interests whereas the previous one did not.

Realists emphasize states' rational choices regarding material incentives, power, and their

assessment of costs and benefits of a treaty before signing. The argument goes that states agree

to treaties that most benefit their political and material positions (Simmons 1998, Waltz 1979).

That is, states are more likely to sign "cheap" treaties requiring little action or consequence and

less likely to sign costly treaties which require significant effort or resources. In the case of the

1949 and 2000 trafficking treaties, however, it is the treaty with *greater* provisions and

commitments that more states ratified.

Realists also expect policy decisions to be influenced and incentivized by geopolitical,

coercive pressures of powerful states and institutions. Human rights agendas, for example, may

be advanced by withholding economic aid to repressive regimes or rewarding those who are

compliant with preferential trade agreements. World systems analysts suggest political treaties

only reflect power struggles underway in the global economy, and propose policies diffuse due

to coercion, physical force, or manipulation of markets (see reviews by Dobbin, Simmons and

Garret 2007, Halliday and Osinsky 2006).

Indeed, because the U.S. trafficking law, also adopted in 2000, calls for economic sanctions against non-conforming states that do not protect trafficked persons, strong U.S. support for counter-trafficking initiatives, along with threats of sanctions, are often highlighted as a primary explanation for why contemporary counter-trafficking policies have so widely diffused (e.g., Chuang 2010, Parreñas 2011). But diffusion of policies supported by the US or powerful institutions is too often taken as proof of state coercion *ipso facto*, ignoring other mechanisms at work (Dobbin, Simmons and Garret 2007). Yoo and Boyle (2015) find that fear of repercussions from the U.S. is not a major driver of recent state-level counter-trafficking activity. Whereas geopolitical critiques may be valuable for understanding how power asymmetries in the global political economy contribute to uneven policy privileges and *outcomes*, this is too often applied as a causal rather than a descriptive factor of how policies advantage some and disadvantage others (Dobbin, Simmons and Garret 2007).

Realist and geopolitical accounts overly rely on assumed cost-benefit analyses, assuming powerful states act on rational choice and have pre-determined, generalizable and parsimonious interests. Assuming powerful states such as the U.S. are the only ones that matter reduces the contributions of non-U.S. actors, activists and organizations that contribute to international policy processes, and ignores the role of values, beliefs and ideas for policy formation more broadly (Burstein 1991, Campbell 2002, Finnemore 1996, March and Olsen 1998, Weber 1958).

Social Movement Explanations

Perhaps strategies and frames used by social movements advocating for counter-trafficking measures convinced policymakers in 2000 more convincingly than they did in 1949. Social movement scholars generally argue that new policy arenas gain traction due to the strategic mobilization and lobbying efforts of activists who take advantage of political

opportunity structures, resource mobilization, and social-cognitive framing strategies to set or maintain political agendas (Amenta et al. 2010, Meyer 2004, Snow and Benford 1988). Extending beyond movements working in the national context, a burgeoning literature extends these theories into the international arena, examining the role of social movements, NGOs and advocacy networks for international politics. Here, scholars focus attention on how transnational advocacy networks share information, garner media attention, "name and shame" rights violators, and lobby international meetings using information politics and moral appeals to advocate for issues they want addressed (see Tsutsui, Whitlinger and Lim 2012), a process I explore more thoroughly in Chapter 2.

Still, while "naming and shaming" tactics may work for monitoring existing international standards, this has not proven to be true for the *creation* of international policy, typically left to international diplomats (Merry 2006a). It is difficult for claims at the ground level to reach global institutions directly and for state-level movements to set the agenda for international-level policy on their own (Tarrow 2001). While we know that movements often share ideas and collaborative across borders to reach the international arena, the functional, rational-action quality of traditional social movement theories often fail to explain exactly how frames, values, and ideas come to be aligned, framed or resurrected into new and coherent frameworks in the first place (see Campbell 2002, Earl 2004, Finnemore and Sikkink 1998, Polletta 2008). In Chapter 2 I argue that the process of tying trafficking to other agendas and concerns during the 1990s did not occur in a functional, rational or tactical fashion as typically suggested.

Sociological Institutionalism & World Society

Drawing from tenets of sociological institutionalism and cultural sociology, I build on world society theory (Boli and Thomas 1999, Meyer et al. 1997a). The strength of this

perspective is that it transposes what we know from organization studies and sociological institutionalism to the global arena, allowing for macro-level analysis of global institutional processes.

Rooted in social constructivism, world society theory posits that nation-states and civil society are embedded in a cultural ontology of rules, norms and principles for legitimized political and social action (Berger and Luckmann 1966, Boli and Thomas 1999, Meyer et al. 1997a), stressing the importance of culture, ideas and meaning rather than rational means-end influences or individual actors. Social institutions and cultural norms are developed through a history of negotiations, patterned relations and activities in the global environment which eventually acquire a taken-for-granted status via policy diffusion, global discourses and adoption by NGOs (Barley and Tolbert 1997, Boli and Thomas 1999, Meyer and Rowan 1977). Global arenas such as those dedicated to human rights (Cole 2005), women and children (Berkovitch 1999, Boli and Meyer 1978, Ramirez, Soysal and Shanahan 1997), mass education (Schofer and Meyer 2005), and environmental protection (Hironaka 2014, Meyer et al. 1997b) define new social problems and their cultural meanings, encouraging policy adoption and mobilization from the top down rather than bottom up. These ideas are not only adopted into policy but are also widely diffused across civil society via NGOs and global discourses more broadly.

In contrast to imagining policymaking as functional, tightly coupled, or driven by rational choice or means-end negotiation, world society suggests international policymaking arises in conjunction with ideas compatible with those already legitimated by the global community. Norms do not always serve the recognized needs or interests of states, citizens or vulnerable populations (Meyer and Rowan 1977) but occur in congruence with other norms. That is, rather than being driven by intentional action or consequences, polices and ideas are driven by the logic

of institutional appropriateness (March and Olsen 1998). Some ideas become strong norms, some remain contested, and others such as state-sanctioned slavery and colonialism disappear over time (see Boyle, Kim and Longhofer 2015, Finnemore and Sikkink 1998, Tsutsui, Whitlinger and Lim 2012).

To this view, if human trafficking was to regain legitimacy as a social problem in the contemporary global arena, it needed to be salient with other established, taken-for-granted world-cultural principles. Throughout this chapter, I show how cultural, bureaucratic and institutional processes rather than functional concerns or determinate agendas contributed to each trafficking treaty's origins and failure or success. Because much empirical work from the world society perspective focuses on the global diffusion of norms and ideas, where it often falls short is explaining why some issues come to have deep institutional meaning while others do not (Campbell 2002). Therefore, in contrast to most research in the world society tradition that focuses primarily on successful, or institutionalized models of policy diffusion, I have the advantage of being able to compare the Trafficking Protocol's success and diffusion to a relevant *counter*-example (the 1949 treaty), providing additional insight into how context matters to the success or failure of similar treaties.

DATA & METHODS

Data

I extracted documents and data using keyword searches, content analysis and in-depth reading of UN reports, annual yearbooks, resolutions, declarations and treaties. This included written and audiovisual records from General Assembly, council and committee meetings, and UN conferences, in addition to reports produced by UN commissions on topics such as human rights, violence against women, crime, and social development, from between 1945 (formal

establishment of the UN) and 2000 (adoption of the Trafficking Protocol). I primarily analyzed

discussions leading up to drafting and adoption of each trafficking treaty, but also traced general

discussions related to sexual exploitation, "child traffic," "sex slavery," "prostitution," and other

iterations of how the law now defines trafficking over the entire time period.

To evaluate which UN documents would be most relevant for content analysis, I consulted

online archives of the *Yearbook of the United Nations*[4] and *United Nations Treaty Collection*[5] to

search for the terms "human trafficking" and "traffic in persons" at the UN between 1945 and

2010.

By examining these yearbooks and treaties, I traced when macro-level conversations and

actions regarding trafficking occurred throughout the UN's entire history, revealing how and to

what extent each human trafficking treaty was discussed in meetings before and after they were

adopted. Using the yearbooks and treaties as a guide, I then narrowed the scope of documents to

summative and exhaustive meeting records, Secretary-General reports, relevant resolutions,

platforms for action, conference reports, declarations and resolutions. For the 1949 treaty this

also included examining a small number of documents and conventions pertaining to trafficking

that were inherited from the League of Nations and referenced in early UN meetings.

In all, I examined 312 documents (64 yearbooks, 156 meeting records, 36 conference reports, 6

treaties, 41 issues of UN conference newsletters, 9 UN resolutions, and first-person accounts by

40 relevant individuals).

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[4] Published by the United Nations Office of Public Information, the *Yearbook of the United Nations* reports annual activities and concerns of the UN. An online searchable archive is available at http://unyearbook.un.org.
[5] *The United Nations Treaty Collection* is an online consolidation of information on all multilateral UN treaties to date. An online searchable archive is available at https://treaties.un.org.

Analysis

I analyzed and coded data with qualitative analysis software Atlas.ti. I first marked and coded areas of documents where trafficking, elements of trafficking, and/or domains related to trafficking were discussed (e.g., child traffic, sex slavery, prostitution, exploitation, informal labor sector, smuggling, labor migration), why trafficking entered the conversation (e.g., agenda item, pertinence to another issue), key actors (e.g., states, secretariat staff, NGOs), claims as to why trafficking should be of UN concern (e.g., prevalence, health, protection of women and children, sustainable development, harms to society, security, economy), any noticeable increases in discussion within a particular time period, and any reference to related UN resolutions, meetings, or conferences.

PROSTITUTION AS A NECESSARY EVIL

First, I describe what the threat of human trafficking meant to states prior to the 1949 Convention, including how delegates understood trafficking's harms at this time. Then I describe the debates that occurred during the 1949 treaty negotiations, revealing early tensions about how the global social environment was already changing with the establishment of the UN, and how this came to divide states over the terms of a new trafficking treaty. This historical context is important because it provides valuable insight into how the delegates understood trafficking, and how this was tied to the broader cultural environment. In the next section, I compare the 1949 treaty context to that of 2000. Table 1-3 summarizes each of the four plausible explanations I consider, their arguments and how they match up with my findings.

Table 1-2. Plausible Explanations for Why 1949 Treaty Failed and 2000 Succeeded

THEORETICAL TRADITION	EXPLANATION	SUPPORTED BY FINDINGS?
Functional	Human trafficking was worse in 2000 than in 1949, urging policymakers to act.	*NO*. There is no evidence of this. Indeed, UN delegates and policymakers thought trafficking was getting progressively worse during both time periods.
Realist	The 2000 treaty better met political and economic state interests than the 1949 treaty.	*NO*. It was the treaty with *greater* provisions and commitments (2000) that more states ratified, requiring additional political and economic investment.
Social Movements	Social movements and/or issue entrepreneurs framed the issue in a way that convinced policymakers to act.	*NO*. Reshaping trafficking was not an agenda item for delegates and or movement actors in workspaces where trafficking was resurrected and reshaped. Social movement efforts to shape definition occurred after issue had already gained traction. *Explored further in Chapter 2*.
World Society	Global cultural environment changed	*YES*. Conception of trafficking's harms in 1949 became obsolete; new definition aligned with concerns and cultural global environment in 2000.

Prostitution and Empire at the turn of the 20ᵗʰ Century

Concerns about "trafficking of women" as described in the 1949 Trafficking Convention trace back to the regulation of prostitution during expansion of the European empires, prior to the world wars and establishment of the UN. Throughout the1800s and into the early 1900s, colonial expansion demanded large groups of men serve as soldiers, laborers and administrators in metropolitan and colonial regions of Africa, Asia, Latin America and parts of Europe. To fulfill these men's' natural and "inevitable" sexual needs, women were 1) moved *within* and *across* European borders, 2) *imported* from colonies and territories into Europe, and 3) *exported* from

imperialist countries to work in colonial brothels (D'Itri 1999, Rupp 1997). Prostitution was by no means new but was being transformed from pre-modern and local forms into a modernized, bureaucratized and international industry (Limoncelli 2010, Nagel 1998).

State officials in Europe, the Americas, and colonial territories at this time understood prostitution as both a *necessity* and a *threat* (Gilfoyle 1999, Limoncelli 2010). That is, on the one hand, sex was considered necessary for men's health. Abstinence, masturbation and homosexuality were considered physically and morally harmful. Prostitution, therefore, was an important way to fulfill men's' sexual needs, particularly for those who were unmarried or traveled away from their wives and families (D'Itri 1999, Saunders 2005). On the other hand, officials wanted prostitution to be regulated and controlled. It was understood that women in prostitution (rather than their customers) spread venereal disease to men and their families rather than vice versa. European officials were also concerned that unregulated sexual relations with colonial women posed the risk of "undesirable" mixed-race children. Though they had access to colonial women, they did not allow for *colonial men* to have sexual access to white women. Both posed threats to colonial and racial hierarchies (Berkovitch 1999, D'Itri 1999, Rupp 1997).

To address these risks, officials and colonial administrators imposed regulations to supervise the "necessary evil" of prostitution both at home and in the colonies. These generally required women to register themselves as prostitutes with local authorities, live in segregated "red light areas" away from the general population, undergo invasive health examinations, and they were only allowed to seek health treatment at specialized "lock hospitals," where they were quarantined for long periods and often underwent forced abortions (Levine 2003, Miller 2000, Saunders 2005). Some colonial women were registered as prostitutes against their will when brothel "supplies" were short and local demand for sexual services was high. In North Africa, for

example, colonial administrators allowed authorities to register local Algier women as prostitutes without their consent "if issues of morals and public health demanded it" (Limoncelli 2010:127).

Governments, law enforcement, and even doctors considered these regulations a rational and progressive way to accept the need for prostitution while at the same time maintaining public health and social order. In Buenos Aires, for instance, public health physicians were tasked with regulating prostitution by ensuring brothels were kept equipped with showers and medical supplies (Gilfoyle 1999). It was less a concern whether women in prostitution themselves suffered from disease. Rather, officials wanted to prevent the spread of disease among men who might then infect their "respectable" wives and children. These regulations aimed to ensure that men only engaged in sex with local women who were supervised by state regulations. According to Contagious Diseases Ordinances in 1883, for example, the stated goal of regulated prostitution in foreign territories was to provide "clean native women" for military personnel rather than encourage them to find women on their own (Scully 2011:115).

In addition to concerns about men, the Colonial powers did not want their own women to be defiled by sexual promiscuity or prostitution by foreign men overseas. After all, European women were child-bearers, wives and daughters of the Empire, symbolizing masculine honor, nation and racial purity (Limoncelli 2010, Nagel 1998). Regulations surrounding prostitution therefore needed to ensure that "honest" women of the Empire were not moved (i.e., "trafficked") or made available for prostitution among undesirable foreign men. Levine (2003:134-135) explains:

> [European] women choosing relationships with colonial men implied danger to the colonial state and to white men's supremacy… [meanwhile] white men sleeping with women of color was seen merely as a natural extension of their residence in the colonies.

It is within this historical context, at the turn of the 20th century, that policymakers and social

movement organizations across Europe and the Americas drew from former slavery

abolitionists' success to mobilize against what they called "white slave traffic."[6] That is, not

against *all* trafficking of women, but against the trafficking of "white" European and American

women into foreign prostitution (D'Itri 1999, Limoncelli 2010, Rupp 1997). Some groups, such

as the International Abolitionist Federation, argued state regulation of prostitution encouraged

immorality and fought to abolish state-regulated prostitution all together. Other associations,

such as what eventually became the International Bureau for the Suppression of White Slave

Traffic, were equally concerned about immorality but accepted and supported state regulation of

prostitution because this at least prevented "virtuous" white women from being lured into

prostitution by foreign men overseas.[7] However, both groups, regardless of whether they wanted

prostitution regulated or abolished, believed that allowing white women to be sexually defiled

among undesirable foreign men shamed the Empire in front of God and the eyes of indigenous

populations, posing the risk that colonial subjects might question the colonizers' moral authority

(D'Itri , Limoncelli 2010, Miller 2000, Nadelmann 1990, Rupp 1997). One French abolitionist

wrote:

> How do you expect the blacks, yellows and browns to respect honest [white] women
>
> when they can for five francs, and even less, make advances to a woman of the same
>
> color as the wife of a doctor, of the officer, of the general, or of the governor?" (as quoted
>
> in Miller 2000:394).

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[6] "White slave traffic" narratives portrayed young, and innocent white virgins who were forced into prostitution across borders, reflecting prejudices about the erosion of racial and sexual boundaries. See Rupp 1997, Saunders 2005.

[7] Critical academics tend to conflate the diverse actors who participated in the "moral panic" around prostitution and trafficking during this time into one group. Though these groups were similarly against trafficking of European women, they were not synonymous and often advocated for distinct and opposing policies. See Limoncelli 2010.

Hosted by the French government, these associations organized transnational conferences with state officials to address their concerns, ultimately resulting in widely adopted multinational agreements against trafficking (of white women) in 1904, 1910, and 1912, and then a few more under the League of Nations in 1921 and 1933. Indeed, trafficking was one of the few women's issues the League ever addressed (see Berkovitch 1999, Limoncelli 2010). It is important to remember that the objective of these agreements was not to provide women in prostitution with individual freedoms or protections as we might imagine today, but to regulate *who had access to what women*.

The contested "wrongs" of trafficking in 1949

Origin stories of the UN's beginnings in the 1940s tend to be celebrated and associated with mass expansion of international cooperation, human rights and international development. But change was not immediate. When the 1949 Trafficking Convention was adopted, the UN was still in its earliest years of being established as a legitimate global institution. World War II had only recently come to an end and the UN was first and foremost committed to maintaining international order, preventing further war, and ensuring it overcame previous failures of the League of Nations (Lauren 2011, Sayward and Zeiler 2017, Weiss et al. 2005).

This was still a very different time to what we know today. Delegates at the inaugural UN San Francisco conference in 1945 were primarily white men from Western and European nations. There were very few women and representation from Africa and Asia was limited. Decolonization had started slowly, but the Colonial Powers still governed more than a third of the world's population and had little intentions of allowing their territories go. Over half of the world's women did not yet have the right to vote. Indeed, including the word "women" in the UN Charter's equal rights clause was highly controversial, even among female delegates (D'Itri

1999, Rupp 1997). The UN Declaration of Human Rights (UDHR), adopted a few years later in 1948, was more an "aspiration" more than a concrete plan of action (Iriye and Goedde 2012, Jolly, Emmerij and Weiss 2009, Lauren 2011, Sayward and Zeiler 2017, Sjorberg, Gill and Williams 2001). Human rights were not yet imagined to transcend or challenge the sovereignty of nation states (Cmiel 2004) and founding members of the UN generally understood rights as applicable to citizens of self-governing nations, not "uncivilized" populations subject to colonial rule (Burke 2010, Mazower 2004, Moyn 2012).

Initiated by bureaucratic logic, the 1949 trafficking treaty was first placed on the agenda as something to "take over" from the League of Nations. In a short and rather mundane proposal, the French delegation requested that it be allowed to transfer its obligatory functions from previous trafficking agreements in 1904 and 1910 to the UN Secretariat.[8] Already in process of assuming all types of powers and functions previously carried out by the League of Nations, the General Assembly resolved to not only absolve France's oversight of these former trafficking treaties, but to combine *all* previous trafficking agreements (including those from the League of Nations) into one consolidated UN trafficking convention.

At first, delegates proposed that the General Assembly simply adopt a 1937 trafficking treaty draft left over from the League of Nations that was never adopted due to the start of World War II. However, the debates that then ensued reveal early tensions and divisions over how the meaning of trafficking's harms were beginning to slowly (but surely) shift under the post-WW2 UN system, with stark clashes between the "old" and "new" worlds. Once treaty negotiations began, two questions became particularly divisive among the delegates: 1) whether the new trafficking convention would call for abolition of state-regulated prostitution all together; and 2)

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[8] Under the 1904 and 1910 international trafficking agreements, France was given obligatory administrative duties such as documenting new ratifications and maintaining records and reports.

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the most controversial, whether states ratifying the treaty would be required to extend protections against trafficking to their colonial protectorates and territories. These debates, though they did not ultimately stop the 1949 convention from being adopted, reveal the types of "old world" norms that would no longer be accepted or legitimated in the new global system and which would.

How so? The first disagreement, over whether the convention should abolish state-regulated prostitution all together, reveals that UN delegates at the time, though they increasingly disagreed about how to manage trafficking and prostitution (abolition vs. regulation) generally understood it to be evil and unacceptable for *their own citizens*. Several states by this time had since moved away from unilateral state-supervised prostitution under the League of Nations, adopting the position that they must eliminate the shameful "scourge of prostitution and its accompanying evils" (UN 1949b:35) within their own borders, but had not necessarily done so abroad. Debates among the delegates reveal that those states continuing to regulate trafficking did not do so because prostitution was morally acceptable, but because of ongoing concern about preventing venereal disease *within their own borders*. The benefit of state-supervised prostitution, argued France, was "the detection of prostitutes suffering from venereal disease who [illegally] wished to avoid undergoing treatment" (UN 1949b:34-35)

Such debates stand in stark contrast to debates over the pros and cons of regulating or criminalizing prostitution today (see Limoncelli 2009a). Unlike contemporary debates, no delegates in 1949 argued that prostitution, trafficking or regulatory systems presented significant threats to individual women's bodily integrity, rights, or freedoms because these were not considered to be what made trafficking or prostitution "harmful." In response to France's argument above, for example, the Canadian delegation did not object to state regulation because

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it forced women to undergo medical examinations against their will, but because "if prostitutes were required by the authorities to have special medical certificates… they would inevitably use them to practice their profession more easily" (UN 1949b:37). Indeed, the delegation from India said she would vote against France's proposal "on the grounds that State supervision, whatever its form…*gave prostitutes some legal status*" (emphasis mine, UN 1949b:38). Historians make similar observations about the perceived harms of wartime rape during this period. Military officials during WW2 openly discussed rape as a serious widespread problem, for example. However, these rapes were not understood as violations of bodily integrity or violence, but as threats of disease, poor health and the need for (illegal) abortions (Cmiel 2004, Grossmann 1995).

Delegates in 1949 were concerned with protecting women and society from prostitution and trafficking's *social* and *moral* dangers. This is reflected in the 1949 Trafficking Convention's opening preamble:

Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.

Along these lines, the final 1949 convention not only required states to abolish state-supervised prostitution, but also restricted all movement of women for prostitution even with the woman's own *consent*. That is, for the benefit of protecting society against the ills of trafficking, the will of women in prostitution were rendered inconsequential. This was deemed acceptable because those vulnerable to trafficking were perceived as needing protection more so than individual freedoms or rights. Bundled together in the same category as children, women were generally conceived of as wives and mothers who needed social protections from vice and sexual

immorality; not citizens or workers entitled to individual choice, consensual sex, or political and economic rights (Berkovitch 1999, Lauren 2011). Norms and laws treating sex as an individualized, consensual activity as opposed to one strictly tied to procreation, corporate identity and nationhood wouldn't be widely accepted for several decades to come (Frank, Camp and Boutcher 2010).

The second debated question, equally revealing, and ultimately the one that prevented many states from adopting the treaty once it was adopted, was whether states would be responsible for applying the Convention to their colonial, trust and non-self-governing territories. The idea that treaties need not apply to territories had been commonplace under the League of Nations and was initially carried over to the UN, however it was starting to become increasingly questioned by former colonies, especially for treaties associated with social protections. The UK, for example, submitted proposals to the Human Rights Committee for the addition of a "colonial clause" to human rights agreements, preventing Powers from being required to extend rights to their territorial subjects. Out of concern that that forcing Powers to extend rights to the territories might keep them from adopting human rights agreements, the committee hesitated, but eventually rejected the idea (see Sayward and Zeiler 2017:191-92).

At first, the former colonial powers attempted to negotiate whether extending the treaty to territories might be optional. That is, *territories* would be welcomed to sign and implement the agreement on their own accord but was ultimately left up to them rather than the governing power. This suggestion, however, was rejected by several delegations from Eastern Europe, Africa and Asia who argued this was unacceptable. In doing so, they asserted that trafficking of women was worse in the territories than anywhere else, so excluding them would defeat the treaty's purpose. In fact, Ukraine suggested this was exactly what the Powers wanted; to

eliminate prostitution and trafficking within their own borders, but to allow and maintain access to colonial women in their territories (see UN 1949a:469).

Still, the *reason* opponents of the colonial clause said the Powers should be responsible for implementing the treaty in their territories varied. Some argued the territories simply lacked the political infrastructure to implement the treaty on their own. Others, however, consistent with the perception of trafficking as a moral issue, argued the Powers had a *moral* responsibility to "uplift" their territorial subjects out of "backward and immoral practices" such as allowing their women and children to be so ashamedly defiled. Poland reasoned:

> [Excluding territories from the treaty] would perpetuate backward conditions there… Such conditions would impede the political, economic, social and educational advancement of the inhabitants… [The Convention] should be enforced most particularly in the backward areas because it was precisely there that the traffic flourished most vigorously, especially in the form of child prostitution (UN 1949b:61).

This debate about territories further demonstrates that member states understood trafficking's harms differently from what we would expect today. That is, they saw trafficking primarily as a moral issue with social implications for society, rather than as specific violations against women's or worker's bodies. Even among those who argued the trafficking treaty *should* be applied to territories reasoned this was because those in the colonies were too "backward" to implement it themselves, not because individuals in the territories deserved rights or protections.

Ultimately, these two debates – about abolishing regulatory prostitution and whether the treaty should apply to territories – did not prevent the treaty from being adopted as a whole. However, many states either abstained from voting for its approval or did not sign for many decades to come, including several Powers such as France, the UK, US, and Belgium. Those that

voted to accept and were the first to sign were mostly former colonies, with the treaty passing into law in 1951 with only 10 signatories.

After the Trafficking Convention was adopted, there was little institutional interest in human trafficking, either at the UN or in other major international institutions. Only a handful of countries signed or ratified the 1949 treaty over the next fifteen years. It was not until the 1990s that the issue of trafficking was resurrected and redefined, first at the 1995 Beijing Women's Conference and then by the UN Crime Commission as they finalized their Convention Against Transnational Crime. This process is further discussed in Chapter 2.

WORLD SOCIETY – THEN & NOW

The significant number of global institutional changes that occurred after the establishment of the UN in 1945 have been carefully documented and theorized by historians and social science scholars (e.g., Berkovitch 1999, Boli and Thomas 1999). Table 1-2 provides a side-by-side comparison of global norms and the global institutional environment during 1949 and 2000, when each of the UN trafficking treaties was adopted. Significant changes in the world polity between these two time periods include expansion of UN membership and overall scope, a shift in trafficking's perceived harms, the institutionalization and expansion of human and women's rights, and a considerable increase in the number of related treaties.

Expansion of UN Membership & Overall Scope

At the time of the 1949 Convention, the UN was a relatively new organization. Changes in membership at the UN between 1949 and 2000 does not only refer to numerical growth, but more significantly to the expansion of populations whose claims and interests became legitimized as the UN new states gained independence and joined UN membership. Whereas in 1949 the majority of UN members were in the Global North and 1/3 of the world's population

was still under colonial or administrative rule. By 2000, membership had extended to 189

members, representing a variety of populations and ethnic identities from across the globe. In

1949, the institution was still primarily concentrated on collective security and preventing future

wars whereas today the UN's purview is equally concerned with issues such as rights,

humanitarianism, health and international development.

Table 1-3. Social Historical Context, 1949 vs. 2000

	1949	2000
SIZE OF UN	59 members; majority in Europe	189 members; worldwide
UN MEMBERSHIP	Primarily countries in the Global North; 1/3 of the world still under colonial or administrative rule	Expanded to most countries of the world
FOCUS & SCOPE OF UN ACTIVITIES	Still settling itself as an institution. Focus on collective security and prevention of further war; social issues less important	Significant expansion to social and development issues including human rights, crime, health, environment. An established institution.
HUMAN RIGHTS	Minimal. Imagined to mostly apply to citizens in "civilized" nations	Well-developed. Covers many sub-groups, sub-populations.
WOMEN & CHILDREN	Women seen within context of the home. Need protection from "vice" & immorality.	Women as citizens, rights bearers, workers. Need protection from discrimination, violence.
RELATED TREATIES	1 ("non-major") human rights treaty, 4 (non-UN) treaties for women	16 major human rights treaties, 5 UN treaties for women (+4 prior to UN)
TRAFFICKING'S PERCEIVED HARMS	Risk that colonial men will have sexual access to white, European women; "undesirable" mixed-race children	Violence against women, violation of bodily integrity and personal freedoms, transnational crime

Institutionalization of Human and Women's Rights

The meaning of rights, their relation to the state, to discrimination, decolonization, self-determination, and to special groups of individuals, changed dramatically as rights were applied more widely with women's suffrage, during decolonization and into the 1990s (Iriye and Goedde 2012, Jolly, Emmerij and Weiss 2009, Lauren 2011). As was obvious during negotiations of the 1919 Convention, former Powers such as Belgium, France and the UK, showed great reluctance throughout the 1940s, 50s, and 60s, to guarantee rights to those living in their territories, arguing that such rights were "incompatible with people's who had not yet reached full development" (Moyn 2012:38). Moreover, in 1949 international consensus around women's and children's rights such as those articulated in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child were still quite a way's off. Today such treaties are considered central to UN activities and such rights are widely taken for granted, not only within the UN itself, but across multiple levels of the world polity (Jolly, Emmerij and Weiss 2009, Sjorberg, Gill and Williams 2001).

Related Treaties

In 1949 the UN had only one treaty aside from the Universal Declaration for Human Rights (UDHR), the 1948 Genocide Convention, which was dedicated to addressing the organization's primary focus of international security. The vast majority of human rights treaties eventually adopted by 2000 cover a multitude of protections and rights, benefiting multiple subgroups previously considered illegitimate or undeserving of such protections. "Core" rights instruments are now situated around racial discrimination, political rights, social rights, torture, rights for women, for children, indigenous populations, refugees and so on. Though there

continues to be debate about rights for some populations, granting rights to special populations

has nonetheless become a taken for granted part of the current global order.

Trafficking's Perceived Harms

What changed between 1949 was not human trafficking itself, but how the global

environment – its norms, political structures, and institutions – contributed to understandings

about its threats to society. During the decades leading up to 1949, policymakers, civil society

and colonial administrators understood prostitution to be a necessary risk – necessary, because it

was a sexual outlet for men but risky because the trafficking of women for prostitution would

threaten moral and racial hierarchies. In 2000, the harms associated with trafficking became

centered around normative concerns about violence against women and children, a victim's

bodily integrity, violating personal freedoms, and its criminal threat.

The 2000 Trafficking Protocol's resonance with these contemporary norms and issue

arenas makes its urgency seem all the more natural and familiar, helping explain why the policy

diffused so quickly after its adoption. To show that the two trafficking treaties did not simply fail

or succeed because of the time period in which they were introduced – that is, that not all treaties

from the late 1940s fail, and not all contemporary treaties succeed, Figure 1-3 shows the

percentage of UN members that ratified each of the trafficking treaties compared to UN treaties

with the opposite outcome during both time periods.

Ratified one year prior to the 1949 Convention, the first treaty comparison is the

Genocide Convention, adopted in 1948.[9] The second is the Convention for Migrant Workers that

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[9] The *UN Convention on the Prevention and Punishment of the Crime of Genocide*, adopted in Paris on 9 December 1948 was among the first UN treaties to be ratified, and went into force on 12 January 1951. The treaty defines genocide as a crime and requires parties to prevent and punish genocide within its own borders.

went into effect in 2003,[10] only three years following the 2000 Trafficking Protocol. In contrast to the 1949 Trafficking Convention, the 1948 Genocide Convention, which aimed to eradicate the act of genocide, including in times of war, gained ratifications from the majority of UN members in a relatively short period of time. Its success is likely attributed to its alignment with the early institutional priorities of the UN, which was to prevent future wars and maintain international security. Meanwhile, the 2003 Convention for Migrant Workers, though it addresses a similar target population and was adopted at similar time to the Trafficking Protocol, has one of the lowest number of ratifications among all major UN treaties to date. Much like the UNCRC articulates rights for children and CEDAW articulates rights for women, this treaty affords rights to migrant workers. Based on my argument that the global environment is what impacts a treaty's success or failure, it is likely this treaty's low ratification rate is due to uneven attitudes in the current global environment about whether labor migrants pose a threat to economic security (see Cholewinski and Pecoud 2009).

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[10] The *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, was adopted in New York on 18 December 1990 but did not go into force until 1 July 2003 when it reached the required threshold of 20 ratifications.

Figure 1-3. Human Trafficking vs. Other UN Treaty Ratifications, 1945-2015

% Comparison of UN Members that Ratified Treaties

Legend: 1949 Trafficking, 2000 Trafficking, 1948 Genocide, 2003 Migrants
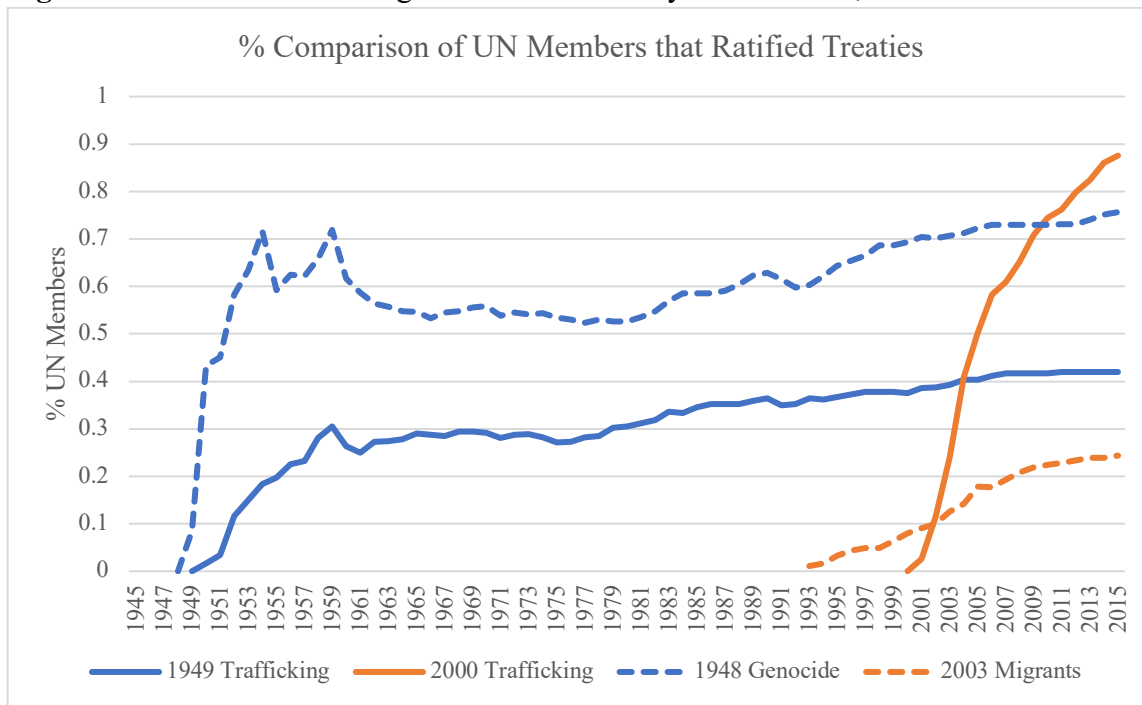
CONCLUSION

This chapter draws on UN archival documents between 1945 and 2000 to compare the failure of the 1949 Trafficking Convention to the success of the 2000 Trafficking Protocol. Why did the UN Trafficking Protocol motivate international activity against trafficking in 2000 but a strikingly similar UN trafficking treaty in 1949 did not? Contrary to popular accounts, trafficking did not re-emerge as an urgent issue in 2000 because the problem was worse than before. Although forced labor and sexual exploitation are perhaps more widely recognized today, there is little evidence that these problems have actually gotten worse. Nor did the 2000 trafficking treaty succeed because states suddenly had new political interests in combating the problem, or because movements succeeded in getting trafficking on the international agenda. Rather, the failure of the 1949 treaty and success of the 2000 treaty can be attributed to how the issue of trafficking matched up with shifting and established global norms during each time period.

Because of the tradition's focus on the successful diffusion of norms and ideas, few world society studies consider how or why some ideas do *not* diffuse, or why some issues come to have deep institutional meaning while others do not (Campbell 2002; but see Boyle, Kim and Longhofer 2015). However, because the earlier trafficking treaty failed and the later one succeeded, this allows for comparing similar treaties with very different outcomes. Indeed, comparing treaties addressing the same issue but with different outcomes allows for greater analytic utility than studying each one in isolation.

The 1949 treaty failed because trafficking's perceived harms (notably, that trafficking and unregulated prostitution allowed colonial men sexual access to white women) soon became culturally obsolete with decolonization, along with the expansion of human and economic rights for non-whites, women and children. Trafficking was later resurrected as a pressing issue at UN conferences during the 1990s. This was not the result of instrumental social movement strategy. Rather, the agendas of UN conferences led delegates to stumble upon and construct trafficking as a problem related to violence against women, women's rights, and transnational crime, giving it a new meaning worthy of international attention. This process is described in more detail in Chapter 2.

CHAPTER 2: MEANING-MAKING AT THE UNITED NATIONS

How and why did cultural conceptions about human trafficking change? Functional, realist and social movement theories generally emphasize the role of political actors, economic interests or conflict to explain change. However, explaining cultural change and where new ideas come from is often where structural and macro-cultural theories fall short (Anderson 2018, Bloom 2015, Campbell 2002, Kentikelenis and Seabrooke 2017).

Complementing calls for the sociological analysis of international policy origins that focus on the cultural and institutional bases of new policy domains rather than instrumental rational-action ones (Burstein 1991, Campbell 2002) this chapter builds on Hironaka's (2014) notion of institutional "workspaces," whereby preexisting institutions create space for the creation of new agendas, to trace how trafficking changed from an issue about maintaining racial hierarchies (see Chapter 1) to one about eliminating transnational crime and protecting victims' freedoms and bodily integrity.

In contrast to the dominant view that the international counter-trafficking agenda was driven and heavily influenced by states and lobbies who sought to fulfill political interests against legal prostitution and irregular migration (see Doezema 2010, Hertzke 2006, Weitzer 2007), I show that how trafficking shifted from a marginal issue to a central one was in fact incredibly arbitrary, spurred by mundane bureaucratic procedures. How trafficking came to be defined, or even that it *would* be re-defined by international law could not have been foreseen and did not occur in a functional, rational or tactical fashion as is typically assumed.

LITERATURE REVIEW

Explaining how norms are shaped and codified into global culture is where structural and cultural theories tend to fall short (Anderson 2018, Bloom 2015, Campbell 2002, Kentikelenis and Seabrooke 2017). For example, Lloyd and Simmons (2015) suggest trafficking policy developed into a regime during the 1990s because of "frame convergence" related to geopolitical and economic shifts after the Cold War, putting transnational crime at the top of the international agenda over human rights ones (also see Simmons, Lloyd and Stewart 2018). Similar to my argument in Chapter 1, this observation recognizes that the issue of trafficking became institutionally salient. Yet it fails to explain how or why frames about transnational crime were attributed to trafficking when they weren't previously.

Here I review two plausible explanations for how trafficking's cultural meaning changed: First, that social movements, lobbies or issue entrepreneurs successfully re-framed trafficking in a way that fulfilled their interests and gained widespread attention before the issue was adopted into the Trafficking Protocol. The second theoretical argument, which has not yet been widely utilized in framing studies but I set out to develop further in this chapter, builds on Hironaka's (2014) notion of institutional workspaces, described further below.

Social Movements & Transnational Networks

Much of the literature on the social construction and framing of social problems argues that new and reinvented issues come to public attention by issue entrepreneurs who identify problems, name them, and give them social meaning (Anderson 2018, Best 1995). Other critical trafficking scholars, argue trafficking was successfully placed on the political agenda during the 1990s because issue entrepreneurs were able to launch a moral crusade against trafficking by

reframing the issue around social anxieties about sexuality, gender, and immigration (Bernstein 2007, Chapkis 2003, Weitzer 2007).

As described in Chapter 1, however, the functional, rational-action quality of traditional social movement perspectives often fail to explain how frames, values and ideas come to be aligned, framed or resurrected into new and coherent frameworks (see Campbell 2002, Earl 2004, Finnemore and Sikkink 1998, Polletta 2008), especially at an international level since social movements from multiple countries are often focused on different issues (Tarrow 2001).

Because it is difficult for claims at the ground level to reach global institutions directly or to set the agenda for international policy on their own, Keck and Sikkink (1998) suggest local movements are most successful when they tactically bypass the state, seek global allies, and develop transnational advocacy networks, leveraging international campaigns that share cross-border norms and ideas (also see Brysk 1993, Clark 2019, Friedman 2003, Smith, Chatfield and Pagnucco 1997, Tsutsui and Shin 2008). Through transnational advocacy networks, movements can share stories and information, garner media attention, "name and shame" rights violators and lobby international meetings using information politics and moral appeals to advocate for the issues they want to address.

While it's likely that transnational networks have contributed to keeping governments accountable for anti-trafficking commitments since the Protocol passed, there is little evidence they were organizing or doing so prior to the UN conferences described in my findings. At these conferences, delegates played a contributive role in shaping trafficking's cultural meaning not because they arrived with fully prepared frames or strategies, but because trafficking arbitrarily came up when tasked with creating policy documents about other agenda items. This was not strategic, it was unforeseen.

World Society & Institutional Workspaces

World society suggests the *reverse* of what social movements perspectives argue: that global regimes, whether around human rights, environmental protection, or another domain, are what create conditions that *enable* social movement activity (Halliday and Osinsky 2006, Tsutsui and Shin 2008).

Rather than create social change directly, Hironaka (2014) explains that what global institutions such as the UN do is provide legitimated institutional forums or *workspaces* that bring together constituents, activists and other cultural agents together and where an issue can be formulated, discussed and refined, and in which ideas and potential solutions can be aired. Within these workspaces, says Hironaka, delegates and advocates are tasked with producing talk and paperwork, airing ideas, and negotiating meaning around various agenda items before codifying their conclusions into institutional reports, calls to action, and/or international policy. Anthropologist Sally Merry (2006) refers to a similar process of bureaucratic culture creation through international policy documents by means of what she calls "word-smithing." Just as it occurs within organizations (Cohen, March and Olsen 1972), institutional agendas and choice opportunities guide how problems and potential solutions are formulated, refined or dismissed more so than rational choice. Without the structure provided by these institutional workspaces, Hironaka argues, ideas and norms would not come together or gain legitimacy in the global arena in the same way.

One of world society's weaknesses is that while it emphasizes the importance of cultural models for social action, as a macro-oriented theory it does not pay much attention to explaining the processes of how this works. Indeed, Hironaka's (2014) description of workspaces lacks

specificity, does not elaborate on the mechanics, and it has not been tested or elaborated by other scholars – which is what I do here.

Why Workspaces

Given gaps in the literature about how culture changes, there have been several recent attempts by sociologists to provide structural and cultural explanations for where issues come from (e.g., Anderson 2018, Kentikelenis and Seabrooke 2017). However, even these accounts continue to depend on the rational pre-determined logics of actors (usually issue entrepreneurs).

The notion of workspaces is helpful for theorizing how and why change occurs because it recognizes the role of cultural intermediaries for bringing new ideas together within the limitations of bureaucratic institutions but does not assume that this innovation stems from rational or singular individuals and agendas. This stands in contrast to recent attempts by sociologists to explain the origins and underpinnings of cultural norms while still relying on rational interests or motivations. The notion of workspaces does not suggest, for example, that advocates or institutions rationally *create* or "write" new norms by strategically combining "desirable scripts" with material interests (Kentikelenis and Seabrooke 2017) because this too easily assumes that agents consistently act according to singular, rational and material interests rather than normative ones. Indeed, the suggestion that actors have the capacity to rationally and instrumentally "write" new scripts fails to recognize the limitations and structural constraints of agency long recognized by cultural sociology scholars (e.g., Sewell 1992, Swidler 1986).

We know from organization studies and the sociology of culture that that there are constraints to propagated ideas, procedures, outcomes and individual agency within organizations and institutions (Barley and Tolbert 1997, Cohen, March and Olsen 1972, DiMaggio and Powell 1983, Meyer and Rowan 1977). This chapter suggests workspace

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participants certainly enter conferences or meetings with partial frames and ideas, but these preconceived ideas do not necessarily transform into specific outcomes. Rather, they are extended, scrutinized, modified, combined, and/or eliminated throughout idea-sharing and negotiations. That is, the decisions made are not pre-*determined* by workspace participants as social movement or realist theorists might argue, nor are they completely limited by institutional constraints. Rather, workspace outcomes depend on a combination of arbitrary elements, including its assigned agenda (e.g., conference on women as opposed to conference on children), how the issues presented are understood or perceived by those present, pre-existing norms, choice opportunities, and what solutions seem most plausible to those who are present (see Cohen, March and Olsen 1972, March and Olsen 1998) Those participating in workspaces serve as cultural intermediaries and institutional agents, negotiating meaning rather than acting on determinate, rational interests or objectives (Jepperson and Meyer 2011, Meyer and Jepperson 2000).

Similar to Anderson's (2018) work on child labor reform in 19th century Europe, this chapter highlights the ways agents contribute to policy *while constrained and conditioned* by their field or institutional context. Rather than limiting this process to the individual skill or creativity of particular elites as Anderson does, however (which again, relies on singular and pre-determined rational logic), I show how meaning and knowledge are *collectively* constructed through a series of institutional negotiations (rather than singular ones). By focusing analysis on collective processes that occur within institutionally legitimated spaces rather than the entrepreneurship or skill of particular individuals with their own agenda, this better explains how and why constructed meanings are so widely accepted, disseminated and institutionalized.

Indeed, historians and personal accounts by UN conference participants almost unilaterally describe idea formation at international conferences as collective rather than singular:

> In these spaces [UN conferences], information from a variety of sources was combined to provide new and more comprehensive understandings, a common professional 'language' was developed that transcended national borders, and professionals were equipped to take 'home' with them new information and best practices to inform national laws and processes. (Sayward and Zeiler 2017:7)

DATA AND METHODS

As part of the data collection and analysis I did for Chapter 1, I analyzed a large selection of United Nations (UN) written and audiovisual archives to trace how and when trafficking's cultural meaning changed after the failure of the 1949 Trafficking Convention, and how the issue eventually generated its own protocol to the Transnational Crime Convention. I supplement textual analysis of UN archives with in-depth analysis of personal accounts written and recorded by individuals who participated in the conferences and workspaces relevant to re-shaping trafficking's cultural meaning.

Personal accounts were collected from primary and secondary sources, including UN conference newsletters such as the "Earth Negotiations Bulletin," interviews and books produced by the *United Nations Intellectual History Project* (Emmerij, Jolly and Weiss 2011, Jain 2005, Jolly, Emmerij and Weiss 2009), edited volumes and anthologies written by delegates and practitioners (e.g., Auth 1998, Bunch and Fried 1996, Fraser and Tinker 2004, Riles 2001, Snyder 2006, Vlassis 2002), documentaries (e.g., Epstein and McGee 2015, Smith 2012), and scholars doing participant observation at relevant UN conferences (e.g., Friedman 2003, Riddell-Dixon 2002). These accounts were useful for capturing the perspectives of individual

delegations, members of the UN secretariat, NGOs and activists, revealing some of what was happening "behind the scenes" of formal UN reports.

Upon finding that ideas negotiated at particular conferences and meetings during the 1990s were especially relevant for shaping trafficking's new cultural meaning (what I call "workspaces"), I examined archives of these spaces more closely (e.g., crime commission, UN conference records), coding and analyzing text relevant to how ideas pertaining to trafficking were brought together and made actionable. I then consolidated coded quotations, compared ideas and processes leading up to each treaty, and analyzed these findings in relation to shifts in global norms between 1945 and 2000, changes within the UN itself, and historical and legal literature on trafficking policy.

FINDINGS

Existing studies about how trafficking was framed in the Protocol and other major counter-trafficking legislation do not go back far enough in history to avoid *a priori* assumptions about why policymakers began talking about trafficking again or, for that matter, why its definition was up for re-negotiation in the first place.

UN Conferences During the 1990s

Starting in the 1970s and through the 1990s, a number of issue-focused UN conferences were organized as a way to focus diplomatic attention on emerging global issues and topics that were either not originally included in the UN Charter, or were thought to need "updating" by the international community (Sayward and Zeiler 2017). These conferences were not necessarily new but they intensified as the Cold War came to an end and there was renewed energy and enthusiasm around global cooperation. Delegates came together over several days or weeks with the purpose of writing and negotiating grand calls to action and declarations of consensus for

later use by the UN. It was here, at these UN conferences, that human trafficking re-entered diplomatic conversations and negotiations after approximately 40 years of relative silence.

The number of people who attended conference events reached a peak during the 1990s. Alongside official UN conferences, activists, NGOs and members of civil society organized their own events - referred to as "forums" - on the same topic, in the same city and at the same time as the formal UN deliberations. Unless they were also a delegate, forum attendees could not formally participate in the UN conferences. However, they held their own discussions and events, including public demonstrations, exhibits and networking events to lobby and catch the attention of conference goers. An unprecedented number of delegates, along with activists, scholars, and civil society groups congregated at conferences and summits on issues as diverse as children (New York 1990), environmental protection (Rio 1992), population (Cairo 1994), social development (Copenhagen 1995), human rights (Vienna 1994), and women (Beijing 1995).

Few of these conferences addressed topics that were new to the UN, and many were not the first conference on their topic. The Beijing Women's Conference in 1995, for example, was the UN's fourth conference on women, but had significantly higher participation than any of the previous women's conferences before it. What was different about these conferences compared to earlier ones was their size and scope. And some, such as Beijing. received unprecedented international media attention as the world waited and watched to see what was going to happen during these delegations in a post-Cold War world.

An important observation about the agendas of these conferences is that they were not created out of thin air or by entrepreneurial individuals. Rather, they were pre-set by routine structural mechanisms, and the bureaucratic minutiae, meetings and declarations that went before them. While there was unprecedented attendance and attention given to the Beijing Women's

Conference, for example, and the resulting Beijing Platform for Action is now understood to have been largely influential for women's issues ever since, plans to have the conference did not require anything unusual from within the bureaucratic workings of the UN and there was little reason ahead of time to expect this conference to be more successful than previous or subsequent ones. Thus, the idea that an individual issue entrepreneur, however charismatic or powerful, could shape or disrupt the outcome of negotiations directly to their interests is implausible. Moreover, those who attended UN conferences and forums at this time typically focus less on what they took in with them, and more on the networks and ideas they brought *out* of them (Auth 1998, Epstein and McGee 2015, Smith 2012, Snyder 2006).

While describing the important role of 1990s conferences for development of the international women's movement, Charlotte Bunch (1996:33), well-known author and rights activist explains:

> Occurring before the Internet transformed mass communications, these conferences were rare and precious opportunities that shaped a generation of civil society activists. At each of them women eager to work across cultures debated strategies for feminist theory and activism. This contact broadened understandings of the diverse conditions women face, as well as the common struggles.

Beijing, Vienna and Violence Against Women

Where did human trafficking come in? Building on the declaration from the Vienna Human Rights conference made only a few years earlier in 1993, a large number of historians and scholars suggest one of the major outcomes of the 1995 Beijing Women's Conference was the Platform for Action's conclusion that violence against women was to be considered a human rights violation (Fraser and Tinker 2004, Jain 2005, Keck and Sikkink 1998, Merry 2006a).

While this statement may seem unremarkable to today's standards, the idea that gender- or sex-related harms against women were rights violations was new to the international policy arena. There was certainly an *awareness* that women experienced violence, rape and domestic abuse but these been considered private (not state-related) issues left to local authorities, not international policymaking. In making this declaration, the Platform goes on to reference various activities as prime examples of what violence against women entails, including trafficking, sexual exploitation, forced prostitution, forced marriage, wartime rape, and so on.

The minutiae and exact details of how trafficking came to be included in the Platform as an example of violence against women is not entirely known, but there are clues as to how this happened in the timing and progressions of how the Platform came together. Delegates began drafting the Platform approximately 18 months before meeting in person at the actual conference. The document began as a summary and conglomeration of declarations from the past three women's conferences, seminars and workshops presented to UN Committee on the Status of Women (CSW) and results from a 1994 UN survey on women in development that was put together by conference organizers. This early draft was circulated, built upon, expanded and negotiated at regional meetings, among five regional committees of delegates, four expert committees and a myriad of UN agencies, and its language built upon, expanded, and negotiated through several rounds of revisions. The draft went from less than ten pages to over thirty, and thousands of people were consulted or involved in this process at some step along the way (Auth 1998). We can see that organizers did not initially anticipate sexual violence, much less trafficking, would become a point of negotiation at the conference because the earliest Platform drafts make little mention of sexual violence (only that sexual violence has become a "matter of public debate") and trafficking is not mentioned.

For something to be accepted into the final draft of the Platform *all* official delegations at the must agree on the language and its inclusion in the document (it is not a majority vote), encouraging intense negotiation so as not to lose what progress has been made so far simply because a handful of delegates do not agree with the existing wording. While circulating and working on the draft document, topics and language that delegators could not agree on or that needed additional clarification, were put into brackets for further negotiation once the conference began (delegates refer to this as "bracketing;" see Jain 2005, Merry 2006a, Riddell-Dixon 2002).

By the time the platform draft got to the final conference in Beijing, approximately 25% of the document was still in brackets, and violence against women, including sexual violence, had become somewhat of a theme in the document but all of the discussion around it was entirely bracketed. In this version of the draft Platform, there was also bracketed language about women's rights, and in places throughout the document trafficking and forced prostitution are listed as examples of all kinds of problems, including rape, child abuse, crime, torture, discrimination against the girl child and one reference to the 1949 Trafficking Convention, saying this old treaty needs to be revived in some way. In contrast to existing arguments about trafficking coming to the fore as a coherent U.S. agenda, these early inclusions and mentions of trafficking in the text were disjointed, undeveloped and came from delegations all over the world, including direct input from regional committees in South America, Europe, Africa and Asia.

Once at the conference, delegates were assigned to working groups where they would negotiate the remaining bracketed language. And it is here, where discussions and negotiations eventually led to a definition of violence against women that included trafficking, distinct from its former cultural meaning under the 1949 Convention.

Table 2-1. Workspaces Contributing to Re-framing of Human Trafficking, 1990-2000

	UN CONFERENCES		CRIME COMMISION
1990	1990. Summit for Children (New York)	Elaborates on Convention on Rights of the Child (1989), what it means for children to be rights bearers; special attention given to rights and vulnerabilities of the "girl child" (see Jolly, Emmerij and Weiss 2009)	1991. Crime Commission restructured by UN Secretary General
	1993. Conference on Human Rights (Vienna)	Gender, girl child and violence against women (VAW) are streamlined into formal human rights negotiations; something that had not yet been done (see Bunch and Carrillo 2016, Fraser and Tinker 2004, Friedman 2003, Jain 2005)	1994. Commission holds World Ministerial Conference on Transnational Organized Crime (Naples) to discuss plans and ideas for future transnational crime treaty
	1994. Conference on Population and Development (Cairo)	For the first time, women's health, reproduction and sexuality are formally recognized as matters of rights, including child marriage, forced prostitution, and rape (see Bunch and Carrillo 2016, Friedman 2003)	Commission begins drafting treaty, trafficking not mentioned in early drafts or discussions
1995	1995. Summit for Social Development (Copenhagen)	Links established between women and their role in social and economic development (see Berkovitch 1999, Jain 2005)	1995. Delegates from Asia propose including sexual trafficking as something to include in transnational crime's definition
	1995. Fourth Conference on Women (Beijing)	Convenes ideas from previous women's conferences (1975, 1980, 1985)), and conferences on children, rights, population, development. Formally recognizes VAW as act of war, relevant to national and international security (see Fraser and Tinker 2004, Jain 2005) Trafficking explicitly addressed throughout Platform for Action as pressing issue of VAW, the girl child, barrier to social/economic development, and matter of security (see UN 1995)	1997. Latin American delegates propose adding HT Protocol to UNOTC and including verbiage about child trafficking into forced labor 1999. Final drafting and negotiations on HT Protocol in Vienna; exploitative labor component added to definition
2000			2000. UNOTC adopted, HT Protocol declares trafficking a growing form of transnational crime

Transnational Organized Crime and the New Convention

As UN conferences such as Vienna and Beijing played out throughout the 1990s, a separate arm of the UN was diligently in the process of drafting a convention against transnational crime.

Indeed, the UN Crime Commission, a longstanding committee made up of 40 government representatives who were responsible for reporting and making recommendations to the General Assembly about issues regarding crime, began the process of defining transnational crime and planning for what eventually became the Convention on Transnational Crime in 1991, almost an entire decade before the convention was actually adopted.

Like organizers of the Beijing Women's Conference, the Crime Commission did not foresee that the issue of trafficking would be a significant part of the treaty, much less that it would have its very own Protocol. In fact, for the first four years of discussions about the treaty, human trafficking was notably absent from their conversations. Instead, records from the commission's early brainstorming sessions around how transnational crime would be defined include issues such as drug trafficking, money laundering and trafficking of arms, in addition to others that today seem rather arbitrary and perhaps irrelevant to how we now imagine the meaning of transnational crime – acts such as plundering of humanitarian aid, "computer related crimes," traffic in stolen motor vehicles, and trafficking of flora and fauna, among others. Besides human trafficking, other issues notably absent were terrorism and human smuggling (strongly associated with transnational organized crime today). Many of the commission's early ideas faded from the conversation as sessions progressed, while others persisted.

It was not until 1995, one year after the Beijing Platform for Action declared trafficking an international concern impacting women and children within and across borders, that a Crime

Commission member – in this case, from the Philippines, introduced the idea of including trafficking and other forms of violence against women in the Convention. At this suggestion, trafficking and violence against women were placed within draft text of the convention as examples of trafficking. And then it was not until 1998, right before a special committee was assigned with negotiating specific text of the convention, at the behest of the delegation from Argentina, that a group formed within the committee to create a specific trafficking protocol, initially out of concerns about transnational trafficking of children into exploitative labor.

DISCUSSION & CONCLUSION

Existing studies on how trafficking came to be defined as a type of crime by the Trafficking Protocol center almost exclusively on what states and lobbying groups did to influence trafficking's definition during the final months of the Protocol's negotiation in 1999 (Doezema 2010, Gallagher 2001, Saunders 2005). While it's probably true that final moments of negotiation over what specific words to use for describing and defining trafficking have become important for how trafficking cases are treated in courts, what these studies fail to recognize is that the most *central* aspects of trafficking's new definition – that is, it's association with violence against women, human rights and categorical definition as crime – happened far earlier than what observing these negotiations can tell us. When explaining where dominant ideas, frames and policies came from, there is a strong temptation to read contemporary meanings into specific events of the past (Hironaka 2014).

UN conferences during the 1990s - on human rights, women, crime and development - provided choice opportunities (Cohen, 1972 #234} and institutional space for delegates to stumble upon trafficking as relevant to contemporary concerns about violence against women, exploitative labor and transnational crime, giving it fresh, contemporary cultural meaning that

was different to its previous conception under the 1949 Convention. Once it was established that trafficking was a transnational threat and the issue found its way into a growing number of UN discussions, this made trafficking all the more obvious for inclusion into the UN Transnational Crime Convention.

That trafficking was ultimately defined as a form of crime was and continues to be controversial because critics argue this has had negative impacts on the policy's effects; an issue explored further in Chapter 3. Still, in thinking about this dissertation's overarching question – about why the issue of trafficking has gained so much international attention in such a short amount of time – it's worth considering that it is *precisely* trafficking's definition as crime that enabled and drove the Trafficking Protocol to receive so much attention. Gallagher (2010:4), a legal scholar and former advisor to the UN High Commissioner for Human Rights explains that despite critiques about trafficking being defined as a crime rather than a human rights violation:

> It is necessary to acknowledge there is no way the international community would even have a [trafficking] definition and an international treaty if this issue had stayed within the realms of the human rights system… No conceivable action of the international human rights system could have focused the same level of global attention and resources on debt bondage, forced labor, sexual servitude, forced marriage, and other exploitative practices that continue to plague all regions and most countries of the world.

CHAPTER 3: CRIME, RIGHTS OR INEQUALITY?

> I was among those human rights lawyers and activists, who, in the late 1990s decried the removal of trafficking from the sacred chambers of the international human rights system to the area of the United Nations that dealt with drugs and crime. When it became clear that the UN Crime Commission was going to develop a treaty on trafficking, we human rights lawyers and activists were righteously outraged. Surely this was the task of human rights?...Among the delegates [negotiating the Trafficking Protocol] in Vienna, there seemed to be little understanding or acknowledgment of the role that States play in trafficking or of the moral and legal responsibilities that this involvement entails.
> - Anne Gallagher, Advisor on Trafficking to the UN High Commissioner for Human Rights from 1998-2002[11]

To what extent does a policy's categorization or framing of an issue constrain its remedies and solutions? There is not only opportunity in examining how or why policies come to gain traction in the international arena, but also in how international law's framing of an issue orients social action and its eventual consequences. Since the UN Trafficking Protocol was adopted, the bulk of trafficking research has focused on how trafficking works (Limoncelli 2009b, Weitzer 2014) with little empirical analysis paid to whether trafficking policy addresses trafficking's underlying causes and/or victims' ongoing vulnerabilities (Brennan and Plambech 2018). While it's no secret that states' commitments to assist victims of trafficking have not been evenly carried out or resulted in high numbers of prosecutions (in comparison to victimization estimates), policymakers, practitioners and other stakeholders continue to take trafficking's legal and social construction as a type of organized crime for granted, with little question as to

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[11] As quoted in Gallagher 2010, page 5.

whether the law's criminal solutions in fact eliminate the problem or protect disadvantaged

populations.

By failing to consider the longer-term experiences of trafficked persons after the initial

"trafficking episode" is over, critical studies cannot adequately analyze trafficking policy's long-

term effectiveness, potential consequences, or the underlying causes that contribute to human

trafficking beyond criminal activity. In this chapter, I use qualitative comparative analysis (QCA;

Ragin 2008, 2014) to analyze 802 interviews from a longitudinal study of formerly trafficked

persons in Cambodia, a country routinely referred to as one of the "worst" places for child

trafficking in the world (Keo et al. 2014), to assess the extent to which the Trafficking Protocol

ultimately benefits trafficked persons. Using QCA I assess what combinations of vulnerability

factors among participants contribute to re-exploitation once victims return home, and what

combinations lead to not being re-trafficked. Based on these findings, I evaluate trafficking

policy's categorization of trafficking as "crime" as well as critical scholars' insistence that

trafficking should not be categorized as crime but as a human rights violation (see Brysk and

Choi-Fitzpatrick 2012, Hathaway 2008, Jordan 2002); an argument that is rarely scrutinized with

empirical data or in countries where human rights implementation faces severe structural,

political or cultural challenges.

LITERATURE REVIEW

Unexpected Realities of Trafficking Vulnerabilities

Given popular images and narratives about trafficking, policymakers and advocates

presume vulnerability to trafficking include factors routinely tied to transnational social

problems; factors such as poverty, and limited education for women and girls. In fact, there are

very few systematic studies about what actually drives trafficking (Limoncelli 2009b, McCarthy

2014, Weitzer 2014). Empirical studies that consider this question often extrapolate from country-level data in places understood to have lots of trafficking activity (e.g., Bales 2007), or systematically compare a small-scale empirical studies, looking for patterns (e.g., Perry and McEwing 2013).

Even less is known about trafficking consequences and vulnerabilities in the long term, especially in under-resourced development contexts where aid money is massively distributed for shelters and short-term services but there is little follow-up (Brennan and Plambech 2018). Among the few studies that exist, findings suggest that trafficked persons continue to face numerous hardships and vulnerabilities (see Brunovskis and Surtees 2012, McCarthy 2018). Brennan (2014) finds, for example, that though migrants trafficked into the United States are entitled to receive government assistance, many find themselves with similar challenges as the mainstream migrant population, but with the added consequences of trauma and stigma. Even after leaving situations of trafficking, these migrants risk re-exploitation and discrimination.

There is growing recognition that vulnerability to trafficking is likely tied to structural factors that contribute to social and economic inequalities, but the lack of systematic studies assessing vulnerability factors make it difficult to assess what factors are the most significant or why some individuals are more vulnerable than others. Still, a handful of recent studies note a disconnect between how policy depicts trafficking and the experiences of assumed victims. For example, Parreñas' (2011) ethnographic study among Filipina hostesses in Tokyo's red-light district found that though the U.S. State Department incorrectly declared her subjects were mostly sex trafficked persons, in reality the hostesses she met did not neatly fit into the category of crime victim at all. She argues their realities were much more complex, better characterized as a combination of agency, risk, vulnerability and material gains (what she calls "indentured

mobility") rather than outright force or violence. Consequently, she adopts a realist explanation

and concludes that trafficking policy aims to control migrant mobility rather than protect workers

from harm. Though insightful, a major shortcoming of her findings is that her subjects did not fit

into the law's definition of trafficking. While this reveals that trafficking policy does not capture

the circumstances of people who are "almost" trafficked or similarly oppressed (a common

finding; see Brennan and Plambech 2018), it does not speak to ongoing vulnerabilities or

realities among victims that *do* fit within the legal category. Moreover, in contrast to her realist,

means-end approach, I contend that the decoupling between policy and practice here has little to

do with state intentions, and more to do with a mismatch between the policy's categorical

assumptions (trafficking as crime) and more structural factors of vulnerability.

Without research about trafficked persons' long-term vulnerabilities, existing studies

cannot adequately analyze trafficking policy's long-term effectiveness, or consider structural

underlying vulnerabilities that contribute to human trafficking beyond criminal activity.

From Rights to Crime

As discussed in Chapters 1 and 2, trafficking was only recently defined as a "criminal"

problem. Indeed, broad regulatory shifts toward criminalization, including around sexual

activity, is increasingly common (Frank, Camp and Boutcher 2010, Jenness 2004) is consistent

with the "carceral turn" in US and Western European politics (Garland 2001). For at least half a

century prior to the UN Trafficking Protocol, trafficking came under the international purview of

human rights rather than crime (Gallagher 2010). Previous international agreements addressing

trafficking and exploitation, however brief or marginal to other major treaties, substantiated

trafficking as a violation of rights to liberty or against forced labor, servitude and slavery, and

were housed and monitored by human rights bodies.[12] They may have called for "punishment" of perpetrators but their monitors' primary mandate was to track how rights were being secured or violated rather than any explicit pursuit of criminal prosecution. Now that trafficking is explicitly defined as a criminal act perpetrated by deviant individuals, legal solutions concentrate on criminal prosecution and individual victim protection rather than rights violations or structural conditions.

This shift from rights to crime did not go unnoticed by watchful human rights practitioners who observed and/or lobbied for human rights language to be included at final negotiations of the Trafficking Protocol in Vienna. Many expressed deep disappointment that a new legal instrument on trafficking was being drafted by the UN Crime Commission rather than one of human rights. Anne Gallagher (2010), legal scholar and former Advisor to the UN High Commissioner for Human Rights from 1998 to 2002 explains, "When it became clear that the UN Crime Commission was going to develop a treaty on trafficking, we human rights lawyers and practitioners were righteously outraged. Surely, this was the task of human rights?" (also see Chuang 2008, Doezema 2010, Gallagher 2001, Jordan 2002). This transformation is significant, not only legislatively but for how trafficking is understood more broadly. Conceptualizing trafficking as a crime in which there is a clear perpetrator (the trafficker), and victim (the person trafficked) not only alters narratives about how trafficking works, but also about who is to blame and what the solutions are. Since the Protocol was adopted, debates between "criminal" and "rights-based" approaches to trafficking have only intensified (see McCarthy 2014).

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[12] Other than the 1949 and 2000 treaties, UN instruments which refer to trafficking include the Convention on the Elimination of Discrimination Against Women (CEDAW), the UN Convention on the Rights of the Child (UNCRC), and agreements against forced labor developed by the International Labor Organization. These agreements, including the 1949 Convention discussed in Chapter 1 of the dissertation, are primarily monitored by UN human rights bodies rather than those dedicated to crime (for a full history see Gallagher 2010).

Joining criminologists who decry the "carceral turn" (i.e., Garland 2001, Simon 2007, Wacquant 2009), critics of counter-trafficking policy argue it is trafficking policy's dependence on the criminal justice apparatus, law enforcement collaborations and orientations toward prosecution, punishment and social control that result in a multitude of negative effects for victims, migrants and marginalized communities. For example, counter-trafficking laws are shown to have punitive consequences for migrant populations (Chacón 2010, Esposito et al. 2016, Parreñas 2011, Shih 2016), contribute to traumatic interactions with law enforcement (Farrell and Pfeffer 2014, Musto 2016, Plambech 2014), force victim identities on individuals who don't see themselves as such (Doezema 2010, Hoang 2016, Kempadoo, Sanghera and Pattanaik 2012) and result in aggressive racial profiling, especially at border crossings. One study, for example, found that in Australia, immigration officials scrutinize the clothing of women in particular ethnic groups (Asian) who they consider high risk for working in the sex industry, looking for "sexy" outfits in their luggage and interrogating them about it (see McCarthy 2014).

Rather than set out to "rescue" trafficking victims, the alternative to criminalization, these critics argue, is categorizing trafficking as a rights violation, rather than a crime. That is, that trafficked persons should have rights protecting them from structural inequalities, physical harm, abuse and exploitation without being cast as a pathetic victim in need of saving or facing potential criminal sanctions against themselves or their perpetrator (Doezema 2010, Hoang 2016, Kempadoo, Sanghera and Pattanaik 2012). Similar critiques of mass criminalization and claims about the superiority of rights have similarly been made regarding sexual violence (Bumiller 2008) and heavy-handed welfare reform, criminalizing those living in poverty (Gustafson 2011, Wacquant 2009). However, few studies actually scrutinize this claim with empirical data,

particularly among trafficked persons who live in contexts where human rights implementation faces severe structural, political or cultural challenges.

While I do not deny that criminalization has severe consequences for marginalized and otherwise vulnerable populations, I find the respondents in my study had different struggles and experiences to those described in the existing critical literature. Though trafficking policy's criminal frame did not match up with trafficking policy or mainstream assumptions about vulnerability factors, this was primarily due to structural factors impacting their vulnerability, not the consequences of criminality. I also contend that a "rights" framework may not prove as attractive or successful in a context like Cambodia, where there is weak rule of law and "rights" exist more in ideological form than in practical ones. In such contexts, what does defining trafficking in terms of "rights" do that a criminal frame does not? What would conceptualizing trafficking in terms of "rights" remedy? While rights certainly have the potential to benefit vulnerable populations (Tsutsui, Whitlinger and Lim 2012, Williams 1987), the international human rights regime is also known to have severe constraints (Merry 2006a), especially for disadvantaged, migrant, "rightless" populations (Arendt 1951) and those living in authoritarian regimes (Massoud 2013); all situations that characterize the many populations vulnerable to trafficking.

DATA & METHODS

Case Background: Cambodia

Cambodia is a valuable site for examining the impact of human trafficking policy and counter-trafficking activities. Since 2000, media reports about "children for sale" in Cambodia have dominated international media coverage as among the "worst" places for sex trafficking and child exploitation (Keo et al. 2014, Soderlund 2005), and has one of the highest number of

counter-trafficking organizations per capita in the world (Limoncelli 2016). According to the

U.S. State Department (2020), traffickers exploit Cambodian men, women and children for both

forced labor and sex trafficking. It is a source country from where people are trafficked, a

destination country for people trafficked from nearby countries, and a transit country through

which people from other countries are trafficked to other parts of Asia. In addition to being

trafficked within the country's borders, Cambodian victims escaping from traffickers have been

identified in countries as far and diverse as Korea, China, South Africa, Fiji, and Saudi Arabia.

Males are often trafficked for fishing, agriculture, construction, brick making, and factory work,

and females for sex, domestic servitude, surrogacy, and marriage. The country is a signatory to

all major international trafficking treaties, including the 1949 Convention (signed 2004),

CEDAW (signed 1992) and the 2000 Protocol (signed 2001). The government adopted its first

counter-trafficking law in 1998 and later adopted it to the Trafficking Protocol in 2008.

As confirmed by my findings below, the social, political and economic context in which

Cambodians live have an impact on their vulnerabilities to trafficking, exploitation and other

types of victimization. Located in Southeast Asia, Cambodia is still in the midst of recovering

from decades of violent conflict, genocide and occupation that stretched from the early 1970s to

the late 1990s. Governed by a semi-authoritarian government,[13] state-level infrastructures in

Cambodia are weak, with most domestic social services and development provided by a strong

presence and population of NGOs and INGOs, and approximately half of the entire national

budget coming from international aid. The country has recently achieved relatively high rates of

economic growth and overall poverty reduction, however it continues to rank very low among

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[13] Though Cambodia formally operates as a constitutional monarchy, the government is ranked by rights
organizations and indexes as generally authoritarian. See, for example, the Human Rights Watch World Report
assessment of Cambodia in 2020: https://www.hrw.org/world-report/2020/country-chapters/cambodia#

the UN's human development indicators, particularly in the areas of gender equality, public health and education. The country is consistently ranked by Transparency International[14] as having one of the world's most corrupt governments and is ranked second to last in the world for rule of law by the World Justice Project.[15] Along these lines, the U.S. State Department (2020) has long critiqued the Cambodian government for severely limiting progress in holding traffickers accountable, alleging that prosecutors and judges often accept bribes in return for dismissal of charges without investigation by the national government.

It was during the country's post-conflict and transitional context during the 1990s that Cambodia developed a reputation for sexual violence, child trafficking, and unregulated sex tourism. Donors and counter-trafficking programs in Cambodia and the surrounding region assume that the key factors driving trafficking are primarily poverty and lack of education or vocational training. For this reason, most programs focus their efforts on poverty alleviation, education and local awareness raising. Cambodia was one of the earliest recipients of massive international aid to curb trafficking following the Trafficking Protocol, receiving billions of dollars in government and nongovernment money from public and private agencies across North America, Europe and Australia (see Derks, Henke and Vanna 2006, USAID 2007). With the availability of funding came a tremendous influx of shelters and programs for Cambodian trafficking victims, particularly young girls trafficked for sex. Though the government operates a temporary shelter for female victims, the vast majority of assistance programs in the country were established by foreign NGOs, development agencies and religious organizations with a

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[14] Transparency International's Corruption Perceptions Index is widely recognized as a leading global indicator of public sector corruption. In 2019, Cambodia was ranked the 162nd most corrupt out of 180 countries analyzed.
[15] Cambodia has remained second to last for rule of law out of 129 countries for over a decade, second only to Venezuela. The World Justice Project's *WJP Rule of Law Index* measures how the rule of law is experienced and perceived in practical, everyday situations by the general public in each country. See http://worldjusticeproject.org.

primary focus on rescuing child sex trafficking victims and providing recovery services (see

Bearup 2016, Keo et al. 2014). It is not uncommon for victims to spend many years in shelters,

especially young children, who service providers fear will be re-trafficked or abused if they

return home to complicit family members (DoCarmo 2012).[16] Because most of these shelter

programs were developed early on, with money from the earliest rounds of big counter-

trafficking money, they frequently serve as models for other NGOs and governments hoping to

set up similar responses in other countries and are promoted by international funders such as

USAID, the European Union, and AusAid.

Data

I draw from a dataset of in-depth interviews with previously trafficked persons conducted

by a national counter-trafficking coalition in Cambodia. Part of a larger study intended to

understand the long-term experiences of trafficked persons, data was collected by a team of

Cambodian researchers who did individual face-to-face interviews with 128 trafficking survivors

two to three times every year from 2010 to 2018. All participants in the study were sexually

exploited as part of their initial trafficking experience; some also experienced labor exploitation.

Only including sex trafficking victims was not intentional, but reflects the priorities of counter-

trafficking programming in Cambodia at the time the study began.[17]

Most participants of the study were in a shelter or participating in a community assistance

program (e.g., job training) during their first interview in 2010. Once they left or completed their

program, interviews took place close to where they were living (always at a location chosen or

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[16] For discussion and critical analysis about the length of time some trafficked persons stay in shelters also see
Gallagher and Pearson 2009, Lee 2014, Surtees 2008.
[17] Since the start of the study more services have become available for labor trafficking survivors in Cambodia,
particularly men trafficked into the fishing industry and women trafficked or exploited as a domestic worker
overseas. For an analysis of outcomes among this population across the region see Surtees 2017.

approved by the respondent where they could not be easily overheard by others). All interviews were conducted by Cambodian nationals in the respondents' native language; three foreign researchers were part of the larger team designing the study but did not conduct or attend interviews. Interview questionnaires inquired about multiple domains of each participant's life, including finances, family, peer and romantic relationships, physical health, emotional wellbeing, experiences with the justice system, education, and employment. Most interviews, with the exception of phone and informal conversations described in interviewers' fieldnotes, were audio recorded and then transcribed and translated into English by a local translation company before being cross-checked by the person who did the interview.

Characteristics of Study Sample

Data for this chapter draws from a subsample of the larger longitudinal study. I exclude male participants (n=22) as well as women who were still living in a shelter near the end of the study (n=36). I don't include male participants because there were few males in the study and early analysis of their cases made it clear that gender heavily impacted post-trafficking experiences, requiring separate analysis. Participants still living in shelters in 2017 were excluded because I primarily wanted to assess what respondents' lives were like once they returned back to life at home, not while living in a shelter. Another six participants were dropped due to lack of sufficient data (either the team lost track of them quickly after they left their assistance program, or their interviews didn't contain enough information about my variables of interest). This left a total of 64 female participants, or "cases" in my sub-sample, for which I analyzed 802 interviews, 312 fieldnotes, and 92 phone logs (taken when respondents contacted the research team by phone) collected between 2010-2018.

Prior to participation in the study, all respondents in the sample were formally identified by authorities as a victim of trafficking for sexual exploitation; an important distinction from other critical empirical studies (e.g., Hoang 2016, Molland 2012, Parreñas 2011) that base their analysis on interviews with people who worked in a place where trafficking was *believed to occur* (e.g., hostess bar) but whose experiences did not easily fall into the legal category of trafficking or had never been formally identified as a trafficking victim. The respondents in my sample were all Cambodian nationals and were primarily trafficked within borders, with a small number who migrated or were trafficked to a neighboring country (e.g., Thailand, Vietnam). Their ages at first interview ranged between 7 and 25 years old, with an average age of 17. Most were minors at their first interview and were therefore minors during their initial trafficking experience (n=34; 53%). Though trafficking impacts people of all ages, the participants' young age is not surprising for the context of Cambodia or for a sample that is primarily made up of assisted victims. As discussed above, much media attention has been given to child victims in the country, which makes them a target population of many assistance programs. Moreover, the Trafficking Protocol (as well as Cambodian law) automatically grants sex trafficking victim status to anyone who is prostituted or sexually exploited under the age of 18, so it is usually minors who are most easily identified and receive services (see Brennan 2005).

Table 3-1. Descriptive Characteristics of Study Participants

Characteristics	Frequency	Percent
Gender		
Female	64	100 %
Age at First Interview		
7-12	3	5 %
13-17	31	48 %
18-25	30	47 %
Type of Assistance Program		
Shelter > 4 mos.	48	75 %
Community	6	9 %
Declined	10	16 %
# Years Interviewed in Community		
7	10	16 %
6	17	27 %
5	5	8 %
4	7	11 %
3	16	25 %
2	8	12 %
1	1	1 %

Most of those in the sample received some form of post-trafficking assistance (n=54; 84%) from one or more of 11 assistance programs represented, receiving a range of social and/or economic services (e.g., shelter, legal assistance, education, counseling, skills training). Most participated in a shelter program for at least four months (n=48; 75%). Others only participated in a community program (e.g., job training, n=6) or declined services all together (n=10). Those who declined were formally recognized as trafficking victims due to their circumstances, but either did not see themselves as victims or opted out of receiving any services (an option only available to persons over age 18). Of those who did spend time in a shelter, most returned to the community within two years of starting the study (n=45, or 83% of shelter respondents).

Trafficked persons represent a vulnerable, hard-to-reach population consistently sought out and often re-exploited by political agendas, sensational media stories and public-facing

campaigns (Brennan 2005, DoCarmo 2019a). The research team was cognizant that it can be difficult for survivors of trafficking to trust others; most do not even speak about their trafficking experiences with friends or family. Considerable thought was put into privacy concerns and the positionality of those who did interviews (who, though Cambodian, have different socioeconomic backgrounds to most respondents) as well as my position as a Westerner attempting to understand the nuanced experiences of a disadvantaged group with cultural backgrounds and experiences different to my own.

While participating in research may be empowering for some, it can also be traumatic and/or invasive. The data collection strategy was guided by strong ethical principles and an ongoing ethical strategy. The research team recruited and enrolled study participants very cautiously, with permission from Cambodia's national research ethics committee overseen by the Ministry of Health[18] and in close cooperation with social service and referral agencies. Participants' confidentiality, privacy, safety, and age-appropriate consent policies were reviewed by respondents, the core research team and an external advisory committee on a regular basis. Participation in the study was completely voluntary and respondents could refuse to answer any question or leave the study at any time, returning later if they wished to do so. Though the team did not pay respondents for their participation directly, they covered all costs related to participation (e.g., transportation, meals during interviews) and referrals were provided to respondents who needed economic, social or health-related assistance. To ensure respondents did not feel obligated to speak positively about their assistance programs or worry that what they said would be shared with their social workers or counselors, assistance programs were not

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[18] In addition to following ethical principles set forth by the research team and ethics committee in Cambodia, I received permission to pursue this study with UC Irvine's Institutional Review Board.

allowed access to interview data. As an external researcher I was not provided with the full

names, addresses or contact information of any respondents.

Analysis

Qualitative Comparative Analysis. QCA is a set-theoretic approach to analysis developed

by Ragin (2008, 2014) that focuses on the presence and/or non-presence of certain conditions

leading to a specific outcome, bridging quantitative measurement with case-oriented, qualitative

data. On its own, thematic qualitative analysis is useful for understanding individual, contextual

case information. However, such approaches do not attempt to systematically measure patterns

across a qualitative data sample. Quantitative analysis, on the other hand, focuses almost

exclusively on how variables "compete" for importance and typically overlook case complexity,

the possibility that variables may work together rather than on their own, and/or the possibility of

multiple pathways to one outcome. While an in-depth explanation of the method is beyond the

purview of the current study, I will briefly explain the central features of QCA as is pertinent to

my particular inquiry (for a thorough explanation of QCA, see Fiss 2011, Ragin 2008, 2014)

Informed by in-depth, qualitative familiarity with each case, QCA compares how

variables across cases interact and combine, and then identifies the different pathways leading to

the same outcome of interest (Ragin 2008). Each participant in my sample represents a single

"case" for comparative analysis, for a total of 64 cases. I employ "fuzzy-set" qualitative

comparative analysis (fsQCA), scoring each respondent's degree of membership in five

categories of conditions (economic, social support, education, social support, and violence), one

outcome (re-exploitation), and several demographic variables (marital status, parental status).[19]

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[19] We also scored for factors not included in the analysis here. These include scores for physical health, emotional health, engagement in risky behaviors such as substance abuse, migration status, and negative encounters with law enforcement. These will likely be used for future research inquiries.

In practical terms, this means I assigned individual cases with a membership score in each of these set categories, with scores ranging between 0 (fully out) and 1 (fully in), and with few cases scoring 0.5 (the cross-over point, signifying no membership at all). Rather than measuring the "net effect" of these conditions in the lives of participants, fsQCA allows my findings to maintain the diversity of each person's situation by examining how these factors *combine* in comparison to other cases with the same outcome rather than migrating toward a mean or competing for significance. Moreover, because QCA does not assume symmetry in causation, I not only traced what pathway of conditions contribute to re-exploitation, but also the pathway of conditions that contribute to the *absence* of re-exploitation.

In close collaboration with two Cambodian researchers who collected interviews for the larger project, I scored and calibrated each set of conditions and outcome variables based on practical and theoretical knowledge about trafficking as well as the context of daily life in Cambodia. We developed a scheme for calibrating each case's data into consistent, commensurate scores for comparison, and recorded these in a detailed codebook. To ensure consistent coding, we randomly selected ten cases from the sample that we first coded individually, and then came together to compare scores, adding specificity to our calibration and coding schemes where needed. We then divided the remaining cases between us, scoring individual participants with scores in each category for every year they were living back in the community (to trace whether these scores changed over time). We then cross-checked our scores and collectively reviewed cases where there was ambiguity or disagreement. Every case was coded, reviewed and cross-checked by all three of us. Though we scored each case according to the respondent's life situation by year, we did not include yearly scores in the present analysis.

The findings presented here represent each respondent's score at the last time interviewed (regardless of how long they had been living back in the community).

Variables. In addition to scoring each respondent for demographic information such as marital and parental status, we created explanatory variables ("conditions") for factors widely understood to contribute to trafficking, either internationally, or within the context of Cambodia. These include poverty, debt, whether the respondent regularly sends remittances, family support, community/peer support, NGO support, level of education, recent experiences with physical violence, and recent experiences with emotional violence. We coded two outcome variables – sexual exploitation and labor exploitation. For details about scoring see Table 3-2. After running initial analyses and cross-checking results, I chose to combine two variable categories into macro-conditions – those tied to social supports, and exploitation - because it became clear these categories operated in conjunction with one another (see Ragin 2008). I hypothesized that the presence of each explanatory condition would each contribute to exploitation, either individually or in conjunction with others.

My outcome of interest, *re-exploitation,* is defined as the degree to which participants seem to be experiencing sex or labor exploitation. I chose to avoid using the term *re-trafficking* because in no situation was a participant in the study formally recognized as *a re-trafficked victim* under the law. I define re-exploitation as work situations in which the participant had limited control or self-determination, was being harmed or severely taken advantage of by those in more powerful positions, and/or when respondents expressed distress about their ability to leave their work situations.[20]

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[20] I am well aware that debates surrounding definitions of *trafficking, exploitation,* and *consent* are conceptually, politically and historically complex. I use legal definitions to the greatest extent possible, and therefore do not equate sex work with sexual exploitation. The intention of this study was to better understand respondents' experiences and views, so I primarily relied on respondents' own assessments of whether they felt exploited.

Table 3-2. Description of Condition and Outcome Variables

	Variable	Notation*	Fuzzy Set Scoring
Demographics	*Single*	SINGLE	0.0 = Married, 0.2 = Lives w/partner, 0.75 = Casual partner, 0.9 = Divorced/Widowed, 1.0 = Single
	Child(ren)	CHILD	0.0 = No children, 0.25 = Has child, but does not support or live with them; 0.75 = Has child, supports or lives with part-time; 1.0 = Has child living at home
Economic	*Poverty*	POV	0.0 = Steady income, shelter, food, able to support self, occasional leisure items. 0.33 = Some regular income, has shelter, food, basics but is restricted/tight, no money for leisure items; 0.66 = Irregular income, minimal access to food/shelter, pawns items to cover basic expenses; 1.0 = Significant poverty, little or no access to food/shelter, on street or moves to live with others
	Debt	DEBT	0.0 = No debts; 0.33 = Little debt, does not impact basic expenses; 0.5 (not in or out) = No debt because does not qualify to borrow; 0.66 = Some debt, own or obligated to pay for others, sometimes affects ability to pay basic expenses; 1.0 = Significant debts, own or others, significantly affects ability to pay basic expenses.
	Remittances	REMIT	0.0 = Rarely sends; 0.25 = Occasionally, out of obligation but family does not demand it; 0.75 = Sends often out of obligation, sometimes affects ability to pay own basic expenses; 1.0 = Sends regularly out of obligation, family perhaps demands it, significantly affects own expenses.
Lack of Social Supports	*Family*	ISOLATE*	0.0 = Maintains positive, reciprocal relations w/partners, family, few negative relationships reported; 0.25 = Mostly positive, sometimes feels pressure from family but if does not comply, they back off; 0.75 = Negative pressures from partner, family or in-laws much of the time, most relationships are non-reciprocal, has few positive family relationships to count on regularly; 1.0 = Immense negative pressure from partner, family or in-laws, leading to isolation, loneliness, high stress, has very few or no positive family relationships, most are troubled, non-reciprocal
	Community		0.0 = Maintains positive relationships in community, has friends, experiences little to no harassment; 0.25 = Mostly positive relationships, some harassment from community; 0.75 = Little to no connection with neighborhood or community, no friends; 1.0 = Mostly negative relationships in community, experiences harassment, few friends.
	Prog/NGO		0.0 = Maintains positive, balanced relationship with NGOs/programs, takes advantage, feels supported; 0.25 = Services are available and respondent is aware or interested but hasn't taken advantage; 0.75 = Services only sporadically available or NGO encourages unbalanced relationship, participant feels unsupported or uncertain where to get help; 1.0 = No connection to NGO or social services, previous program stopped communication referrals, has reached out for help but was denied or had a negative experience
			<u>Macro-condition</u>: Variable created by averaging scores from family, community and NGO variables

Education	*Education*	EDU	0.0 = Grade 12+, high-level/professional skills training, or has job requiring high level skill; 0.25 = Grade 9+, or high-level/professional skills training but trouble accessing skilled job market; 0.75 = Below Grade 9, some formal skills training but no longer enrolled, quit before completion, or training has not proven to help get a skilled job; 1.0 = No formal education past Grade 5, no vocational/skills training, no skilled job prospects
Violence	*Physical*	VIOLP	0.0 = No experiences of physical violence in past 6 months; 0.6 = Experienced 1-2 occurrences of physical violence with limited injury in past 6 months; 0.8 = Experienced physical violence 3+ times, or physical violence leading to major injury (e.g., hospitalization, broken bones, concussion) in past 6 months; 1.0 = Experienced regular physical violence (weekly, monthly) or 1+ occasions leading to major injury
	Emotional	VIOLE	0.0 = No experiences of emotional violence (i.e., verbal abuse, gaslighting, neglect) in past 6 months; 0.6 = Experienced 1-2 occurrences of emotional violence in past 6 months; 0.8 = Experienced occurrences of emotional violence 3+ times in past 6 months; 1.0 = Experienced regular (weekly, monthly) emotional violence in past 6 months
Outcome - Exploitation	*Sex*	EXP*	0.0 = Does not engage in sex work; 0.4 = Engages in sex work with no indication of exploitation; 0.75 = Engages in sex work, maintains some control over money/gifts but relies on income, intimacy and cannot easily walk away unless finds another client (e.g., professional girlfriend); 1.0 = Engages in sex work that is seemingly very exploitative, either feels cannot leave, gives money to third party and relies on them for basic needs, or engages in street prostitution for survival
	Labor		0.0 = Does not seem to have exploitative job 0.75 = For minors only, engaged in severe form of child labor as defined by UN (e.g., interferes with health, education, development); 1.0 = Engaged in job they cannot leave due to debt, force or coercion by employer or third party
			<u>Macro-condition</u>: Variable created by taking highest score of the sex or labor variable.

Note: CAPITAL letters signify the presence of a condition (>0.5) in a pathway whereas lower case letters signify its absence (<0.5). The variables for ISOLATE and EXP are macro-conditions, scored as a combination of the variables in that category.

Given theoretical understandings about why individuals are susceptible to trafficking or exploitation, we hypothesized that high poverty, poor emotional health, low education, and poor social support would be associated with re-exploitation. Limitations of this study include its sample being limited to Cambodia, to survivors of sexual exploitation rather than all types of trafficking and containing mostly those who received assistance. All of our data is limited to what our participants tell us, according to their own perspectives.

After coding variables, I applied fsQCA to determine whether one of the explanatory conditions, or some combination thereof, account for re-exploitation. Based on the logics of Boolean algebra, or set theory, I used the fsQCA software package (Ragin and Davey 2016) to test whether conditions or combinations are necessary or sufficient for the presence (or later, absence) of the outcome. This software transforms the scores into a truth table and via logical deduction the table is minimized by eliminating factors that are irrelevant to the outcome. I first tested conditions for the presence of re-exploitation (factors that contribute to exploitation) and then for the absence of re-exploitation (factors that contribute to *no* exploitation). For each analysis I only accepted causal pathways with a minimum consistency score of 0.8 or higher, and a coverage score of at least 0.6. *Consistency* indicates how often the pathway solution is a subset of (falls into) the outcome. *Coverage* indicates how much of the outcome is explained by the pathway solution. Following fsQCA analysis, I went back to my interview data to look at the specifics of case narratives and how these aligned with the QCA results.

FINDINGS

First, I show what explanatory conditions were found to contribute to re-exploitation and then under what conditions re-exploitation does *not* occur. In addition to the results of QCA analysis, I present a series of narratives for each analysis to illustrate how significant pathways

played out in the individual lives of respondents. To assess critical arguments about the

inferiority of trafficking's criminal framing and superiority of a rights-based solution, I re-visit

the case narratives of respondents scoring over 0.5 for re-exploitation to examine the

circumstances of their exploitation (e.g., Was there a clear perpetrator? How did they end up in

exploitation? Who's to blame?) as well as their responses to questions about justice, rights, and

how they understand their relation or relevance to their trafficking and/or exploitation

experiences.

Of the 64 cases in my sample, 12 (19%) received outcome scores over 0.5 for sexual

exploitation, and 5 (8%) received outcome scores over 0.5 for labor exploitation. When

combined into one outcome variable (the macro-condition for re-exploitation), 15 (23%)

received a score of over 0.5. See a summary for each variable in Table 3-3.

Table 3-3. Summary of Condition and Outcome Scores for Last Year Interviewed

Condition/Outcome Variable		Frequency of Cases	
		Condition Absent (<0.5)	Condition Present (>0.5)
Demographics	*Single*	26	38 (59 %)
	Child(ren)	32	32 (50 %)
Economic	*Poverty*	22	42 (66 %)
	*Debt**	34	24 (38 %)
	Remittances	19	45 (70%)
Lack of Social Supports	*Family*	34	30 (47 %)
	Community	37	27 (42%)
	Prog/NGO	26	38 (59 %)
	Macro-Condition	32	32 (50 %)
Education	*Education*	13	51 (80 %)
Violence	*Physical*	52	12 (19 %)
	Emotional	25	39 (61 %)
Exploitation	*Sex*	52	12 (19 %)
	Labor	59	5 (8 %)
	Macro- Condition	49	15 (23 %)

**Note*: Six cases were given a "non-score" of 0.5 for debt (neither absent nor present), see Table 3-2 for details.

Pathways to Re-Exploitation

Of those who scored over 0.5 for re-exploitation, all (n = 15, 100%) scored over 0.5 for

high poverty (POV), making it a *necessary* condition for re-exploitation. However, it is not a

sufficient variable so it does not explain re-exploitation on its own. It must be combined with the

other variables and pathways to lead to re-exploitation. In other words, re-exploitation (EXP) is a

subset of POV, but POV is not a subset of EXP. This is because there are many respondents in

the sample who may have received high scores for POV but did *not* experience re-exploitation.

Most (n=9, 60%) spent over 6 months in a shelter program, 3 (20%) participated in a

community program and 3 (20%) were those who opted out of programing and declined

assistance. Though this is by no means the majority of the sample, it is nonetheless a

considerably high number considering all have already been identified as trafficking victims, and

most received considerable post-trafficking services (80%; i.e., counseling, skills training,

human rights training, legal assistance) intended to help them recover and move "past" their

trauma after returning home. One could argue that for these 20%, counter-trafficking policy and

its resulting victim protections ultimately failed to do what it was intended. Table 3-3

summarizes how respondents scored for each variable.

The remaining results of the first analysis – that is, conditions contributing to the

presence of exploitation - are reported in Table 3-4. The solutions displayed are intermediate,

meaning they only use the remainder of conditions that survive fsQCA's counterfactual analysis,

and are based on my theoretical knowledge about how each condition will be associated with the

outcome (e.g., high poverty scores will be present with re-exploitation, rather than the opposite), which is entered into the algorithm.[21]

Conditions must be combined with one or more of the other causal pathways. For example, the first pathway denotes having high poverty in combination with no child (child), low education (EDU), low social support (ISOLATE), and recent experiences with extensive physical and emotional violence (VIOLP, VIOLE), or the second pathway which denotes having high poverty (POV) in combination with sending regular remittances (REMIT), low education (EDU), low social support (ISOLATE), and violence (VIOLP, VIOLE), or the third pathway for respondents with high poverty (POV) in combination with high debt (DEBT), sending regular remittances (REMIT), no children (child), low education (EDU), and violence (VIOLP, VIOLE). Because QCA results do not connote symmetry, the opposite of these pathways does not necessarily designate non-exploitation, which I describe further below. The solution consistency score means that these pathways are solutions for re-exploitation 83% of the time (0.832), and the coverage score means that 64% of the cases scoring over 0.5 for re-exploitation (0.643).

Table 3-4. Reduced (Intermediate) Pathways to Re-Exploitation

Solution Pathway		Coverage	Consistency
POV* (necessary condition)	child*EDU*ISOLATE*VIOLP*VIOLE	0.336	0.832
	OR		
	REMIT*EDU*ISOLATE* VIOLP*VIOLE	0.209	0.907
	OR		
	DEBT*REMIT*child*EDU* VIOLP*VIOLE	0.204	1.000
Solution Coverage: 0.643			
Solution Consistency: 0.832			

Note: The notation * signifies the operator *AND*. See Table 3-2 for full descriptions of each notation and variable. In short, POV = extreme poverty; child = no children; EDU = low education; ISOLATE = little to no social support; VIOLP = recent physical violence; VIOLE = recent emotional violence; REMIT = regularly sends remittances; DEBT = has personal or family debt. Consistency is a measure of how often the pathway solution is a subset of the outcome. Coverage measures how much of the outcome is explained by the pathway solution.

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[21] FsQCA presents three solutions to each analysis: complex, parsimonious, and intermediate. Intermediate solutions are generally superior because they yield simple solutions that are based on theoretical and substantive knowledge. See Ragin 2008.

This solution is fairly consistent with what participants in the study described about their circumstances. Those with low education, limited economic resources and limited social support tend to have trouble coping with everyday life. In these situations, respondents express feeling hopeless and alone, nowhere to go and no one to trust. Many are homeless or move from place to place, incurring debts they will have to pay later. This usually leads to situations where they return to sex work, bar hostessing, or other work situations in which they report feeling trapped and without any other options. The first solution pathway (child*EDU*ISOLATE*VIOLP*VIOLE) is exemplified in the following case narrative:

> Case Example 1: At age 14, Socheat[22] began working at a karaoke bar (KTV) after her mother migrated to Thailand, leaving her behind. Initially, she worked as a hostess, but saw that other girls were making more money selling sex, so she began to do the same. At the bar, she earned money by getting her customers to buy alcohol and if she sold sex, she had to give the bar owners half of her earnings as a fee, even though they had sex off premises. If she was caught having sex with customers without giving a fee, she said the owners would call the police and report her for stealing. Eventually, the national trafficking police removed her from the sex establishment where she worked. At first she was upset because she wanted to continue earning money, but she liked living in the shelter because she was afraid of renting a room by herself. She participated in an assistance program on and off for several years. On several occasions, she left because she said she was having trouble getting along with staff. Socheat has little formal education. She says that in the community she feels people discriminate her and treat her poorly. After completing her time in a training program, she and some friends tried to

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[22] For the protection of participants all names are pseudonyms.

open their own beauty shop using a micro-loan. But the business did not do well so they closed it and Socheat moved in with a boyfriend. Now she has to pay back the micro-loan but doesn't know how. She and her boyfriend have a troubled and violent relationship, and his parents do not approve of her. He refuses to marry her because she was a prostitute and they constantly fight about money. He sometimes gets drunk and beats her up. She confesses she does not really love him but she cannot leave because she has nowhere to go, no family and no friends. She says her business has failed and she has nothing else to do, so she has to work at night in a KTV, selling sex and alcohol to pay her debts. She goes back and forth between living with her boyfriend and doing sex work so she can earn money to support herself. She doesn't like sex work and wants to leave, but feels she has no other choice.

Another example provides an illustration of the other two pathways, incorporating the burden of sending remittances to family members.

Case Example 2: Chantrea is in her early twenties and came to an assistance program after being sold by a family member to help pay her family's debts from gambling, and to help pay for her younger sister's medical treatment. She has little education; she thinks she might have completed third grade. She showed little interest in pursuing training or education when offered by her assistance program. As a teenager she and a few friends ran away from their shelter program together. The research team was able to find and meet with Chantrea several months later; she was living and working at a KTV, along with a few other girls she ran away with. Over the next several visits spanning over a year, Chantrea worked at many different KTVs, often moving to new ones after experiencing violence from her bosses or customers. Sometimes she paid off her debts to them before leaving, other times she just ran away and went

to another city. She says she does not like to sell sex to customers, and often gets mistreated, but she feels she must do it so she can earn money to send to her mother. She has nowhere else to go or live. When asked who in her life she feels she can trust, she says she trusts no one. She hopes to one day marry a foreigner who can financially support her and her family.[23]

Pathways to the Absence of Re-Exploitation

As stated above, fsQCA also makes it possible to explain *negative* cases. The results of the second analysis – conditions contributing to the absence of exploitation - are reported in Table 3-5. Again, the pathways in this table contains the totality of causal pathways in one result. In comparison to the first set of findings, the pathways for this model are analytically distinct in three ways – there are several more pathways available, the pathways are more parsimonious (with less conditions required in each pathway) and there are no conditions found to be necessary or sufficient on their own. The solution also results in higher consistency and coverage scores, meaning the solution explains more diversity within the sample than the first.

None of these pathways explain the absence of re-exploitation on their own. Rather, they represent one possible pathway in combination with the others. That is, respondents who did not end up in re-exploitation (with scores in this category less than 0.5) include those who have no debt (debt), *or* those who have a child and high social support (CHILD*isolate), *or* those who have a child but do not send regular remittances (remit*CHILD), *or* those who are married with a child (single*CHILD) or being single with social support and having enough regular income to not live in extreme poverty (SINGLE*pov*isolate).

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[23] Similar narratives have been documented in Molland's (2013) ethnography among young sex workers in Laos.

Table 3-5. Reduced (Intermediate) Pathways to *Absence* of Re-Exploitation

Solution Pathway	Coverage	Consistency
debt	0.636	0.902
OR		
CHILD*isolate	0.286	0.942
OR		
remit*CHILD	0.349	0.961
OR		
single*CHILD	0.224	0.907
OR		
SINGLE*pov*isolate	0.255	1.000

Solution Coverage: 0.848
Solution Consistency: 0.911

Note: The notation * signifies the operator *AND*. See Table 3-2 for full descriptions of each notation and variable. In short, debt = absence of debt; CHILD = has children; isolate = has social support; remit = does not regularly send remittances; single = *not* single/married; SINGLE = single/not married; pov = low poverty, has steady income, access to food, shelter. Consistency is a measure of how often the pathway solution is a subset of the outcome. Coverage measures how much of the outcome is explained by the pathway solution.

Again, these solutions here are fairly consistent with what participants in the study described about their circumstances. Those with limited debts and remittances, and strong social supports from friends, family members or other community supports, are overwhelmingly represented in the set of cases with no exploitation. Not having debt comes out particularly strong, covering more than half of cases (coverage = 0.636) that do not experience re-exploitation and the vast majority of cases without debt (consistency = 0.902). Moreover, having regular income (the absence of poverty), though it appears in one pathway (SINGLE*pov*isolate) does not contribute on its own to being exploited or not exploited, which is consistent with the first solution that poverty may be necessary, but it is not sufficient. Seemingly missing from the results is the importance of education, which is a major focus of Cambodia assistance programs who insist that skills training and education makes a substantial difference for preventing further exploitation. Whereas the lack of education (EDU) in combination with other variables was part of pathways to re-exploitation in the previous model,

its presence does not ensure safety from re-exploitation in any of the available pathways. A possible explanation of this may be that education matters, but not the type of training or education that respondents have access to or that assistance programs currently provide (see Shih 2017). The most surprising finding is perhaps the strong association between non-exploitation, marriage and having a child, which I discuss further below.

Crime & Rights

In very few cases is distinct organized criminal activity described by survivors who experience re-exploitation. At worst, a respondent's parents may pressure them to re-engage in sex work or exploitative labor to provide economic support to their families, but even those facing the most pressing of circumstances (score of 1.0) are not explicitly tricked, forced or coerced by a clear perpetrator. Rather, those who end up in exploitative circumstances tend to do so because they feel they have no other options due to lack of social support and/or economic opportunity rather than being targeted by clear perpetrators. Though crime does not necessarily define what re-exploited respondents experience there is some indication, similar to other studies, that criminalization has had traumatizing effect. For example, during their initial "rescue" (during a raid, for example) or if their parents' complicity in trafficking meant they were put in prison or could no longer see them. These traumas and experiences did not differ among those who did or did not experience re-exploitation but it's possible it had an impact on some respondents' mental or emotional health (not explored in this chapter).

All respondents in the study who received post-trafficking assistance (n=53) received considerable "human rights training" as part of their recovery. Though the specifics differ across assistance programs, such trainings have become central to most post-trafficking services. Almost all respondents in the study, for example, when asked about human rights had a clear

understanding of the rights treaties to which Cambodia is a signatory (likely taught as part of the training), most seemed to internally accept that rights were a "real" thing that gave them value and spoke fondly of the human rights training they received from their assistance programs. However, when asked whether they had ever used human rights, or if rights were helpful for overcoming their challenges, it was clear most understood rights primarily as an ideological tool for self-worth, rather than one with practical implications.

DISCUSSION & CONCLUSION

Trafficking policy is generally celebrated as a victory against global inequality and violence against women, but some studies suggest it has harmful consequences for the very populations it seeks to protect, including mistaking victims for perpetrators, marginalizing women in prostitution, and further criminalizing migrants. Critics tend to argue human rights frameworks would better protect trafficked persons from harm than criminal ones. Few studies actually scrutinize this claim, however, particularly in contexts where human rights implementation faces limited rule of law and/or severe structural or cultural challenges.

It is difficult to understand the broad underlying vulnerabilities and structural conditions that contribute to trafficking and whether these can be addressed by criminal or rights-oriented frameworks without first analyzing what causes individuals to be exploited or trafficked in the first place. Drawing from 802 interviews collected over 8 years with 64 formerly trafficked persons in Cambodia, I use fsQCA (Ragin 2008, 2014) to understand why women who were previously trafficked experience re-exploitation whereas others do not. I find that of the 64 cases in my sample, 23% experienced re-exploitation after they returned home, and fsQCA analysis shows that the pathways to re-exploitation include high poverty as a necessary (but not sufficient) variable, in combination with three pathways that include not having a child, sending

regular remittances to family, having considerable debts, low education, low social support, physical violence, and emotional violence.

When analyzing for conditions contributing to the *absence* of re-exploitation, results indicate pathways include not having debt, not sending remittances, being married with children, having substantial social supports, and being single but with low poverty and strong supports. The most surprising finding is perhaps the strength of demographic variables such as marriage and having a child. I returned to case data to confirm this does not mean that marriage or parental relationships in the lives of respondents are never problematic or that they eliminate economic hardships. In fact, many marriage relationships are troubled and some are outright abusive (reflected in high scores for violence and poor family support among married respondents). Rather, this finding is likely explained by the *social protections* these traditional statuses continue to provide for women in Cambodia, providing them with a more respectable status in the community.

Some of these findings resonate with the claims of policymakers, donors and campaigns that vulnerabilities to trafficking include extreme poverty or limited education, but not necessarily in as concrete a way as imagined. Poverty and low education, for example, do not "explain" trafficking or exploitation. They are certainly present among victims (e.g., poverty is necessary), but they are seemingly widespread problems across much of Cambodian society, and there are many Cambodians who experience these problems but are not exploited (they are not sufficient). Moreover, when observing cases involving re-exploitation after respondents return home, very few include explicit criminal activity in which a clear perpetrator coerces the respondent into exploitation. Findings from the QCA analysis instead suggest causal factors are structural in nature, including having limited economic opportunities, low education, and living

in social isolation from family and friends. All respondents are aware of human rights and understand their significance for personal value.

My objective is not to determine whether a criminal or rights framework for addressing trafficking is superior to the other. It's difficult to predict or assess what the direct or indirect consequences might have been had trafficking been defined by international policy as something different than a crime, a rights issue or something else entirely. Moreover, social issues are rarely understood according to only one frame or logic.[24] For example, Bernstein's (2010, 2012) work on trafficking serves as a helpful example of ways in which the shortcomings, meanings and logics of crime and rights may intersect with one another. Rather than dismissing criminal regulation as inferior to rights, she argues that it is neoliberal human rights discourse that has become the key vehicle for what she calls *carceral feminism*; that is, a rise in understanding women's rights as exclusive to bodily integrity rather than broader social or economic issues, and collapsing enforcement of those rights with criminal justice (also see Bumiller 2008). Perhaps, as Gallagher (2009, 2010) suggests, rights is a superior frame for protecting victims but the issue of trafficking would have never received so much widespread concern, attention or urgency had it not been defined in the Transnational Crime Convention as a form of crime.

In contrast to critics' arguments that framing trafficking as a human rights violation would improve policy outcomes, the majority of respondents in the study received rights education (a common approach to implementing rights), but few find rights claims useful for navigating their daily challenges, such as homelessness, violence, or rape. In a country where instituted elements of surveillance, intimidation and violence persist among rigid hierarchies of gender, class and power, they fear claiming rights and resisting authoritarian officials would only

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[24] Besides being defined or framed as crime or human rights, trafficking is often referred to as an issue intimately tied to gender, labor migration, child labor, international development, and ethical business standards.

intensify their oppression and the violence used against them. It is important for rights enthusiasts, therefore, to further assess how rights frameworks may be incorporated or applied into communities in ways that actually empower individuals rather than only provide them with rights knowledge. The articulation of rights does not, after all, guarantee their performance, including in highly rights conscious societies such as the United States (see Merry 2006b, Merry et al. 2010). Thus, just as scholars seek to demonstrate the failings and harms of criminal frameworks and carceral politics, scholars examining the global implementation of human rights consistently show that rights implementation is rife with complication and contradiction (see e.g., Archambault 2011, Goodale and Merry 2007, Merry 2006b). It is certainly possible that a rights framework may be more powerful than a criminal one in some contexts, but just as there is decoupling and potential harmful effects from criminal frameworks, the same can be said of rights-based ones.

That a rights framework is superior to a criminal one is too simplistic and makes assumptions about the accessibility of rights and power for granted. Rights are not neutral; they are value-driven. Localities are not "blank slates" on to which law neatly falls. Differences in culture, histories, NGO activism, government structure and resources impact how ideas and regulations are adopted (Berman 2009, Merry 1992). In other words, political and social context matters. Global human rights frameworks challenge local power structures and are embedded in cultural assumptions about personhood, the state and institutions such as the family or community, which may well not align with local systems or realities. They can also be risky and dangerous, threatening one's existing support structures. Merry (2009) argues that by prioritizing the individual self and individual choice above all else, human rights frameworks strip individuals of relationships, and the features of race, class, gender, nationality, sexuality and

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others that shape their choices and constraints, end up narrowing the individual down to rational choice and self-interest rather than an individual affected by structural forces of oppression. Rights are also shown to have limited and conflicting effects in war-torn and authoritarian contexts (Massoud 2011, Rowen 2017), and often require vulnerable groups to face additional opposition and risk in situations where claims may not be heard or respected, much less retaliated against.

Therefore, just as the failings of criminal frameworks and carceral politics have been shown to harm marginal and vulnerable populations in top-down, unexpected, or contradictory ways, rights frameworks do not always translate well into local practice and can come with their own risks. Legal anthropologists and other global social scientists consistently document that international rights frameworks are often too broad, flexible and fragmented, they are sometimes contradictory and their usage does not necessarily remove causes, conditions or other categories of meaning which may have created vulnerability in the first place (Goodale and Merry 2007, Massoud 2011, Merry 1992, Merry 2006b, Merry 2009, Rowen 2017). Consistent with these critiques of rights frameworks, trafficking assistance programs' assumption that raising the consciousness of a population about their rights is not enough.

CONCLUSION

International policy provides a valuable site for understanding how new categories of meaning emerge, how they are applied to social practices around the world, and how cultural life is changing in response to globalization and social change (Merry 2006a). This study builds on burgeoning literature about the development and institutionalization of social problems in the global arena. I argue that human trafficking as a contemporary policy domain cannot be explained by functional or realist theories, nor can it be solely explained by the instrumental efforts of contemporary social movements. Instead I argue that macro-cultural changes in the cultural global environment contribute to shifts in how policymakers and civil society understand trafficking's harms and risks to society.

These findings challenge standard arguments in social science that policies like the human trafficking treaty are either a functional response to problems getting worse (Bales 1999, Patterson and Zhuo 2018), or are driven by the interests of powerful states or social movements (Parreñas 2011, Weitzer 2007). Explaining how norms are shaped and codified into global culture is where structural and cultural theories tend to fall short (Anderson 2018, Bloom 2015, Campbell 2002, Kentikelenis and Seabrooke 2017). My findings not only account for the global institutional changes that contributed to a treaty's success or failure, as world society theorists often do (Meyer et al. 1997a), but also identify a *mechanism* by way the issue was made institutionally relevant in institutional workspaces; something often lacking in sociological scholarship pertaining to how and why global norms and policies emerge.

That counter-trafficking policy was defined by the UN as a form of transnational crime is a lament of many critical trafficking scholars. For at least half a century prior to the UN Trafficking Protocol trafficking was considered by rights lawyers to be a violation of human

rights rather than crime. In Chapter 3, I analyze the conditions and experiences of trafficked persons in Cambodia to assess the extent to which the Trafficking Protocol ultimately benefits those it is supposed to protect, evaluating trafficking policy's categorization of trafficking as crime rather than rights. While some of my findings resonate with claims by policymakers and advocates that vulnerabilities to trafficking are often tied to poverty and lack of education, I find that trafficked persons in my study are primarily vulnerable to exploitation due to broad structural factors rather than criminal ones, and that poverty and lack of education alone do not explain exploitation. Moreover, I find the argument that rights frameworks are superior to criminal ones too simplistic, and not equally applicable to all political contexts. Just as the failings of criminal frameworks and carceral politics have been shown to harm marginal and vulnerable populations in top-down, unexpected, or contradictory ways, rights frameworks do not always translate well into local practice and can come with their own risks.

Limitations of this study include not having access to private or "back-door" UN conversations and negotiations that occurred off the record. I partially circumvent this problem by examining first-person accounts of individuals who participated in the relevant events. In the future, additional insights into the consequences of human trafficking policy implementation and how the issue's categorical definition as crime impacts its effects may be further explored by comparing my findings to the experiences of trafficked persons in locations other than Cambodia and conducting more in-depth research on the role or applicability of human rights frameworks in places where their use is currently limited.

REFERENCES

Amenta, Edwin, Neal Caren, Elizabeth Chiarello and Yang Su. 2010. "The Political Consequences of Social Movements." *Annual Review of Sociology* 36(1):287-307. doi: 10.1146/annurev-soc-070308-120029.

Anderson, Elisabeth. 2018. "Policy Entrepreneurs and the Origins of the Regulatory Welfare State: Child Labor Reform in Nineteenth-Century Europe." *American Sociological Review* 83(1):173-211. doi: 10.1177/0003122417753112.

Archambault, Caroline S. 2011. "Ethnographic Empathy and the Social Context of Rights: "Rescuing" Maasai Girls from Early Marriage." *American Anthropologist* 113(4):632-43. doi: 10.1111/j.1548-1433.2011.01375.x.

Arendt, Hannah. 1951. "The Decline of the Nation State and the End of the Rights of Man." in *The Origins of Totalitarianism*. Cleveland: Meridian.

Auth, Janice. 1998. *To Beijing and Beyond: Pittsburg and the United Nations Fourth World Conference on Women*. Pittsburg: University of Pittsburg Press.

Babb, Sarah. 2007. "Embeddedness, Inflation, and International Regimes: The IMF in the Early Postwar Period." *American Journal of Sociology* 113(1):128-64. doi: 10.1086/517896.

Bales, Kevin. 1999. *Disposable People: New Slavery in the Global Economy*. Oakland: University of California Press.

Bales, Kevin. 2007. "What Predicts Human Trafficking?". *International Journal of Comparative and Applied Criminal Justice* 31(2):269-79.

Barley, Stephen R. and Pamela S. Tolbert. 1997. "Institutionalization and Structuration: Studying the Links between Action and Institution." *Organization Studies* 18(1):93-117. doi: 10.1177/017084069701800106.

Bartley, Tim. 2007. "Institutional Emergence in an Era of Globalization: The Rise of Transnational Private Regulation of Labor and Environmental Conditions." *American Journal of Sociology* 113(2):297-351. doi: 10.1086/518871.

Bearup, Luke S. 2016. "Reintegration as an Emerging Vision of Justice for Victims of Human Trafficking." *International Migration* 54(4):164-76. doi: 10.1111/imig.12248.

Berger, Peter L. and Thomas Luckmann. 1966. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. New York: Penguin Books.

Berkovitch, Nitza. 1999. *From Motherhood to Citizenship: Women's Rights and International Organizations*. Baltimore: The Johns Hopkins University Press.

Berman, Paul Schiff. 2009. "The New Legal Pluralism." *Annual Review of Law and Social Science* 5(September):225-42. doi: 10.1146/annurev.lawsocsci.093008.131539.

Bernstein, Elizabeth. 2007. "The Sexual Politics of the "New Abolitionism"." *Differences* 18(3):128-51. doi: 10.1215/10407391-2007-013.

Bernstein, Elizabeth. 2010. "Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Antitrafficking Campaigns." *Signs* 36(1):45-72.

Bernstein, Elizabeth. 2012. "Carceral Politics as Gender Justice? The "Traffic in Women" and Neoliberal Circuits of Crime, Sex, and Rights." *Theory and Society* 41(3):233-59. doi: 10.1007/s11186-012-9165-9.

Best, Joel. 1995. *Images of Issues: Typifying Contemporary Social Problems*. New Brunswick: Transaction Publishers.

Bilder, Richard B. 1989. "The Role of States and Cities in Foreign Relations." *American Journal of International Law* 83(4):821-31.

Bloom, Joshua. 2015. "The Dynamics of Opportunity and Insurgent Practice: How Black Anti-Colonialists Compelled Truman to Advocate Civil Rights." *American Sociological Review* 80(2):391-415. doi: 10.1177/0003122415574329.

Boli, John and John W. Meyer. 1978. "The Ideology of Childhood and the State: Rules Distinguishing Children in National Constitutions, 1870-1970." *American Sociological Review* 43(6):797-812.

Boli, John and George M Thomas. 1999. *Constructing World Culture: International Nongovernmental Organizations since 1875*. Stanford: Stanford University Press.

Boyle, Elizabeth H. 2005. *Female Genital Cutting: Cultural Conflict in the Global Community*. Baltimore: JHU Press.

Boyle, Elizabeth H., Minzee Kim and Wesley Longhofer. 2015. "Abortion Liberalization in World Society, 1960-2009." *American Journal of Sociology* 121(3):882-913.

Brennan, Denise. 2005. "Methodological Challenges in Research with Trafficked Persons: Tales from the Field." *International Migration* 43(1-2):35-54. doi: 10.1111/j.0020-7985.2005.00311.x.

Brennan, Denise and Sine Plambech. 2018. "Editorial: Moving Forward—Life after Trafficking." *Anti-Trafficking Review* (10):1-12.

Brunovskis, Anette and Rebecca Surtees. 2008. "Agency or Illness - the Conceptualization of Trafficking Victims' Choices and Behaviors in the Assistance System." *Gender, Technology and Development* 12(1):53-76. doi: 10.1177/097185240701200105.

Brunovskis, Anette and Rebecca Surtees. 2012. "No Place Like Home: Challenges in Family Reintegration after Trafficking." Vol. Oslo: Nexus Institute.

Brysk, Alison. 1993. "From above and Below: Social Movements, the International System, and Human Rights in Argentina." *Comparative Political Studies* 26(3):259-85. doi: 10.1177/0010414093026003001.

Brysk, Alison and Austin Choi-Fitzpatrick. 2012. *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Philadelphia: University of Pennsylvania Press.

Bumiller, Kristin. 2008. *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement against Sexual Violence*. Durham: Duke University Press.

Bunch, Charlotte and Susana Fried. 1996. "Beijing '95: Moving Women's Human Rights from Margin to Center." *Signs: Journal of Women in Culture and Society* 22(1):200-04. doi: 10.1086/495143.

Bunch, Charlotte and Raxanna Carrillo. 2016. "Women's Rights Are Human Rights: A Concept in the Making." in *Women and Girls Rising: Progress and Resistance around the World*, edited by E. Chesler and T. McGovern. New York: Routledge.

Burke, Roland. 2010. *Decolonization and the Evolution of International Human Rights*. Philadelphia: University of Pennsylvania Press.

Burstein, Paul. 1991. "Policy Domains: Organization, Culture, and Policy Outcomes." *Annual Review of Sociology* 17(1):327-50. doi: doi:10.1146/annurev.so.17.080191.001551.

Caldeira, Arlindo Manuel. 2013. *Escravos E Traficantes No Império Português: O Comércio Negreiro Português No Atlântico Durante Os Séculos XV a XIX*. Lisbon: Esfera do Livro.

Campbell, John L. 2002. "Ideas, Politics, and Public Policy." *Annual Review of Sociology* 28(1):21-38. doi: 10.1146/annurev.soc.28.110601.141111.

Chacón, Jennifer. 2010. "Tensions and Trade-Offs: Protecting Trafficking Victims in the Era of Immigration Enforcement." *University of Pennsylvania Law Review* 158(1609).

Chapkis, Wendy. 2003. "Trafficking, Migration, and the Law." *Gender & Society* 17(6):923-37. doi: 10.1177/0891243203257477.

Cholewinski, Ryszard and Antoine Pecoud. 2009. *Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights*. Cambridge: Cambridge University Press.

Chuang, Janie A. 2008. "The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking." *Michigan Journal of International Law*:437-94.

Chuang, Janie A. 2010. "Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy." *University of Pennsylvania Law Review* 158:1655-728.

Clark, Amanda D. 2019. *Framing the Fight against Human Trafficking: Movement Coalitions and Tactical Diffusion*. Lanham: Lexington Books.

Cmiel, Kenneth. 2004. "The Recent History of Human Rights." *The American Historical Review* 109(1):117–35.

Cohen, Michael D., James G. March and Johan P. Olsen. 1972. "A Garbage Can Model of Organizational Choice." *Administrative Science Quarterly* 17(1):1-25. doi: 10.2307/2392088.

Cole, Wade M. 2005. "Sovereignty Relinquished? Explaining Commitment to the International Human Rights Covenants, 1966-1999." *American Sociological Review* 70(3):472-95. doi: 10.1177/000312240507000306.

D'Itri, Patricia W. 1999. *Cross Currents in the International Women's Movement, 1848-1948*. Bowling Green: Bowling Green State University Popular Press.

Derks, Annuska, Roger Henke and Ly Vanna. 2006. "Review of a Decade of Research on Trafficking in Persons, Cambodia." The Asia Foundation.

DiMaggio, Paul J. and Walter W. Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." *American Sociological Review* 48(2):147-47. doi: 10.2307/2095101.

Dobbin, Frank, B. Simmons and G. Garret. 2007. "The Global Diffusion of Public Policies: Social Construction, Coercion, Competition, or Learning?". *Annual Review of Sociology* 33(1):449-72. doi: 10.1146/annurev.soc.33.090106.142507.

DoCarmo, Tania. 2012. "Care and Control: NGO Attitudes toward Community-Based Models of Care for Survivors of Human Trafficking in Cambodia." Master of Science Thesis, Anthroplogy, University of North Texas.

DoCarmo, Tania. 2019a. "Ethical Considerations for Studying Human Trafficking." Pp. 1-19 in *The Palgrave International Handbook of Human Trafficking*, edited by J. Winterdyk and J. Jones: Palgrave MacMillan.

DoCarmo, Tania. 2019b. "Major International Counter-Trafficking Organizations: Addressing Human Trafficking from Multiple Directions." in *The Palgrave International Handbook of Human Trafficking*, edited by J. Winterdyk and J. Jones. London: Palgrave Macmillan.

Doezema, Jo. 2010. *Sex Slaves and Discourse Masters: The Construction of Trafficking*. London: Zed Books.

Earl, Jennifer. 2004. "The Cultural Consequences of Social Movements." Pp. 508-30 in *The Blackwell Companion to Social Movements*, edited by D. A. Snow, S. Soule and H. Kriesi. Malden, MA: Blackwell.

Emmerij, Louis, Richard Jolly and Thomas G Weiss. 2011, "United Nations Intellectual History Project". (http://www.unhistory.org/).

Epstein, Michael and Dyllan McGee [Director] McGee Media [Producer]. Year. *Makers: Once and for All*. (http://www.imdb.com/title/tt5276924/).

Esposito, Francesca, Carla R. Quinto, Francesca De Masi, Oria Gargano and Pedro Alexandre Costa. 2016. "Voices of Nigerian Women Survivors of Trafficking Held in Italian Centres for Identification and Expulsion." *International Migration* 54(4):133-49. doi: 10.1111/imig.12253.

Farrell, Amy and Rebecca Pfeffer. 2014. "Policing Human Trafficking: Cultural Blinders and Organizational Barriers." *The ANNALS of the American Academy of Political and Social Science* 653(1):46-64. doi: 10.1177/0002716213515835.

Finnemore, Martha. 1996. "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism." *International Organization* 50(2):325-47.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and and Political Change." *International Organization* 52(4):887-917.

Fiss, Peer C. 2011. "Building Better Causal Theories: A Fuzzy Set Approach to Typologies in Organization Research." *The Academy of Management Journal* 54(2):393-420.

Foot, Kirsten A., Amoshaun Toft and Nina Cesare. 2015. "Developments in Anti-Trafficking Efforts: 2008–2011." *Journal of Human Trafficking* 1(2):136-55. doi: 10.1080/23322705.2014.980663.

Frank, David John, Bayliss J. Camp and Steven A. Boutcher. 2010. "Worldwide Trends in the Criminal Regulation of Sex, 1945 to 2005." *American Sociological Review* 75(6):867-93. doi: 10.1177/0003122410388493.

Fraser, Arvonne S and Irene Tinker, eds. 2004. *Developing Power: How Women Transformed International Development*. New York: Feminist Press at CUNY.

Friedman, Elisabeth Jay. 2003. "Gendering the Agenda: The Impact of the Transnational Women's Rights Movement at the UN Conferences of the 1990s." *Women's Studies International Forum* 26(4):313-31. doi: 10.1016/S0277-5395(03)00077-3.

Gallagher, Anne. 2001. "Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis." *Human Rights Quarterly* 23(4):975-1004. doi: 10.1353/hrq.2001.0049.

Gallagher, Anne. 2009. "Human Rights and Human Trafficking : A Response to James Hathaway." *Virginia Journal of International Law* 49(4):789-848.

Gallagher, Anne and Elaine Pearson. 2009. "The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking." *Human Rights Quarterly* 32(1):73-114. doi: 10.1353/hrq.0.0136.

Gallagher, Anne. 2010. *The International Law of Human Trafficking*. Cambridge: Cambridge University Press.

Garland, David. 2001. *The Culture of Control*. Oxford: Oxford University Press.

Gilfoyle, Timothy J. 1999. "Prostitutes in History: From Parables of Pornography to Metaphors of Modernity." *The American Historical Review* 104(1):117-41. doi: 10.1086/ahr/104.1.117.

Gómez-Mera, Laura. 2017. "The Global Governance of Trafficking in Persons: Toward a Transnational Regime Complex." *Journal of Human Trafficking* 3(4):303-26. doi: 10.1080/23322705.2016.1278344.

Goodale, Mark and Sally Merry. 2007. *The Practice of Human Rights: Tracking Law between the Global and the Local*. New York: Cambridge University Press.

Grossmann, Atina. 1995. "A Question of Silence: The Rape of German Women by Occupation Soldiers." *October* 72:43-63.

Gusfield, Joseph R. 1984. *The Culture of Public Problems: Drinking-Driving and the Symbolic Order*. Chicago: University of Chicago Press.

Gustafson, Kaaryn. 2011. *Cheating Welfare: Public Assistance and the Criminalization of Poverty*. New York: NYU Press.

Halliday, Terence C. and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32(1):447-70. doi: 10.1146/annurev.soc.32.061604.123136.

Hathaway, James C. 2008. "The Human Rights Quagmire of Human Trafficking." *Virginia Journal of International Law* 49:1.

Hertzke, Allen D. 2006. *Freeing God's Children: The Unlikely Alliance for Global Human Rights*: Rowman & Littlefield Publishers.

Hironaka, Ann. 2014. *Greening the Globe: World Society and Environmental Change*. New York: Cambridge University Press.

Hoang, Kimberly Kay. 2016. "Perverse Humanitarianism and the Business of Rescue: What's Wrong with NGOs and What's Right About the "Johns"?" Pp. 19-43 in *Perverse Politics? Feminism, Anti-Imperialism, Multiplicity*, Vol. 30: Emerald Group Publishing Limited.

ILO. 2017. "Global Estimates of Modern Slavery: Forced Labor and Forced Marriage." Geneva: International Labor Organization.

Iriye, Akira and Petra Goedde. 2012. "Human Rights as History." Pp. 3-26 in *The Human Rights Revolution: An International History*, edited by A. Iriye, P. Goedde and W. Hitchcock. Oxford: Oxford University Press.

Jain, Devaki. 2005. *Women, Development, and the UN: A Sixty-Year Quest for Equality and Justice*. Bloomington: Indiana University Press.

Jenness, Valerie. 2004. "Explaining Criminalization: From Demography and Status Politics to Globalization and Modernization." *Annual Review of Sociology* 30(1):147-71. doi: 10.1146/annurev.soc.30.012703.110515.

Jepperson, Ronald and John W. Meyer. 2011. "Multiple Levels of Analysis and the Limitations of Methodological Individualisms." *Sociological Theory* 29(1):54-73. doi: 10.1111/j.1467-9558.2010.01387.x.

Jolly, Richard, Louis Emmerij and Thomas G Weiss. 2009. *UN Ideas That Changed the World*. Indianapolis: Indiana University Press.

Jordan, Ann D. 2002. "Human Rights or Wrongs? The Struggle for a Rights-Based Response to Trafficking in Human Beings." *Gender & Development* 10(1):28-37. doi: 10.1080/13552070215891.

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. New York: Cornell University Press.

Kempadoo, Kamala, Jyoti Sanghera and Bandana Pattanaik. 2012. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. Boulder: Paradigm Publishers.

Kentikelenis, Alexander E. and Leonard Seabrooke. 2017. "The Politics of World Polity: Script-Writing in International Organizations." *American Sociological Review* 82(5):1065-92. doi: 10.1177/0003122417728241.

Keo, Chenda, Thierry Bouhours, Roderic Broadhurst and Brigitte Bouhours. 2014. "Human Trafficking and Moral Panic in Cambodia." *The ANNALS of the American Academy of Political and Social Science* 653(1):202-24. doi: 10.1177/0002716214521376.

Laczko, Frank. 2002. "Human Trafficking: The Need for Better Data." *Migration Information Source*. Retrieved: 28 February 2017 (http://www.migrationpolicy.org/print/4905#.WLXOSRIrLVo).

Lauren, Paul Gordon. 2011. *The Evolution of International Human Rights: Visions Seen*. Philadelphia: University of Pennsylvania Press.

Lee, Maggy. 2014. "Gendered Discipline and Protective Custody of Trafficking Victims in Asia." *Punishment & Society* 16(2):206-22. doi: 10.1177/1462474513517019.

Levine, Philippa. 2003. *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*. New York: Routledge.

Limoncelli, Stephanie A. 2009a. "The Trouble with Trafficking: Conceptualizing Women's Sexual Labor and Economic Human Rights." *Women's Studies International Forum* 32(4):261-69. doi: http://dx.doi.org/10.1016/j.wsif.2009.05.002.

Limoncelli, Stephanie A. 2009b. "Human Trafficking: Globalization, Exploitation and Transnational Sociology." *Sociology Compass* 3(1):72-91.

Limoncelli, Stephanie A. 2010. *The Politics of Trafficking: The First International Movement to Combat the Sexual Exploitation of Women*. Stanford: Stanford University Press.

Limoncelli, Stephanie A. 2016. "What in the World Are Anti-Trafficking NGOs Doing? Findings from a Global Study." *Journal of Human Trafficking* 2(4):316-28.

Lloyd, Paulette and Beth Simmons. 2015. "Framing for a New Transnational Legal Order: The Case of Human Trafficking." Pp. 400-38 in *Transnational Legal Orders*, edited by T. C. Halliday and G. Shaffer. Cambridge: Cambridge University Press.

March, James G and Johan P Olsen. 1998. "The Institutional Dynamics of International Political Orders." *International Organization* 52(4):943-69.

Massoud, Mark Fathi. 2011. "Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan." *Law & Society Review* 45(1):1-32.

Massoud, Mark Fathi. 2013. *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan*: Cambridge University Press.

Mazower, Mark. 2004. "The Strange Triumph of Human Rights, 1933-1950." *The Historical Journal* 47(2):379-98.

McCarthy, Lauren. 2014. "Human Trafficking and the New Slavery." *Annual Review of Law and Social Science* 10:221-42.

McCarthy, Lauren A. 2018. "Life after Trafficking in Azerbaijan: Reintegration Experiences of Survivors." *Anti-Trafficking Review* (10). doi: 10.14197/atr.201218107.

Meltzer, Milton. 1993. *Slavery: A World History*: Da Capo Press.

Merry, Sally Engle. 1992. "Anthropology, Law, and Transnational Processes." *Annual Review of Anthropology* 21(1):357-77. doi: 10.1146/annurev.an.21.100192.002041.

Merry, Sally Engle. 2006a. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago: University of Chicago Press.

Merry, Sally Engle. 2006b. "New Legal Realism and the Ethnography of Transnational Law." *Law & Social Inquiry* 31(4):975-95. doi: 10.1111/j.1747-4469.2006.00042.x.

Merry, Sally Engle. 2009. "Relating to the Subjects of Human Rights: The Culture of Agency in Human Rights Discourse." Pp. 385-407 in *Law and Anthropology: Current Legal Issues*, Vol. 12, edited by M. Freeman and D. Napier. Oxford: Oxford University Press.

Merry, Sally Engle, Peggy Levitt, Mihaela Şerban Rosen and Diana H. Yoon. 2010. "Law from Below: Women's Human Rights and Social Movements in New York City." *Law & Society Review* 44(1):101-28. doi: 10.1111/j.1540-5893.2010.00397.x.

Merry, Sally Engle. 2016. *The Seductions of Quantification: Measuring Human Rights, Gender Violence and Sex Trafficking*. Chicago: University of Chicago Press.

Meyer, David S. 2004. "Protest and Political Opportunities." *Annual Review of Sociology* 30(1):125-45. doi: 10.1146/annurev.soc.30.012703.110545.

Meyer, John W. and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony." *American Journal of Sociology* 83(2):340-63.

Meyer, John W., John Boli, George M. Thomas and Francisco O. Ramirez. 1997a. "World Society and the Nation-State." *American Journal of Sociology* 103(1):144-81. doi: 10.1086/231174.

Meyer, John W., David John Frank, Ann Hironaka, Evan Schofer and Nancy Brandon Tuma. 1997b. "The Structuring of a World Environmental Regime, 1870–1990." *International Organization* 51(4):623-51. doi: 10.1162/002081897550474.

Meyer, John W. and Ronald L. Jepperson. 2000. "The "Actors" of Modern Society : The Cultural Construction of Social Agency." *Sociological Theory* 18(1):100-20.

Miller, Julia Christine Scriven. 2000. "The 'Romance of Regulation': The Movement against State-Regulated Prostitution in France, 1871-1946." PhD Dissertation, History, New York University, New York.

Molland, Sverre. 2012. *The Perfect Business?: Anti-Trafficking and the Sex Trade Along the Mekong*. Honolulu: University of Hawai'i Press.

Moyn, Samuel. 2012. "Imperialism, Self-Determination, and the Rise of Human Rights." in *The Human Rights Revolution: An International History*, edited by A. Iriye, P. Goedde and W. Hitchcock. Oxford: Oxford University Press.

Musto, Jennifer. 2016. *Control and Protect: Collaboration, Carceral Protection, and Domestic Sex Trafficking in the United States*. Oakland: University of California Press.

Nadelmann, Ethan A. 1990. "Global Prohibition Regimes: The Evolution of Norms in International Society." *International Organization* 44(4):479-526.

Nagel, Joane. 1998. "Masculinity and Nationalism: Gender and Sexuality in the Making of Nations." *Ethnic and Racial Studies* 21(2):242-69. doi: 10.1080/014198798330007.

Parreñas, Rhacel. 2011. *Illicit Flirtations: Labor, Migration, and Sex Trafficking in Tokyo*. Stanford: Stanford University Press.

Patterson, Orlando and Xiaolin Zhuo. 2018. "Modern Trafficking, Slavery, and Other Forms of Servitude." *Annual Review of Sociology* 44(1):407-39. doi: 10.1146/annurev-soc-073117-041147.

Perry, Kelsey and Lindsay McEwing. 2013. "How Do Social Determinants Affect Human Trafficking in Southeast Asia, and What Can We Do About It? A Systematic Review." *Health and Human Rights* 15(2):138-59.

Plambech, Sine. 2014. "Between 'Victims' and 'Criminals': Rescue, Deportation, and Everyday Violence among Nigerian Migrants." *Social Politics: International Studies in Gender, State & Society* 21(3):382–402.

Polletta, Francesca. 2008. "Culture and Movements." *The ANNALS of the American Academy of Political and Social Science* 619(1):78-96. doi: 10.1177/0002716208320042.

Ragin, Charles. 2008. *Redesigning Social Inquiry: Fuzzy Sets and Beyond*. Chicago: University of Chicago Press.

Ragin, Charles. 2014. *The Comparative Method: Moving Beyond Qualitative and Quantitative Strategies*. Berkeley: University of California Press.

Ragin, Charles and Sean Davey. 2016. "Fs/QCA [Computer Programme]." Irvine, CA: University of California.

Ramirez, Francisco O., Yasemin Soysal and Suzanne Shanahan. 1997. "The Changing Logic of Political Citizenship: Cross-National Acquisition of Women's Suffrage Rights, 1890 to 1990." *American Sociological Review* 62(5):735-35. doi: 10.2307/2657357.

Riddell-Dixon, Elizabeth. 2002. *Canada and the Beijing Conference on Women: Governmental Politics and NGO Participation*. Vancouver: UBC Press.

Riles, Annelise. 2001. *The Network inside Out*. Ann Arbor: University of Michigan Press.

Rowen, Jamie. 2017. *Searching for Truth in the Transitional Justice Movement*. Cambridge: Cambridge University Press.

Rupp, Leila J. 1997. *Worlds of Women: The Making of an International Women's Movement*. Princeton: Princeton University Press.

Sassen, Saskia. 2002. "Women's Burden: Counter-Geographies of Globalization and the Feminization of Survival." *Nordic Journal of International Law* 71(2):255-74. doi: 10.1163/157181002761931378.

Saunders, Penelope. 2005. "Traffic Violations: Determining the Meaning of Violence in Sexual Trafficking Versus Sex Work." *Journal of Interpersonal Violence* 20(3):343-60. doi: 10.1177/0886260504272509.

Savona, Ernesto U and Sonia Stefanizzi. 2007. *Measuring Human Trafficking: Complexities and Pitfalls*. New York: Springer.

Sayward, Amy and Thomas Zeiler. 2017. *The United Nations in International History*. London: Bloomsbury Academic.

Schofer, Evan and John W. Meyer. 2005. "The Worldwide Expansion of Higher Education in the Twentieth Education Century." *American Sociological Review* 70(6):898-920.

Scully, Eileen. 2011. "Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons." in *Global Human Smuggling: Comparative Perspectives*, edited by D. Kyle and R. Koslowski. Baltimore: Johns Hopkins University Press.

Sewell, William H., Jr. 1992. "A Theory of Structure: Duality, Agency and Transformation." *American Journal of Sociology* 98(1):1-29.

Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. Cambridge and New York: Cambridge University Press.

Shih, Elena. 2016. "Not in My Backyard Abolitionism: Vigilante Rescue against American Sex Trafficking." *Sociological Perspectives* 59(1):66-90. doi: doi:10.1177/0731121416628551.

Shih, Elena. 2017. "Freedom Markets: Consumption and Commerce across Human Trafficking Rescue in Thailand." *positions: asia critique* 25(4):769-94.

Simmons, Beth. 1998. "Compliance with International Agreements." *Annual Review of Political Science* 1:75-93.

Simmons, Beth, Paulette Lloyd and Brandon M. Stewart. 2018. "The Global Diffusion of Law: Transnational Crime and the Case of Human Trafficking." *International Organization* 72(2):249-81.

Simon, Jonathan. 2007. *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press.

Sjorberg, Gideon, Elizabeth Gill and Norma Williams. 2001. "A Sociology of Human Rights." *Social Problems* 48(1):10-47.

Smith, Jackie, Charles Chatfield and Ron Pagnucco. 1997. *Transnational Social Movements and Global Politics: Solidarity Beyond the State*: Syracuse University Press.

Smith, Margot [Director] O. C. Video [Producer]. Year. *To Empower Women: The UN Women's Conference, Beijing China*. (https://www.youtube.com/watch?v=rhrvNyKNxPQ).

Snow, David A. and Robert D. Benford. 1988. "Ideology, Frame Resonance, and Participant Mobilization." *International social movement research* 1(1):197-217. doi: 10.1007/s00425-012-1590-5.

Snyder, Margaret. 2006. "Unlikely Godmother: The UN and the Global Women's Movement." in *Global Feminisms: Transnational Women's Activism, Organizing and Human Rights*, edited by M. M. Ferree and A. M. Tripp. New York: NYU Press.

Soderlund, Gretchen. 2005. "Running from the Rescuers: New US Crusades against Sex Trafficking and the Rhetoric of Abolition." *NWSA Journal* 17(3):64-87.

Surtees, Rebecca. 2017. "Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region." Bangkok, Thailand: NEXUS Institute, UN-ACT & World Vision.

Swidler, Ann. 1986. "Culture in Action: Symbols and Strategies." *American Sociological Review* 51(2):273-73. doi: 10.2307/2095521.

Tarrow, Sidney. 2001. "Contention and Institutions in International Politics." *Annual Review of Political Science* 4(1):1-20. doi: 10.1146/annurev.polisci.4.1.1.

Tsutsui, Kiyoteru and Hwa Ji Shin. 2008. "Global Norms, Local Activism, and Social Movement Outcomes: Global Human Rights and Resident Koreans in Japan." *Social Problems* 55(3):391-418. doi: 10.1525/sp.2008.55.3.391.

Tsutsui, Kiyoteru, Claire Whitlinger and Alwyn Lim. 2012. "International Human Rights Law and Social Movements: States' Resistance and Civil Society's Insistence." *Annual Review of Law and Social Science* 8(1):367-96. doi: 10.1146/annurev-lawsocsci-102811-173849.

U.S. Department of State. 2020. "Trafficking in Persons Report." Washington DC: Office to Monitor and Combat Trafficking in Persons.

UN. 1949a. "Summary Records of Meetings 20 September-28 November 1949." Official Records of the Fourth Session of the General Assembly Third Committee. New York: United Nations.

UN. 1949b. "Report of the Third Committee." Records of the 264th Plenary Meeting of the UN General Assembly. New York: United Nations.

UN. 1995. "Beijing Declaration and Platform for Action." Geneva: United Nations.

UNODC. 2014. "Global Report on Trafficking in Persons." New York: United Nations.

UNODC. 2018. "Global Report on Trafficking in Persons." New York: United Nations.

USAID. 2007. "The Rehabilitation of Victims of Trafficking in Group Residential Facilities in Foreign Countries: A Study Conducted Pursuant to the Trafficking Victim Protection Reauthorization Act, 2005." Washington DC.

Vlassis, Dimitri. 2002. "The UN Convention against Transnational Organized Crime." Pp. 83-94 in *Transnational Organized Crime and International Security: Business as Usual?*, edited by M. Berdal and M. Serrano. Boulder: Lynne Rienner Publishers.

Wacquant, Loïc. 2009. *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke University Press.

Wallerstein, Immanuel. 2000. "Globalization or the Age of Transition? A Long-Term View of the Trajectory of the World System." *International Sociology* 15(2):251-67.

Waltz, Kenneth N. 1979. *Theory of International Politics*. New York: McGraw-Hill.

Weber, Max. 1958. *The Protestant Ethic and the Spirit of Capitalism*. Translated by T. Parsons. New York: Scribner & Sons.

Weiss, Thomas George, Tatiana Carayannis, Louis Emmerij and Richard Jolly. 2005. *UN Voices: The Struggle for Development and Social Justice*. Bloomington: Indiana University Press.

Weitzer, Ronald. 2007. "The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade." *Politics & Society* 35(3):447-75. doi: 10.1177/0032329207304319.

Weitzer, Ronald. 2014. "Human Trafficking and Contemporary Slavery." *Annual Review of Sociology* 41(1):223-42. doi: 10.1146/annurev-soc-073014-112506.

Williams, Patricia J. 1987. "Alchemical Notes: Reconstructing Ideals from Deconstructed Rights." *Harvard Civil Rights-Civil Liberties Law Review* 22(401).

Yoo, Eun-hye and Elizabeth Heger Boyle. 2015. "National Human Trafficking Initiatives: Dimensions of Policy Diffusion." *Law & Social Inquiry* 40(3):631-63. doi: 10.1111/lsi.12115.