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Stephanie Gentry

Anti-Trafficking Policy Compliance with International Norms
in Estonia and the Former Soviet Space

Stephanie Gentry

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Reading Committee:

Scott Radnitz, Chair

Sabine Lang

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University of Washington

Abstract

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Stephanie Gentry

Chair of the Supervisory Committee:
Associate Professor Scott Radnitz
Henry M. Jackson School of International Studies

Estonia, European Union member and leader developmentally among the countries that emerged from the former Soviet space, dramatically underperforms compared to these countries when it comes to anti-human trafficking policy compliance with international norms. Why is this? Using ordinary least squares regression and standard deviation, I demonstrate that Estonia has a poor anti-human trafficking policy compliance record in part because of discrimination against its sizeable Russian minority population. This has implications for security in the region, and the effect of discrimination based on ethnic background on anti-human trafficking policy compliance with international norms should be further researched on a universal basis.

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I. Introduction to Anti-Trafficking Policy Compliance

Although the issue of human trafficking has been on various United Nations agendas since as early as 1949 when the UN International Convention for the Suppression of the Traffic in Persons took place,¹ the UN established a modern working definition of human trafficking and a framework for combatting the issue in 2000 with its adoption of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, or the Palermo Protocol. The Protocol defines human trafficking as the following:

‘trafficking in persons’ shall mean 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 (UN, p. 2).

It also aims to provide guidance for three objectives: one, “to prevent and combat trafficking in persons, paying particular attention to women and children; two, to protect and assist the victims of such trafficking, with full respect for their human rights; and three, to promote cooperation among States Parties in order to meet those objectives” (United Nations, 2000, p. 2).

Around the same time that the United Nations adopted the Palermo Protocol, the United States enacted the Victims of Trafficking and Violence Protection Act, or the TVPA, in order “to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude” (United States Department of State, 2000). The TVPA also established “minimum standards for the elimination of trafficking” in Section 108 of the document, which form the basis of the Department of State’s evaluation of foreign governments’ efforts to combat human trafficking. The annual Trafficking in Persons Report has captured these evaluations since its inaugural

¹ See Outshoorn, 2005, pp. 148-152, for a brief overview on the international political arena’s reaction the issue of human trafficking.

edition in 2001, and since that time has included evaluations on almost all of the countries of the world, including those countries that emerged from the former Soviet space.²

Naturally, politicians and scholars alike have criticized the TIP report for being biased depending on whether or not the foreign government being evaluated is a political ally or enemy of the US government.³ And furthermore, they have criticized the TVPA's "minimum standards for the elimination of trafficking" for being too ambiguous to methodically evaluate foreign governments' efforts to combat human trafficking.⁴ But still, the US Department of State devotes substantial resources to gathering data for the TIP report each year, including "information from US embassies, government officials, non-governmental and international organizations, published reports, news articles, academic studies, and research trips to every region of the world" (US Department of State, 2014). And "due to the hidden nature of the crime – trafficking victims may work in the open, but the coercion that ensnares them may be more subtle" (US Department of Justice, 2014, p. 1) – human trafficking proves difficult to study. Thus, the US Department of State's data is a valuable resource on this topic despite the TIP report's shortcomings.

In her 3P Anti-Trafficking Policy Index, Seo-Young Cho attempts to utilize the US Department of State's data to evaluate state governments' efforts to combat human trafficking while returning to the core paradigm of prosecution, protection, and prevention (3P paradigm) set forth in Article 4 of the Palermo Protocol: "this Protocol shall apply to the prevention, investigation and prosecution of the offences established in accordance with Article 5 of this

² The countries that emerged from the former Soviet space include those countries that, to varying degrees, were considered to be in the Soviet Union's sphere of influence. The following modern-day countries are included: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Romania, Russia, Serbia, Slovak Republic, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

³ See, e.g., Bales & Soodalter, 2009, p. 237; Chuang, 2006, pp. 482-483; and Weiss, 2012, pp. 337-338.

⁴ See, e.g., Chuang, pp. 439&474; and Weiss, pp. 336-337.

Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences” (UN, p. 3). Of course, Cho is limited in that she does not have access to the US Department of State’s raw data and must rely on the official interpretation of the data in her TIP report country narrative content analysis.⁵ Therefore, she supplements the US Department of State data with data from the UN Office on Drugs and Crime’s 2006 and 2009 Global Reports on Trafficking in Persons, which “include information about criminal justice and victim protection policies in approximately one hundred fifty-five countries for various years” (Cho, Dreher, & Neumayer, p. 433). Cho is able to create an index not only less fettered by US government bias and TVPA “minimum standard” ambiguity, but also more robust in its analysis of state governments’ efforts to combat human trafficking than the TIP report tier ranking. She accomplishes this by evaluating state governments’ efforts to combat human trafficking as an unattached scholar and by using the 3P paradigm as the basis for her evaluation. As an alternative to the TIP report four-tier ranking system (shown below in Appendix A), Cho has developed a fifteen-point system in which each country can earn up to five points for each of the 3 P’s, “where the highest value indicates full compliance and the lowest value indicates no compliance” (Cho, Dreher, & Neumayer, p. 433).⁶ Cho’s methodology allows for a more differentiating and nuanced evaluation of state governments’ efforts to combat human trafficking.

⁵ Lack of transparency in the US Department of State’s TIP report methodology is a common criticism. See, e.g., Bales & Soodalter, pp. 266-267; Potocky, 2010, p. 374; and Weiss, p. 305.

⁶ See Appendices A and B for the TIP report four-tier ranking system and the 3P Anti-Trafficking Policy Index coding scheme, respectively.

II. *Anti-Trafficking Policy compliance in the Former Soviet Space*

Upon first glance, the average 2000-2013 3P Anti-Trafficking Policy Index scores for those countries that emerged from the former Soviet space (shown below in Table 1) are, for the most part, unsurprising when compared to one another, given that overall, “developed countries perform better than the rest of the world” (Cho, Dreher, & Neumayer, p. 436). In general, European Union members crowd the top of the rankings, aspiring EU members fall somewhere

Table 1

Country	3P Index Score (average 2000-2013)
Poland	12.77
Czech Republic	12.57
Slovenia	12.21
Croatia	12.17
Lithuania	12.14
Bulgaria	11.85
Romania	11.64
Albania	11.62
Macedonia	11.57
Kosovo	11.38
Armenia	11.00
Latvia	10.92
Slovak Republic	10.83
Hungary	10.71
Montenegro	10.64
Bosnia and Herzegovina	10.62
Georgia	10.62
Moldova	10.50
Ukraine	10.43
Kazakhstan	10.36
Serbia	10.29
Uzbekistan	10.25
Belarus	9.57
Azerbaijan	9.55
Tajikistan	9.31
Estonia	9.15
Russia	9.07
Kyrgyzstan	8.93
Turkmenistan	6.44

Source: Cho, Dreher, & Neumayer, 2014

in the middle, and Central Asian republics bring up the rear.⁷ But a closer look reveals a puzzle: how can a country like Estonia, EU member and leader in a variety of ways among the countries that emerged from the former Soviet space, be ranked so lowly and in the company of other countries like Russia, which is notorious for its dismal human rights record⁸ and noncompliance with international norms, and the Central Asian republics, which struggle by most conventional standards?

⁷ I use EU membership (or lack thereof) here because it is a simple generalization to roughly indicate development.

⁸ The 960 Human Rights Watch articles on Russia might be a fair indicator of the magnitude of human rights issues in Russia. Uzbekistan has the next most Human Rights Watch articles at 461, which is fewer than half the number of articles on Russia. See [http://www.hrw.org/search/apachesolr_search?f\[0\]=im_taxonomy_vid_1%3A10](http://www.hrw.org/search/apachesolr_search?f[0]=im_taxonomy_vid_1%3A10).

III. Previously-Tested Explanations for Variation in Anti-Trafficking Policy Compliance

Bartilow (2007) tests four hypotheses to explain state compliance with international laws against human trafficking. His hypotheses are as follows:

1. The economic leverage of American power increases the likelihood that states will comply with international laws against human trafficking (p. 8);
2. States who are members of the international regime against human trafficking are more likely to comply with international laws against human trafficking than states that are not members (p. 10);
3. Democratic states are more likely to comply with international laws against human trafficking than states that are not democracies (p. 11); and
4. Increases in the number of women legislatures and women cabinet members will increase the likelihood of compliance with international laws against human trafficking (p. 13).

He tests each hypothesis using data from 2001-2006 on one hundred forty-four countries. For his dependent variable, he utilizes the US Department of State TIP Report tier rankings, discussed above. His control variables include economic development, since “many developing countries and former centrally planned economies have difficulty complying with international law because they have fewer resources to devote to enforcement” (Haas, 2000, p. 46); and level of government corruption, since “corrupt governments are more susceptible to taking bribes, more likely to abet human trafficking and less likely to prosecute traffickers” (Agbu, 2003; Lyday, 2003). Finally, Bartilow’s independent variables include US bilateral aid “to proxy the leverage of American power” (p. 15); a dummy variable on whether or not “a country has signed and ratified the Palermo Protocol” (p. 16) to represent international regime membership; level of democracy; and “the percentage of women in the single or lower legislative chamber in countries with a bicameral assembly and the percentage of women who hold ministerial or equivalent positions in government” (pp. 16-17). His results support Hypotheses 1, 3, and 4; but not Hypothesis 2:

1. American power, measured by U.S economic leverage, has a positive and statistical significant effect on compliance;
2. International regime membership does not have a statistical significant effect on compliance;

3. Democracies have a positive and statistically significant effect on states' compliance with international law against human trafficking; and
4. The level of gender representation and societal normative attitudes towards women equality is found to have positive effects on compliance (p. 23).

Bartilow's conclusion is that "while democracy and American power matter in influencing states' compliance, the representation of women in the legislative and executive branches of government as well as societal attitudes towards women equality matters the most" (p. 25).

Cho replicates Bartilow's study utilizing her 3P Anti-Trafficking Policy index for her dependent variable instead of the US Department of State TIP Report tier rankings, with data that covers 2002-2010 for all countries. The one noteworthy difference is that she finds that "US aid is not significant at conventional levels" (Cho, Dreher, & Neumayer, p. 444) with regard to its effect on anti-trafficking policy compliance. An explanation for this difference – taking into account popular arguments about the TIP Report tier rankings – might be that the amount of aid the United States supplies a country biases the United States' anti-trafficking policy evaluation in favor of that country in order to demonstrate aid effectiveness on policy improvement.

Regardless of whether or not this assumption is correct, Bartilow's and Cho's different results imply that it is suitable to utilize Cho's 3P Anti-Trafficking Policy index over the US Department of State's TIP Report tier rankings in order to preempt any claims of bias that might arise in the current study.

Between Bartilow's and Cho's studies, four previously-tested variables surface that I could utilize in my ordinary least squares regression model⁹ to explain why Estonia performs so poorly in the anti-trafficking policy compliance rankings compared to the other countries that emerged from the former Soviet space: economic development, corruption, democracy, and female representation in government. I use data from 2000-2013 on the twenty-nine countries

⁹ I also tested my variables using an ordered probit regression model, and the results were virtually the same.

that emerged from the former Soviet space. For my dependent variable, I utilize Cho's 3P Anti-Trafficking Policy index for the reasons discussed at length above. For my independent variables, I utilize the following:

1. **Economic Development:** I utilize data points on GDP per capita gathered from the World Bank's Economy and Growth dataset to represent economic development.
2. **Corruption:** I utilize data points on "the perceived level of public sector corruption" (Transparency International, 2013) gathered from Transparency International's Corruption Perceptions index to represent corruption. "A country's index score indicates the perceived level of public sector corruption on a scale of 0 [highly corrupt] to 100 [very clean]" (Transparency International, 2014).
3. **Democracy:** I utilize data points on "democratic progress" (Freedom House, 2014) gathered from Freedom House's Nations in Transit dataset to represent democracy.¹⁰ A country's ratings are based on a scale of 1 to 7, with 1 representing the lowest and 7 the highest level of democratic progress (Freedom House, 2014).

¹⁰ I chose to use the democracy score from Freedom House's Nations in Transit dataset to represent democracy because this dataset is "the only comprehensive, comparative, and multidimensional study of reform" (Freedom House, 2014) in the twenty-nine countries that emerged from the former Soviet space. It includes not only the aggregated democracy score, but also the disaggregated data points of electoral process, civil society, independent media, judicial framework and independence, corruption, and governance, demonstrating a more nuanced and refined interpretation of democracy in the countries that emerged from the former Soviet Space than other available democracy indicators.

4. Female Representation in Legislature: I utilize data points on the “proportion of seats held by women in national parliaments” (World Bank, 2013) gathered from the World Bank’s Gender dataset to represent female representation in legislature.

IV. Preliminary Results

Table 2 (right) shows my preliminary results. As can be seen in Column 1, the quality of a country’s anti-trafficking policy improves with more democratic progress at the 0.1 percent level of statistical significance. At the 10 percent level, economic development has no effect on the quality of a country’s anti-trafficking policy. Corruption and female representation in legislature are not significant at conventional levels.

Table 2

VARIABLES	(1)
Economic Development	0.000+ (0.000)
Corruption	-0.012 (0.022)
Democracy	0.400** (0.134)
Female Representation in Legislature	0.026 (0.018)
Constant	12.280*** (1.146)
Observations	212
R-squared	0.213
Log-likelihood	-406.4
R-sqr	0.213
Standard errors in parentheses	
*** p<0.001, ** p<0.01, * p<0.05, + p<0.10	

Table 3

	SD Preliminary
Turkmenistan	-1.82371
Estonia	-1.276549
Slovakia	-0.7201639
Azerbaijan	-0.5799465
Latvia	-0.4837685
Hungary	-0.342701
Serbia	-0.2845119
Russia	-0.2257248
Kyrgyzstan	-0.118511
Moldova	-0.075317
Tajikistan	0.0047882
Montenegro	0.085683
Ukraine	0.0869097
Uzbekistan	0.1158968
Belarus	0.1370786
Czech Republic	0.144651
Poland	0.1750089
Kazakhstan	0.1956068
Armenia	0.2403587
Slovenia	0.3269196
Romania	0.3469909
Macedonia	0.3864389
Bulgaria	0.3864642
Albania	0.4105319
Lithuania	0.4449917
Georgia	0.5254532
Bosnia and Herze	0.6160548
Croatia	0.6330669

As shown in Table 3 (left), regardless of the significance of Bartilow's and Cho's previously tested variables, Estonia falls over a full standard deviation below the regression line; only Turkmenistan varies more, with most countries falling within one standard deviation of the regression line. This demonstrates that these variables cannot be used to explain why Estonia performs so poorly in the anti-trafficking policy compliance rankings compared to the other countries that emerged from the former Soviet space. Estonia's underperformance makes sense given that it ranks relatively well against the other countries that emerged from the former Soviet space in these previously-tested variables, placing fourth for average 2000-2013 GDP per capita; first for average 2000-2013 lack of corruption; second for average 2000-2013 level of democracy; and eighth for average 2000-2013 percentage of female representation in legislature. Estonia's 2013 ranking for each of these previously-tested

variables remains consistent with its average rankings, with the country placing second for GDP per capita; first for lack of corruption; second for level of democracy; and fourteenth for female representation in legislature; demonstrating how Estonia is, in fact, a leader among the countries that emerged from the former Soviet space. Estonia's standard deviation demonstrates the need to source other possible variables to explain why it performs so poorly in the anti-trafficking policy compliance rankings compared to the other countries that emerged from the former Soviet

space, so perhaps a variable specific to Estonia and the trafficking situation in Estonia would be most appropriate to test.

V. *Estonia*

Following World War II, ethnic Estonians in Estonia, like some of the other ethnic groups that dwelled in the countries of the former Soviet space, experienced extreme population fluctuation as a result of Soviet deportation, immigration to the West, and various other reasons. “From 1940 to 1953, Estonia bore heavy population losses. Although it is not possible to give the exact figures of the losses since the compilation of databases reflecting large groups of people is still in progress, it is estimated that Estonia lost 17.5% of its population from World War II and the repressive measures following it” (Kangilaski & Salo, 2005, p. 25). Tepp put the number at 171,400 ethnic Estonians lost from Estonia during this time period, which he based on his calculations derived from the numbers given in the 1934 and 1959 Estonian censuses (1993, p. 10). At any rate, the total population in Estonia according to the 1934 census was 1,126,413 (Statistics Estonia, 2008), including 993,500 Estonians (Raun, 1994, p. 158); by 1959, when the next official census was taken, the total population had grown to 1,196,791, but including only 892,653 Estonians (Statistics Estonia, 1995, p. 56). So, regardless of how it occurred, there was a drop of around 100,000 Estonians residing in Estonia from 1934 to 1959, even though the population grew overall. Who took the place of the lost Estonians?

Raun states that Russians “began appearing en masse in Estonia under Stalin, some coming as part of the new political elite or the Soviet repressive forces, others finding their way to Estonia mainly for economic reasons, and others being sent to Estonia under Stalin without having known their final destination” (p. 162). Again, regardless of why these Russians came to Estonia, the population census statistics are persuasive. In 1934, there were only 92,700

Russians residing in Estonia (Raun, p. 158); but by 1959, there were 240,227 Russians residing in Estonia (Statistics Estonia, p. 56), which more than accounts for the loss of Estonians from Estonia during that period.

While the Estonian population in Estonia recovered somewhat throughout the rest of the Soviet occupation, with 963,281 Estonians residing in Estonia by 1989 (Statistics Estonia, p. 56), it still had not recovered to its pre-war level. Concurrently, the Russian population in Estonia continued to grow, increasing to 474,834 Russians residing in Estonia by 1989 (Statistics Estonia, p. 56). Following the fall of the Berlin Wall in 1989 and subsequent Estonian independence in 1991, the presence of so many Russians in Estonia posed a problem for the fledgling Estonian government. It considered this large percentage of Russians residing in Estonia “a threat to the core ethnic nation” (Jarve & Poleshchuk, 2013, p. 1). Indeed, “Russia’s use of the term ‘near abroad’ to refer to the former Soviet republics and its linkage of troop withdrawal to the question of the Russian minority in Estonia” (Raun, p. 163), in addition to the history of Soviet repression in Estonia, lend credence to the Estonian government’s perception of this threat. The Estonian government thus

decided to embark upon the restoration of the pre-war Estonian state, and in 1992, the 1938 Citizenship Act was readopted, which granted automatic citizenship only to those who were citizens in 1940 (before the Soviet annexation of Estonia) and their descendants”. As a result, about one third of Estonia’s population – mostly ethnic Russians and other Russian-speaking minorities – became de facto stateless. To become Estonian citizens, they would have to take the path of naturalization (Jarve & Poleshchuk, 2013, p. 1), which required the following:

1. The applicant had to have his or her permanent place of residence in the Estonian territory for at least two years before and one year after the application date. The earliest date for establishing the permanent place of residence was set at March 30, 1990, and the required time period was counted only from that day onwards, so that March 30, 1993, was the earliest date when one could acquire Estonian citizenship by naturalization; and
2. The applicant had to prove their knowledge of the Estonian language (Jarve & Poleshchuk, p. 5).

Because the earliest date that Russian minorities could become Estonian citizens was March 30, 1993, they “did not have the right to vote or the right to run for office in the parliamentary

election on September 20, 1992, and were therefore excluded from political participation” (Jarve & Poleshchuk, p. 5).

The 1992 Citizenship Act basically left Russian minorities in Estonia with three options. “They could remain ‘individuals with undefined citizenship’, waiting for the naturalization process to take place; become citizens of other countries, including the Russian Federation; or leave Estonia altogether” (Jarve & Poleshchuk, p. 1). A former Estonian minister remarked that the Estonian government ultimately hoped that about a third of the Russian minorities would take each of the three options, with a third eventually becoming Estonian citizens, a third becoming Russian citizens, and a third leaving Estonia (Lieven, 1993, p. 377). But the latest Estonian population census, taken in 2011, shows that the Estonian government may not have fully appreciated a fourth option “available” to Russian minorities: that of perpetual statelessness. According to the 2011 population census, 175,888 Russians held Estonian citizenship, 79,387 Russians in Estonia held Russian citizenship, and up to 148,599 Russians had left since the population census of 1989; but 68,805 Russians in Estonia still had “undetermined” citizenship (Statistics Estonia, 2011), which means they had chosen to remain in Estonia but had not achieved naturalization. A 2006 poll of non-citizens in Estonia revealed that only a small percentage of them believed that “they would be able to pass the corresponding Estonian language test” (Saar Poll, pp. 60-61). And as of 2008, even after Estonia “had to make changes to its Citizenship Act to bring it into alignment with the country’s international obligations and to promote naturalization” (Jarve & Poleshchuk, p. 6) leading up to its accession to the EU, most Russian speakers still regarded the Citizenship Act as “overly restrictive and violating human rights” (Nimmerfeldt, p. 138), and “the Russian-speaking part of the population still lingers

behind in terms of economic and social development” (Jonsson, 2009, p. 95) in spite of accession to the EU.

Indeed, almost half of the Russian minorities in Estonia were still not Estonian citizens as of 2011 and were still excluded from political participation, just as they had been in 1992. Russian minorities in Estonia who are not Estonian citizens do not have the right to vote nor to stand as candidates in parliamentary elections (Riigikogu Election Act, 2012), which has severely impacted the election success, or lack thereof, of political parties that prioritize Russian minority interests.¹¹ In 2007, the Constitutional Party and the Russian Party in Estonia received a combined 1.2% of the vote, which means that neither party achieved the threshold required to win a parliamentary seat (Estonian Electoral Committee, 2007). The following year, the Constitutional Party merged into the Estonian United Left Party (Poleshchuk, p. 62), which prioritizes “working-class problems” (Eestimaa Uhendatud Vasakpartei, 2015), but not “Russian minority problems” in particular. And in the 2011 parliamentary elections, the Russian Party in Estonia again failed to win any parliamentary seats (Estonian Electoral Committee, 2011).

The stringent Estonian language requirement also causes other issues for the Russian minorities in Estonia that lead to inequality and marginalization. First of all, a lack of proficiency in Estonian language limits access to education. The 2010 Upper Secondary Schools Act states that “the language of instruction in upper secondary schools shall be Estonian.” Granted, the Estonian Constitution also states that “the language of instruction in national minority educational institutions shall be chosen by the educational institution” (2015). However, the “Constitution gives no definition of a national minority educational institution, and

¹¹ The two political parties that prioritized Russian minority interests were the Estonian United People’s Party (which became the Constitutional Party in 2006) and the Russian Party in Estonia (Poleshchuk, p. 58). Both have since merged into larger, less specialized political parties.

in practice, Russian municipal and state schools are not regarded as such” (Poleshchuk, p. 80). Thus, even Russian minority educational institutions are subject to providing instruction in Estonian, and unfortunately, these institutions have not always had teachers who are qualified to effectively implement this provision: “In 2007, the Language Inspectorate concluded that 97% of the checked teachers in monitored Russian schools did not know Estonian well enough” (Poleshchuk, pp. 86-87). The percentage of qualified teachers in monitored Russian schools has improved since 2007,¹² but hundreds of them remain unqualified and still provide an insufficient education to their pupils.

It might follow that Russian minority students whose first language is not Estonian, and who are studying under teachers not qualified to teach in Estonian, are not as well positioned as their Estonian counterparts to succeed in school. Perhaps this is one of the reasons why, from 2000-2013, the secondary school dropout rate of non-Estonian citizens (a significant part of which are Russian minorities) aged eighteen to twenty-four was seven percent higher than the Estonian citizen dropout rate (Statistics Estonia, 2015), demonstrating a concrete inequality between Estonian and non-Estonian citizens in Estonia. Furthermore, poorly-educated persons are less likely to find quality work, an arena in which Russian minorities face further challenges because of lack of proficiency in Estonian language.

According to the Estonian Constitution, Russian minorities “have the right to freely choose their area of activity, profession, and place of work, equally with Estonian citizens” (2015). However, the Language Act of 2011 states the following:

1. Officials and employees of state agencies and of local government authorities, as well as employees of legal persons in public law and agencies thereof, members of legal persons in public law, notaries, bailiffs, sworn translators and the employees of their bureaus shall be able to understand and use Estonian at the level which is necessary to perform their service or employment duties.

¹² See, e.g., the most recent Language Inspectorate annual report (2014): <http://www.keeleinsp.ee/?menu=30&news=1093>

2. The requirement for employees of companies, non-profit associations and foundations and for sole proprietors, as well as the members of the board of the non-profit associations with the compulsory membership to be proficient in Estonian to the level that is necessary to perform their employment duties shall be applied if it is justified in the public interest.

So, “holding a number of positions in the private and almost all positions in the public sector require language proficiency certificates” (Poleshchuk, p. 99), perhaps because it is “in the public interest”. The Language Inspectorate enforces Estonian language proficiency and even has the power to “make a proposal to an employer to terminate a contract of employment with an employee or to make a proposal to a person with the right to appoint civil servants to office to release a civil servant from office if the employee or civil servant does not know Estonian at the required level” (Language Act, 2011). The UN Committee for the Elimination of Racial Discrimination stated in 2006 that it “is concerned that the scope of the requirement of Estonian language proficiency, including in the private sector, may have a discriminatory effect on the availability of employment to Russian minorities” (p. 4). Indeed, “Russian minorities are overrepresented in the low-quality workforce” (Poleshchuk, p. 98), and moreover, those who are not citizens face a higher rate of unemployment: from 2003-2014, the unemployment rate of non-Estonian citizens was six percent higher than the Estonian citizen unemployment rate (Statistics Estonia, 2015). Finally, the challenges of Russian minorities in finding quality work is further reflected in their comparatively higher at-risk-of-poverty rate, which was on average six percent higher than that of Estonian citizens from 2004-2013 (Statistics Estonia, 2015).

Cho cites inequality, marginalization, and poverty as major root causes of human trafficking (2015, p. 5). Given that “the Russian-speaking population suffers from a higher degree of unemployment, lower salaries, and a lower degree of education in general than ethnic Estonians” (Jonsson, p. 95), it is reasonable to postulate that Russian minorities in Estonia are generally more at risk for being trafficked than Estonian citizens. And while concrete data on a

hidden, trafficked population is difficult to come by anywhere in the world, Jonsson writes that “most of the trafficking victims from Estonia come from the Russian-speaking part of Estonia” (p. 94), and the US Department of State also provides evidence that this is true:

Table 4

TIP Report Year	Evidence
2003	“There are indications of internal trafficking typically from the northeast border region to the capital for prostitution. Those most at risk for being trafficked are unemployed Russian-speaking non-citizens with little or no high school education.”
2004	“There are indications of internal trafficking typically from the northeast border region to the capital for prostitution.” ¹³
2005	“Estonian victims include both ethnic Estonians and those who are Russian-speaking natives from the country's northeast.”
2012	“Men and women with Russian citizenship or stateless residents of Estonia are the most vulnerable to labor trafficking” (p. 152).
2014	“Russian-speaking men of undetermined citizenship were especially vulnerable to labor trafficking” (p. 170).

Source: US Department of State, 2003, 2004, 2005, 2012, 2014

There is further evidence on this last point about Russian-speakers of undetermined citizenship in Estonia being especially vulnerable to labor trafficking. In their discussion about the push-pull factors of trafficking, Kask and Markina found that “due to the poor economic situation, low education level, and little knowledge of the Estonian language, Russian-speaking people seek job opportunities abroad” (2011, p. 280). At the same time, they are “less aware of work-related regulations and assistance opportunities, probably due to the language barrier” (Soo & Markina, 2013, p. 295), and are thus more vulnerable to labor trafficking. In addition, when it comes to prostitution in Estonia, which is often linked to human trafficking, “it is estimated that eighty percent of the persons involved in prostitution in Estonia belongs to the Russian-speaking population of Tallinn and the northeastern parts of Estonia. In the beginning of the 1990s, Estonian and Russian-speaking women were equally represented among the prostitutes. This has changed, however, so that the Russian-speaking women are clearly overrepresented” (Jonsson, p.

¹³ The Russian minority population in Estonia is highly concentrated in the northeast border region – see Appendix C for a map of the ethnic Russian population distribution across Estonia.

97). Finally, the percentage of calls for assistance from Russian speakers to the Estonian anti-trafficking NGO, Living for Tomorrow, demonstrates their heightened vulnerability: from 2007-2014, an overwhelming average of 74% of all callers were Russian speaking (Living for Tomorrow, 2015).

The picture is becoming clearer as to why Estonia is ranked so poorly in anti-trafficking policy compliance compared to the other countries that emerged from the former Soviet space. Estonia's tumultuous relationship with Russia led to discriminatory policies toward Russian minorities in Estonia. As a result, Russian minorities were comparatively poorly equipped to succeed in Estonian society. And in turn, they are more vulnerable to being trafficked. The vicious cycle goes full circle in that part of the problem – discriminatory policies – is also an impediment to a viable solution. Without representation, Russian minority issues, including human trafficking, stand little chance of being prioritized in the Estonian legislature. And because human trafficking is not prioritized in the Estonian legislature and Estonia is, in fact, behind the international anti-trafficking policy compliance curve, it receives low anti-trafficking policy compliance scores.

There are a couple of datasets available that measure political discrimination on the basis of ethnic background. I chose to derive this independent variable from Andreas Wimmer's Ethnic Power Relations dataset. Wimmer's dataset "records all politically relevant ethnic groups, minorities and majorities, and their degree of access to state power – from total control of the government to overt political discrimination and exclusion" (Wimmer, 2009, p. 317). I chose to utilize Wimmer's dataset over the widely cited Minorities at Risk dataset for three reasons. First, the Minorities at Risk dataset "focuses exclusively on disadvantaged minorities and is thus unable to capture the dynamics of ethnic politics at the power center" (Wimmer, p.

317). The Ethnic Power Relations dataset overcomes this limitation by including all politically relevant ethnic groups. Second, the Ethnic Power Relations dataset includes annual data from 1946-2010 for all of the countries that emerged from the former Soviet space. The Minorities at Risk dataset includes annual data for all of the countries that emerged from the former Soviet space, but only from 2001-2006. As is apparent, there is more overlap between Wimmer's Ethnic Power Relations dataset and Cho's 3P Anti-Trafficking Policy index than between the Minorities at Risk dataset and Cho's index, so utilizing the former allows for more robust analysis. And finally, Wimmer's definition of political discrimination on the basis of ethnic background lines up with the situation in Estonia described above:

Group members (ethnic Russians) are subjected to active, intentional, and targeted discrimination with the intent of excluding them from both regional and national power. Such active discrimination can be either formal or informal. Formal discrimination legally limits access to government positions to citizens who speak a certain mother tongue, display certain phenotypical features, or are members of certain religious groups. Informal discrimination actively and intentionally inhibits individuals with certain ethnic backgrounds from rising within the ranks of government (appendix p. 4).

I have included the average 2000-2010 percentage of the population that faces discrimination for each of the countries that emerged from the former Soviet space in Table 5 below.

Table 5

POLITICAL DISCRIMINATION BASED ON ETHNIC BACKGROUND				
	% Russian	% Discriminated Russian	% Discriminated	Discriminated Population
Albania	0%		0%	
Armenia	0%	0%	0%	
Azerbaijan	2%	0%	0%	
Belarus	10%	0%	0%	
Bosnia and Herzegovina	0%		1%	Roma
Bulgaria	0%	0%	5%	Roma
Croatia	0%		4%	Serbs, Roma
Czech Republic	0%	0%	3%	Roma
Estonia	25%	25%	25%	Russians
Georgia	2%	0%	0%	
Hungary	0%		5%	Roma
Kazakhstan	27%	0%	0%	
Kosovo	0%		2%	
Kyrgyzstan	10%	0%	0%	
Latvia	29%	29%	29%	
Lithuania	6%	0%	0%	
Macedonia	0%	0%	0%	
Moldova	7%	0%	0%	
Montenegro	0%		0%	
Poland	0%		0%	
Romania	0%	0%	3%	Roma
Russia	81%	0%	0%	
Serbia	0%		1%	Roma
Slovakia	0%		9%	Roma
Slovenia	0%		5%	Bosniaks, Croats, Serbs
Tajikistan	1%	0%	0%	
Turkmenistan	4%	2%	7%	Russians, Kazakhs, Uzbeks
Ukraine	17%	0%	0%	
Uzbekistan	6%	0%	0%	

Utilizing the data point of political discrimination on the basis of ethnic background derived from Wimmer's Ethnic Power Relations dataset as my independent variable, I reran my ordinary least squares regression model with Cho's 3P Anti-Trafficking Policy index as the dependent variable and the four previously-tested variables of economic development, corruption, democracy, and female representation in government as control variables in order to

explain why Estonia performs so poorly in the anti-trafficking policy compliance rankings compared to the other countries that emerged from the former Soviet space.

Table 6 (right) shows

my secondary results. As can be seen in Column 2, the quality of a country's anti-trafficking policy still improves with more democratic progress at the 0.1 percent level of statistical significance; however, it also worsens with more political discrimination based on ethnic background at the 0.1 percent level of statistical

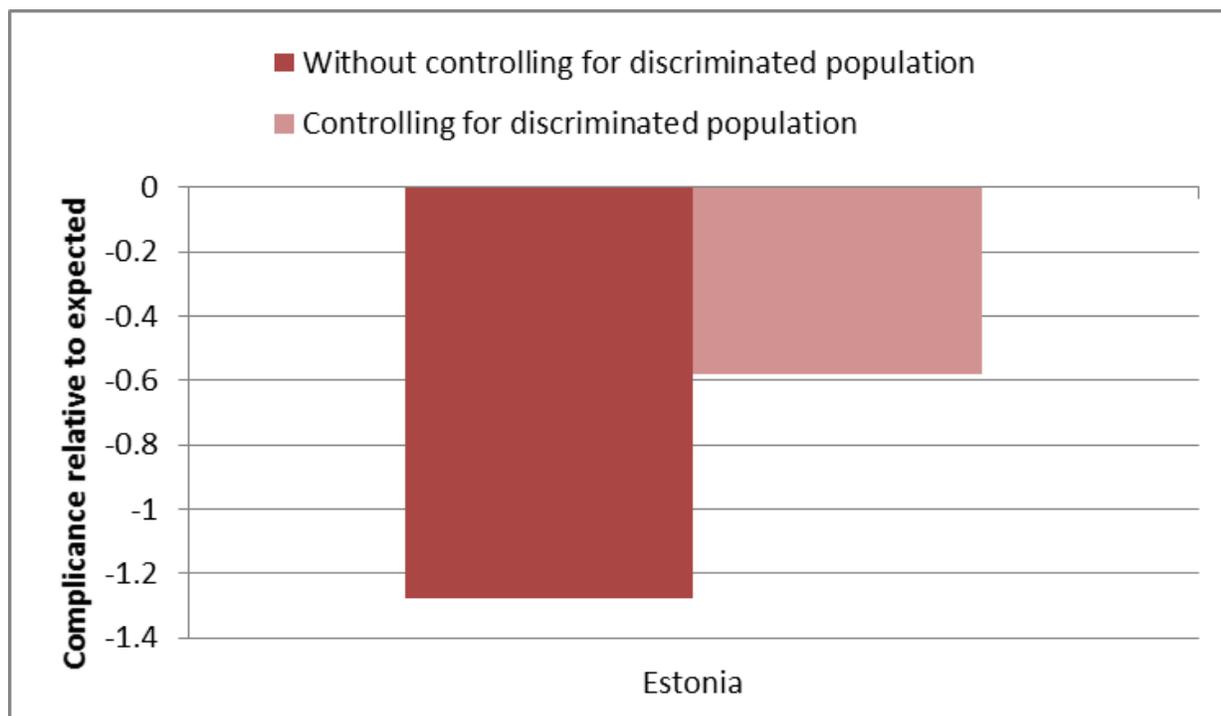
Table 6

VARIABLES	(1)	(2)	(3)
Economic Development	0.000+ (0.000)	0.000 (0.000)	0.000* (0.000)
Corruption	-0.012 (0.022)	0.027 (0.020)	0.014 (0.020)
Democracy	0.400** (0.134)	0.451*** (0.118)	0.525*** (0.119)
Female Representation in Legislature	0.026 (0.018)	0.046** (0.016)	0.045** (0.015)
Discriminated Russian Population			-8.231*** (1.657)
Discriminated Minority Population		-10.870*** (1.392)	
Constant	12.280*** (1.146)	11.445*** (1.015)	12.148*** (1.029)
Observations	212	212	212
R-squared	0.213	0.393	0.416
Log-likelihood	-406.4	-378.9	-374.9
R-sqr	0.213	0.393	0.416
Standard errors in parentheses			
*** p<0.001, ** p<0.01, * p<0.05, + p<0.10			

significance. Female representation in legislature has also now become significant at the 1 percent level. Economic development and corruption are not significant at conventional levels. And finally, as can be seen in Column 3, the quality of a country's anti-trafficking policy also worsens with more political discrimination against Russians in particular at the 0.1 percent level of statistical significance.

As shown in Figure 1 (below), the significance of Wimmer's political discrimination based on ethnic background produces the expected result for Estonia's standard deviation – it is now within one standard deviation of the regression line like the other countries being evaluated.

Figure 1



And while it is still underperforming, Estonia is performing more closely to where it would be expected to perform given the political discrimination based on ethnic background that is happening there. These results are unsurprising given that ethnic Russians, who constitute a significant portion of Estonia's population, face political discrimination and the issues that come along with that, including poverty, inequality, marginalization; and subsequently, human trafficking.

VI. *Kazakhstan*

Now that I have demonstrated that political discrimination based on ethnic background has a significant effect on anti-trafficking policy compliance with international standards in Estonia, I will support my argument by comparing the situation in Estonia to the situation in

Kazakhstan and will demonstrate how my argument has broader implications for anti-trafficking compliance in the other countries that emerged from the former Soviet space. Like Estonia,

ethnic Russians constitute a significant portion of the population in Kazakhstan. But, unlike Estonia, Kazakhstan and Russia are on much better terms.

As one might expect of a Central Asian country, Kazakhstan ranks twentieth out of the twenty-nine countries that emerged from the former Soviet space for average 2000-2013 3P Anti-Trafficking Policy Index score – higher than Estonia, but still below average (shown right in Table 7). When taking the previously-tested variables into account, this ranking makes sense and can be demonstrated by Kazakhstan’s relatively low variance from my primary analysis, backing up the hypothesis that the previously-tested variables can explain Kazakhstan’s anti-trafficking policy

compliance ranking (shown below in Table 8). Kazakhstan places eleventh for average 2000-2013 GDP per capita, twenty-second for average lack of corruption, twenty-sixth for average level of democracy, and nineteenth for average percentage of female representation in legislature, which are, for all practical purposes, in line with Kazakhstan’s anti-trafficking policy compliance ranking. But what happens to Kazakhstan’s anti-trafficking policy compliance ranking when the ethnic discrimination component is taken into account?

Table 7

Country	3P Index Score (average 2000-2013)
Poland	12.77
Czech Republic	12.57
Slovenia	12.21
Croatia	12.17
Lithuania	12.14
Bulgaria	11.85
Romania	11.64
Albania	11.62
Macedonia	11.57
Kosovo	11.38
Armenia	11.00
Latvia	10.92
Slovak Republic	10.83
Hungary	10.71
Montenegro	10.64
Bosnia and Herzegovina	10.62
Georgia	10.62
Moldova	10.50
Ukraine	10.43
Kazakhstan	10.36
Serbia	10.29
Uzbekistan	10.25
Belarus	9.57
Azerbaijan	9.55
Tajikistan	9.31
Estonia	9.15
Russia	9.07
Kyrgyzstan	8.93
Turkmenistan	6.44

Source: Cho, Dreher, & Neumayer, 2014

Table 8

	SD Preliminary
Turkmenistan	-1.82371
Estonia	-1.276549
Slovakia	-0.7201639
Azerbaijan	-0.5799465
Latvia	-0.4837685
Hungary	-0.342701
Serbia	-0.2845119
Russia	-0.2257248
Kyrgyzstan	-0.118511
Moldova	-0.075317
Tajikistan	0.0047882
Montenegro	0.085683
Ukraine	0.0869097
Uzbekistan	0.1158968
Belarus	0.1370786
Czech Republic	0.144651
Poland	0.1750089
Kazakhstan	0.1956068
Armenia	0.2403587
Slovenia	0.3269196
Romania	0.3469909
Macedonia	0.3864389
Bulgaria	0.3864642
Albania	0.4105319
Lithuania	0.4449917
Georgia	0.5254532
Bosnia and Herze	0.6160548
Croatia	0.6330669

Kazakhstan has long played host to a significant population of ethnic Russians within its borders, as it was, to some extent, under Russian and Soviet control from imperial times up to the fall of the Berlin Wall.¹⁴ As of 1897, 539,400 ethnic Russians already resided alongside the 3,649,900 Kazakhs in Kazakhstan (Vishnyevsky, p. 2). Mostly as a result of Soviet policies and the subsequent effects of said policies,¹⁵ the demography of Kazakhstan continued to fluctuate drastically throughout the Soviet era, with the Russian population even overtaking the Kazakh population from no later than 1939 (2,447,000 Russians vs. 2,307,000 Kazakhs) until just before 1989 (6,535,000 Kazakhs vs. 6,227,000 Russians) (Khusnitdinova, 1996, p. 10).

Kazakhstan, unlike Estonia, had not achieved undisputed independence immediately prior to the Soviet era, so it had no “principle of state continuity” to fall back on when it became independent at the end of 1991. Furthermore, as the last former Soviet country to declare independence, and in contrast to Estonia, which was one of the first to declare independence, “Kazakhstan was not in the vanguard of nations striving for independence. Its post-independence government was not a revolutionary movement driving out a foreign presence, but rather a somewhat surprised, Soviet-trained elite who found themselves governing a sovereign nation at

¹⁴ See Martha Brill Olcott’s 1987 *The Kazakhs* for a detailed history of Russian involvement in Kazakhstan up to the fall of the Berlin Wall.

¹⁵ See, e.g., Pianciola, 2001, p. 237; and Zardykhan, 2004, pp. 64-66.

short notice” (Beachain, 2013, p. 348). Perhaps due to these reasons, Kazakhstan’s 1991 Law on Citizenship does not differentiate between those whose ancestors had been in Kazakhstan since before the Soviet era and those who had arrived in Kazakhstan during the Soviet era: it simply states that “citizens of the Republic of Kazakhstan are individuals who are permanently residing in the Republic of Kazakhstan as of the date of this Law” (Republic of Kazakhstan). Granted, equal access to citizenship turned out to mean little for access to political participation in Kazakhstan, as Freedom House has rated Kazakhstan “not free”¹⁶ since 1994 mainly due to its lack of political rights (Individual Country Ratings and Status, 2015). Even so, ethnic Russians and ethnic Kazakhs have had almost the same lack of political rights since Kazakhstan became independent, with the focus in the political arena not on Kazakhs versus Russians, but rather on current regime versus opposition: the Nazarbayev regime aims to “undercut both Russian and Kazakh nationalist groups” (Beachain, p. 350) that threaten its power.

Between 1989 and 2009, when the last available census was taken, a significant number of ethnic Russians left Kazakhstan, perhaps prompted by a perception of “ethnic Kazakh conception of the nation” (Beachain, 342). Indeed, from sources such as Russian minority newspapers and interviews, Peyrouse gathered that “Russians poorly accepted their relegation to minority status and have a negative vision of Kazakh history and culture” (2008, p. 105); and furthermore, that they “think they find themselves in a situation of discrimination” (p. 109). By 2009, the Russian population in Kazakhstan, at 3,793,764, was only slightly larger than its 1989 figure and was much lesser than its 1999 figure of 4,480,675. Meanwhile, the Kazakh population in Kazakhstan was flourishing at 10,096,763 strong. So, ethnic Russians now

¹⁶ Freedom House has consistently stated that Kazakhstan “has very restricted political rights and is ruled by a one-party dictatorship. It may allow a few political rights, such as some representation or autonomy for minority groups” (Methodology, 2015).

composed only 24% of the total population in Kazakhstan (Smailov, 2011, p. 20), which made them a true, but still significant, minority.

The ethnic Russians in Kazakhstan who feel discriminated against may have a point when it comes to some of the policies that the Kazakhstani government has put into place since independence. For one, the Kazakhstani Constitution made Kazakh the state language, while Russian is but an official language. This means that state organizations and local government bodies must conduct their business primarily in Kazakh, but the option to conduct said business in Russian must always be available (Republic of Kazakhstan Law on Languages, 1997). The Constitution also requires the President and the parliamentary chairpersons to have “a perfect command of the state language” (1995). So, if the political situation in Kazakhstan ever were to become freer, Kazakhstani law would forbid ethnic Russians from holding the highest seats in government unless they had a perfect command of Kazakh. At this point, however, this is but a hypothetical that is not likely to happen in Kazakhstan’s current political reality.

In actuality, ethnic Russians in Kazakhstan, however discriminated against they might feel, are in a much better situation when it comes to language policy and practice than ethnic Russians in Estonia. The fact that Russian is recognized as an official language in Kazakhstan is a fundamental difference from Estonia, where Estonian is the only recognized language. This fundamental difference creates many advantages for the ethnic Russians in Kazakhstan over their counterparts in Estonia. First of all, the 1997 Law on Languages provides for secondary school instruction in Kazakh or Russian and makes both required subjects at all educational institutions, public or otherwise (Republic of Kazakhstan). Beachain also maintains that “Russian remains the de facto language of elite education and communication and an important gateway language,

particularly in the hard sciences, engineering, and military studies, and in doing business in the wider former Soviet space” (pp. 344-345).

Relatedly, ethnic Russians seem to have significantly more economic opportunities than their counterparts in Estonia. Unfortunately, Kazakhstan’s Agency of Statistics “does not provide data on the ethnic composition of the workforce or their role in particular sectors of the economy” (Beachain, p. 346). I did my own investigation on this lack of data, and indeed, the Agency of Statistics does not have any population data available at all on its website at this time.¹⁷ However, and perhaps thanks in part to the less restrictive language situation in Kazakhstan, Beachain’s claim that ethnic Russians in Kazakhstan are relatively prosperous is plausible. According to the 2009 census, 72.8% of ethnic Russians in Kazakhstan live in urban areas (Smailov, p. 21), including Astana, Karaganda, and Pavlodar. Astana’s 2010-2014 average salary was well above the country average. Of course, one must take into account that since Astana is the capital of Kazakhstan, this salary figure includes an ethnic Kazakh-dominated government (Oka, 2009, p. 14). The average salaries of Karagandinskaya and Pavlodarskaya oblasts were just below the country average, but still well above the ethnic Kazakh-dominated southern provinces (Agency of Statistics of the Republic of Kazakhstan). Meanwhile, the unemployment rate in Astana was just above average in 2014, while it was right at average in Northern Kazakhstan and Karagandinskaya, and below average in Pavlodarskaya. Again, the ethnic Kazakh-dominated southern provinces were the worst off with the highest unemployment rates out of the regions (Agency of Statistics of the Republic of Kazakhstan).

Given the lack of data, it is difficult to prove whether or not ethnic Russians in Kazakhstan are worse off or better off than ethnic Kazakhs there. However, the circumstantial

¹⁷ “Population sector is on the stage of technical revision” (Agency of Statistics of the Republic of Kazakhstan, 2015).

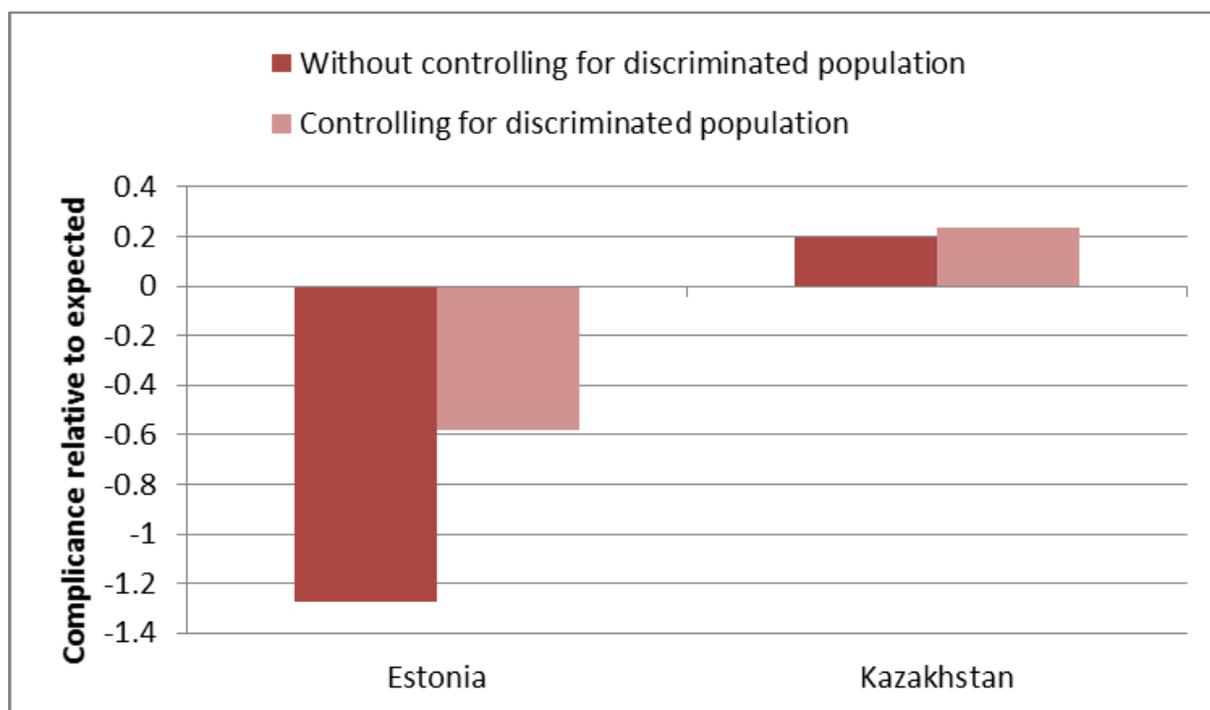
evidence seems to indicate that in the worst case, ethnic Russians experience economic hardship just as ethnic Kazakhs do, and they experience this hardship not because of their ethnicity, but perhaps because of the general economic conditions in the country. At any rate, ethnic Russians in Kazakhstan seem to be on much more equal footing with the dominant ethnic group than do the ethnic Russians in Estonia. And because the ethnic Russians in Kazakhstan do not face the same differences in levels of inequality, marginalization, and poverty as do the ethnic Russians in Estonia, it makes sense that I could not find any evidence that ethnic Russians in Kazakhstan are more at risk for being trafficked than ethnic Kazakhs. Of course, a lack of evidence, especially concerning the hidden population of human trafficking victims, does not mean that it is not happening. But given the circumstances and the comparatively stronger evidence on the ethnic Russian trafficking victims of Estonia, it is reasonable to assume that ethnic Russians are not disproportionately at risk for being trafficked in Kazakhstan.

So, Kazakhstan's relatively cordial relationship with Russia has led to more balanced policies toward Russian minorities there than the policies toward Russian minorities in Estonia. More balanced policies make it easier for Russian minorities in Kazakhstan to succeed in Kazakhstani society than for Russian minorities to succeed in Estonia. And therefore, Russian minorities in Kazakhstan are less vulnerable to being trafficked than Russian minorities in Estonia. Anti-trafficking policy compliance becomes more of a function of the previously tested variables mentioned above, and Kazakhstan's ethnic Russian population is rendered a nonfactor in the causal equation.

Indeed, Wimmer considers Kazakhstan's Russian minorities not discriminated against, but rather "powerless", which means that "elite representatives hold no political power, but group members are not explicitly discriminated against" (appendix p. 4). Taking a look again at

my ordinary least squares regression analysis from above, which utilized the data point of political discrimination on the basis of ethnic background derived from Wimmer's Ethnic Power Relations dataset as my independent variable, Cho's 3P Anti-Trafficking Policy index as my dependent variable, and the four previously-tested variables of economic development, corruption, democracy, and female representation in government as control variables, one can see that the political discrimination on the basis of ethnic background variable has barely any effect on Kazakhstan compared to its result without the independent variable, as demonstrated in Figure 2 (below) by the lack of change in Kazakhstan's standard deviation from the regression line. This lack of effect is especially pronounced when one compares it to the changed result for some of the other countries that emerged from the former Soviet space, like Estonia.

Figure 2



VII. *Broader Implications of the Study, Further Research, and Recommendations*

What are the broader implications for anti-trafficking compliance in the other countries that emerged from the former Soviet space? The standard deviation analysis results for the other countries that have significant Russian minority populations ($\approx 5\%$ or more of the total population) – Latvia, Ukraine,¹⁸ Kyrgyzstan, Belarus, Moldova, Lithuania, and Uzbekistan – are as expected, with barely any change between the primary and secondary standard deviations except for Latvia, which, like Estonia, discriminates against its Russian population. Besides Latvia, these countries' Russian minority populations are considered “junior partners”¹⁹ or “powerless”, like Kazakhstan's Russian minority population. A further point to consider is that while some of the other countries that emerged from the former Soviet space do not have a Russian minority population at all, some of them do have minority populations that are discriminated against. According to Wimmer, Romania, Czech Republic, Hungary, Bulgaria, and Slovakia all discriminate against their Roma populations, which constitute $\approx 3-9\%$ of the total population depending on the country. Meanwhile, and although the situation has improved for the Serbs in Croatia as of 2008, some of the ethnic tension that led to the breakup of the former Yugoslavia is still present there and in Slovenia in the form of discrimination. Further research should be done on other ethnic minorities across the former Soviet space and subsequently, the rest of the world, to find out whether discrimination based on ethnic background is a universal factor to consider when studying anti-trafficking policy compliance with international norms.

¹⁸ Given the ongoing crisis in Ukraine, which started after Wimmer last updated his data in 2010, the Russian minority population's political status there may need to be reclassified.

¹⁹ Group members are “junior partners” if their representatives participate in government in secondarily important positions (Wimmer, appendix p. 3).

Another broader implication of this study that the countries that emerged from the former Soviet space should consider is what it might mean for their security. Back in 1995, Brubaker cited the “twenty-five million ethnic Russians that were transformed from a privileged national group into minorities of precarious status, disputed membership, and uncertain identity in a host of incipient non-Russian nation-states” (p. 108). He predicted that “Russian Federation elites would engage in ‘homeland’ politics, asserting Russia’s right, and obligation, to protect the interests of diaspora Russians” (p. 127). Indeed, by 2005, Putin was lamenting the fact that “tens of millions of Russian citizens and countrymen found themselves outside Russian territory” (Putin, 2005) following the collapse of the Soviet Union. In response to this State of the Nation speech, Beichman wrote that he was becoming “more apprehensive about the future of Russia and the safety of its neighbors” and speculated that “Putin might well believe he should do something to repair the loss occasioned by his predecessors” (2005). Since then, it has become apparent that Putin is in fact willing to do something when the opportunity to do so arises. Some even speculate that Russia has deliberately exacerbated fragile situations so that it could swoop in under the pretext of protecting Russian citizens and speakers. But regardless, the fact remains that Russia responded swiftly and aggressively to both the Georgia-South Ossetia conflict of 2008²⁰ and the Ukraine crisis that is still ongoing, and in both situations has only further complicated matters instead of helping to find final solutions to the problems.

Of course, the fact that Estonia is a member of NATO is one major difference between them and the regions in which Russia has interfered, and NATO membership perhaps makes

²⁰ It is true that neither Abkhazia nor South Ossetia is predominantly ethnically Russian or Russian-speaking enclaves. However, Russia has been their patron since the end of their skirmishes with Georgia in the mid-nineties, and in addition to that, Russia has granted many of their citizens Russian citizenship. Therefore, it can protect its “citizens.” See King’s 2001 “Russia, Diaspora Politics, and Inter-‘State’ Cooperation” section in his *Benefits of Ethnic War* for more on how Russia perpetuates these frozen conflicts.

Estonia better able to deter Russia than Georgia or Ukraine. But Russia has been testing even this assumption, as it continues to escalate its aggressive behavior one small incident at a time, perhaps to find out just how far it can go before it provokes (or does not provoke) some sort of response out of NATO. Since the stakes are higher, the possibility of Russian interference is that much more dangerous. So why give Russia even a hint of an excuse to swoop in and “protect” its diaspora? Estonia has already been rendered helpless in the case of an Estonian law enforcement officer who was abducted from Estonian soil and taken to Russia on charges of espionage,²¹ has endured aggressive cyber-attacks allegedly originating in Russia in retaliation for the removal of a World War II Soviet statue,²² and is quite vulnerable to Russia given its dependence on it for its energy supply.²³ As already mentioned, Russia seems to hold little regard for human rights within its own borders. However, it would be imprudent for Estonia to assume that Russia would not use protection of human rights as a pretext to intervene on behalf of its diaspora.

Ideally, Estonia would take on the initiative to deal with some of the root causes of the trafficking of its minorities – inequality, marginalization, and poverty. However, these issues are tied to legislations (citizenship, language, education, employment, etc.) that are highly politicized with complex intricacies. Any changes to them would likely affect relations with Russia, but how they would affect relations with Russia would be unpredictable and risky. Therefore, a good place to start for Estonia would be to introduce anti-trafficking initiatives to deal specifically with the problem; i.e., initiatives specifically crafted to better prevent the minorities

²¹ See, e.g., Whitmore 2015.

²² See, e.g., Landler 2007.

²³ See, e.g., Grigas, 2012, p. 1.

within their borders from being trafficked and to better protect those who have already been victimized.

According to the Polaris Project's Global Modern Slavery Directory, which is the first global directory of anti-trafficking organizations, there are two main anti-trafficking NGO's in Estonia: Living for Tomorrow, which works mostly to prevent human trafficking; and NGO Eluliin, which works mostly to protect human trafficking victims (Polaris Project, 2015). Living for Tomorrow already has a couple of initiatives designed to help Estonia's Russian population specifically. First, it has a free hotline that one can call for information in Russian "about opportunities, conditions, rules, and risks of work, study, and marriage abroad" and to get direct service provider contact information. The Estonian Ministry of Social Affairs supports the hotline (Living for Tomorrow). Second, it held a two-day seminar in Tallinn and Narva in 2009 to "raise awareness and educate government officials, teachers, and other relevant actors on the issue of human trafficking" (Living for Tomorrow, 2010, p. 2). The seminars were conducted in Russian as their "main goal was to prevent human trafficking in the North and Northeastern Estonian regions" (Living for Tomorrow, p. 2), which is where vulnerable Russian populations primarily reside. The Netherlands Embassy in Tallinn provided support for the seminars.

NGO Eluliin already has initiatives designed to help Estonia's Russian population specifically, too. While its website is not comprehensive, I was able to find out that the organization provides legal, medical, and social services in Russian to human trafficking victims (Services for Sex Workers, 2015). In addition, NGO Eluliin runs a rehabilitation center and shelter for sex and labor trafficking victims, although it is not specifically geared toward the needs of Russian minority victims (European Commission, 2015). Norway Grants supports the center and shelter (Norway Grants, 2015).

The hotlines run by Living for Tomorrow and NGO Eluliin are presently the strongest initiatives to prevent the minorities within Estonia from being trafficked and to protect those who have already been victimized. However, the Estonian government could be doing more to fund anti-trafficking initiatives specifically geared toward Russian minorities. The government should strongly consider funding an annual Living for Tomorrow Russian language awareness-raising seminar in both Tallinn and Narva so that the issue is constantly on the forefront of relevant actors' attention and new actors are properly trained. Soo and Markina also recommend raising more awareness about "forced labor and labor exploitation as well as labor rights and regulations by using a greater variety of media channels, social campaigns, and relevant organizations (e.g., Living for Tomorrow) to provide information in Russian" (p. 300), which is another initiative that the Estonian government could fund. Furthermore, the government should consider funding a shelter, perhaps in Narva, where Russian minority victims might feel more comfortable going if they need help and their specific needs would be met. Finally, and in general, the Estonian government certainly should not make funding for victim support contingent upon a victim filing a police report, as it did in 2013 (US Department of State, 2014); it should instead be funding anti-trafficking NGO initiatives more generously.

VIII. Conclusion

Estonia has such a low anti-trafficking policy compliance score at least partly because Russian minorities are overrepresented among the population vulnerable to trafficking and lack representation in the Estonian government. This in turn makes issues specific to them, including human trafficking, less of a priority. Kazakhstan, in contrast, has an anti-trafficking policy compliance score that is expected given its level of development and lack of discrimination and

marginalization of its Russian minority population. The takeaways of this study are the following:

1. The effect of discrimination based on ethnic background on anti-trafficking policy compliance with international norms, which I found to be statistically significant in this study for the countries that emerged from the former Soviet space, should be investigated on a wider basis; and
2. Estonia should aim to improve its anti-trafficking efforts specifically for its Russian minorities in order not only to improve their situation but also to prove that it is protecting them and that they do not need to turn to Russia for assistance.

Taking action on the second of these points has the potential to better at least one aspect of the lives of minorities in Estonia and, in turn, the security of Estonia vis a vis Russia; taking action on the first – the potential to better the lives of minorities and security across the globe.

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Appendix A

TIP Report Tier Ranking	Criteria
Tier 1	Countries whose governments fully comply with the TVPA's minimum standards.
Tier 2	Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.
Tier 2 Watch List	<p>Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards and:</p> <ol style="list-style-type: none"> a. The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b. There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c. The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.
Tier 3	Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Source: US Department of State, 2014

Appendix B

3P Anti-Trafficking Policy Index Coding Scheme

Prosecution

- Score 5: "The country has a legislative measure specifically prohibiting trafficking in persons and; the law is fully enforced in the form of investigations, prosecutions, convictions and punishment of such offenders. Generally, the country should maintain a stringent level of penalty (either more than five years imprisonment or punishment equivalent to other related crimes such as rape or labor exploitation)."
- Score 4: "The country has a legislative measure specifically prohibiting trafficking in persons; BUT the law is not fully enforced in the form of investigations, prosecutions, convictions and punishment of such offenders."
- Score 3: "The country does NOT have a legislative measure specifically prohibiting trafficking in persons; but applies some other relevant laws (such as laws against rape, slavery, exploitation, abuse or human rights violation) to punish offenders of such crimes; and the law is fully or adequately enforced in the form of investigations, prosecutions, convictions and punishment of such offenders."
- Score 2: "The country does NOT have a legislative measure specifically prohibiting trafficking in persons; BUT applies some other related law to punish offenders of such crimes; the law is not adequately enforced in the form of investigations, prosecutions, convictions and punishment of such offenders. If the country has a legislative measure specifically prohibiting trafficking in persons but does not enforce the law at all (or there is no evidence that the country has conducted prosecution or conviction of such offenders), it also receives score 2."
- Score 1: "The country does NOT have a legislative measure prohibiting trafficking in persons and no other law is applied; and there is no evidence of punishment for such a crime at all."

Protection

- Score 5: "The country does not punish victims of trafficking for acts related to the situations being trafficked; does not impose the self-identification of victims; and exerts **STRONG** efforts to give victims information on, and assistance for, relevant court and administrative proceedings, as well as support for the physical, psychological and social recovery of victims such as housing (shelter), medical assistance, job training, (temporal) residence permit, and other assistance for rehabilitation and repatriation."
- Score 4: "The country does not punish victims of trafficking for acts related to the situations being trafficked; does not impose the self-identification of victims; and exerts **MODERATE** efforts to give victims information on, and assistance for, relevant court and administrative proceedings, as well as support for the physical, psychological and social recovery of victims such as housing (shelter), medical assistance, job training, (temporal) residence permit, and other assistance for rehabilitation and repatriation."
- Score 3: "The country does not punish victims of trafficking for acts related to the situations being trafficked; does not impose the self-identification of victims; and exerts **LIMITED** efforts to give victims information on, and assistance for, relevant court and administrative proceedings, as well as support for the physical, psychological and social recovery of victims such as housing (shelter), medical assistance, job training, (temporal) residence permit, and other assistance for rehabilitation and repatriation. Or, if the country fails to ensure that victims of trafficking are never punished for acts related to the trafficking itself or the consequences of being trafficking BUT exerts **STRONG/MODERATE** efforts in protecting victims, the country qualifies for score 3."
- Score 2: "The country fails to ensure that victims of trafficking are punished for acts related to the trafficking itself or to the consequences of being trafficked; and there is limited assistance and support for court proceedings and the recovery of victims. Or, the country does not punish victims of trafficking in

persons for acts related to the situations being trafficked; however, it also does not provide any assistance or support for recovery, rehabilitation and repatriation."

Score 1: "The country punishes victims of trafficking in persons for acts related to the situations being trafficked; and does not provide any assistance and support."

Prevention

Score 5: "The country demonstrates VERY STRONG efforts preventing trafficking in persons, such as implementing public and media campaigns for anti-trafficking awareness; training government and military officials (including peace keepers); facilitating information exchange among relevant authorities; monitoring borders, train stations, airports, etc.; adopting national action plans for combating trafficking in persons; promoting cooperation with NGOs and international organizations in the country; and facilitating bilateral and/or multilateral cooperation with other governments."

Score 4: "The country demonstrates STRONG efforts against trafficking in persons, such as implementing public and media campaigns for anti-trafficking awareness; training government and military officials (including peace keepers); facilitating information exchange among relevant authorities; monitoring borders, train stations, airports, etc.; adopting national action plans for combating trafficking in persons; promoting cooperation with NGOs and international organizations in the country; and facilitating bilateral and/or multilateral cooperation with other governments."

Score 3: "The country demonstrates MODEST efforts against trafficking in persons, such as implementing public and media campaigns for anti-trafficking awareness; training government and military officials (including peace keepers); facilitating information exchange among relevant authorities; monitoring borders, train stations, airports, etc.; adopting national action plans for combating trafficking in persons; promoting cooperation with NGOs and international organizations in the country; and facilitating bilateral and/or multilateral cooperation with other governments."

Score 2: "The country demonstrates LIMITED efforts against trafficking in persons, such as implementing public and media campaigns for anti-trafficking awareness; training government and military officials (including peace keepers); facilitating information exchange among relevant authorities; monitoring borders, train stations, airports, etc.; adopting national action plans for combating trafficking in persons; promoting cooperation with NGOs and international organizations in the country; and facilitating bilateral and/or multilateral cooperation with other governments."

Score 1: "The country demonstrates NO efforts against trafficking in persons."

Source: Cho, Dreher, & Neumayer, 2014

Appendix C

Share of different ethnic nationalities in the population
Share of Russians, %, 2011

