

# Human Trafficking – A Never-Ending Story?

A Comparison of OSCE and ECPAT

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# Abstract

World politics consists of different international organizations and transnational actors which operate alongside with states. This thesis describes how international organizations and transnational actors are organized and their influence on world politics. These actors need to cooperate with states in order to have an impact, but they are not only powerless actors in world politics. The purpose of this thesis is to determine how OSCE and ECPAT are fighting against human trafficking and what difficulties they encounter preventing trafficking. The OSCE is an international organization, which consists of 56 participating states; while ECPAT is a network, to which 80 groups from 70 countries belong. The OSCE is trying to affect its participating states` legislation and find common rules to convict traffickers. The ECPAT groups are trying to prevent child trafficking by influencing states. Their priority is to support victims of child trafficking and improve the situation by monitoring states and providing outside with data. Trafficking is a difficult issue to study as there is no exact number of victims, and researchers define the dimension of the problem differently. The legislation to pursue traffickers is not harmonized between states and accordingly, the reported numbers are difficult to compare.

*Key words:* End Child Prostitution, Child Pornography and Trafficking in Children for sexual purposes (ECPAT), human trafficking, international organization, Organization for Security and Cooperation in Europe (OSCE), transnational actor.

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# Abbreviations

|        |   |
|--------|---|
| CSCE   | Conference on Security and Co-operation in Europe   |
| CSEC   | Commercial Sexual Exploitation of Children  |
| ECOSOC | Economic and Social Council of the United Nations   |
| ECPAT  | End Child Prostitution, Child Pornography and Trafficking in Children for sexual purposes |
| FSC    | Forum for Security Co-operation   |
| IGO    | Intergovernmental Organization  |
| (I)NGO | (International) Non-Governmental Organization   |
| IOM    | International Organization for Migration  |
| NATO   | North Atlantic Treaty Organization  |
| OSCE   | Organization of Security and Cooperation in Europe  |
| SIDA   | Swedish International Development Cooperation Agency                                      |
| UN     | United Nations  |
| UNICEF | United Nations Children's Fund  |
| UNODC  | United Nations Office on Drugs and Crime  |

# 1 Introduction

In the global world, human trafficking has become one of the central and serious problems, especially in less developed countries where the low position and respect for women and children assists their oppression. However, the reported number of victims is low. This can be either because trafficking is significantly lower than expected or we still do not know how to identify the victims of trafficking. The problem with identifying the victims and the traffickers themselves is that they try to avoid authorities because in general victims are illegal in the country. Therefore, there are rarely investigations and convictions (UP 4/2008).

There are several reasons which expedite the trafficking, such as inequality and growing poverty. The profits for the traffickers are large compared to the low risk of getting caught. Although the reported number of victims has increased, convictions are still low. However, a major problem is that in the generality of published researches on trafficking, the experimental data are rather controversial and there is no general agreement on the dimension of trafficking (Scarpa 2008 p. 11ff).

Recently, researchers have shown an increased interest in studying different actors which are not states, such as international organizations and transnational actors, and their impact on world politics (Keck & Sikkink 1998 p. 1). International organizations and transnational actors have different instruments with which they can impact states. In area of trafficking the focus of both actors is to affect states to change their legislation to convict the traffickers and protect victims by improving their rights.

## 1.1 Purpose and Problem of the Thesis

This thesis focuses on differences of international organizations and transnational actors. The chosen international organization is the Organization for Security and Cooperation in Europe (OSCE), and the transnational actor is End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT). The purpose of this thesis is to determine how the OSCE and ECPAT are fighting against trafficking and what difficulties they encounter preventing trafficking. The point is to show the differences of international organizations and transnational actors, especially in the decision-making and their organizational structures. Furthermore, the aim is to concentrate on the way they are working against trafficking and how they can affect the states in which they are operating.

The main question in this thesis is:

How are the OSCE and ECPAT fighting against human trafficking?

The subtitles addressed in this thesis are:

How are the OSCE and ECPAT organized and how do they differ from each other?

What difficulties do the OSCE and ECPAT encounter preventing human trafficking?

## 1.2 Outline of the Thesis

The thesis concentrates on the questions mentioned above and is organized in the following way: The first section introduces the main questions and purpose of this thesis as well as the methodological aspect and limitations of the questions and the empirical statistics. Chapter 2 defines human and child trafficking and the limitations of these definitions. Chapter 3 begins by laying out the theoretical dimensions of the research and focuses on the influence of international organizations and transnational actors on states. Chapter 4 and 5 describe the decision-making bodies of the OSCE and ECPAT. Furthermore, these chapters concentrate on how they are trying to prevent trafficking. Finally, Chapter 6 and 7 summarize the thesis with discussion and conclusion by answering the main questions.

## 1.3 Delimitations of the Thesis

It is important to concentrate on a small part of reality and make a compact and distinct study as it is impossible to include every possible aspect (Teorell & Svensson 2007 p. 21f). A number of important limitations need to be considered in this thesis. First, this thesis concentrates on two different actors on world politics; one is an international organization, OSCE; while the other is a network, ECPAT. Choosing these different actors reveals two ways to address the problem of trafficking. None of the actors are states, but both they rely on cooperation with states to achieve their goals. Secondly, this thesis investigates the impact of international organizations and transnational actors on states and the influence states exert on them. Finally, trafficking is a difficult area to study, because most of the studies in trafficking have only been carried out in a small number of areas with no reliable statistic to show the dimensions of trafficking.

The material of this thesis consists of several references including reports and previous researches. The statistics regarding trafficking (Chapter 2) are based on the United Nations (UN) reports published between 2006 and 2009. The problem

with these statistics is that there are no exact numbers showing the dimensions of trafficking. For the empirical data, the source used is the Global Report on Trafficking in Persons by the United Nations Office on Drugs and Crime (UNODC) (2009). The data consists of 155 countries and the results are presented by the appropriate figures. However, these data underlie certain limitations. The main problem is the quality of the reported data varies dramatically between states. Certain states do not provide data at all, whilst others provide very detailed statistics. Furthermore, the data for many states is not indicated for every year of the investigated period from 2003 until 2007. Investigating the number of victims provides a challenging task as numbers in certain occasions are provided by sheltering organizations, while in other cases victims are identified by the state authorities. The distinction of cases of trafficking and other related crimes such as migration smuggling is often not distinct. The analysis of state activities, such as the investigation and conviction of trafficking has proven to be even more challenging. In the investigated states, a variety of legal systems and laws exist according to the manner in which the cases are handled. Certain states provide number of suspicious while others provide number of convictions.

## 1.4 Methodological Aspects

This is a comparative case study on transnational cooperation and compares an international organization and a transnational actor, OSCE and ECPAT. The details of the case include examining how these actors attempt to prevent trafficking. The theory used in this thesis is a descriptive theory. It helps to express and convey how international organizations and transnational actors are organized and their accessible instruments to influence world politics and states (Teorell & Svensson 2007 p. 43f).

This thesis follows the method of John Mill. According to Mill, there are two different methods: the method of difference and the method of agreement. The method of choice is Mill's method of agreement, signifying the presence of two cases, whose result is influenced by several variables. In both cases all variables (a, b, c, etc.) are different except for one independent variable X. The result of the cases is the variable Y which depends on all variables a, b, c, ... and X and is due to the independent X similar for the two cases (Teorell & Svensson 2007 p. 226f). This thesis tries in a first step to find the differences between the two actors, OSCE and ECPAT. In a later step, the similarities and the result, their influence on world politics, are investigated. However, this method has a number of limitations. The most severe disadvantage is, like Mill himself noticed, the difficulty to find two cases which are similar and can be compared in practice (ibid.).

A scientific thesis should be made in such a way that the results can be considered reliable. The results can be described with validity and reliability. A result is valid if a researcher actually measures what he/she intended to measure. This signifies a good relation between the theoretical concepts and empiricism.

Reliability shows that the results are not retrieved randomly, the results can be reproduced and, applying the same measurement, other researchers would achieve the same results (Lundquist 1993 p. 99). In this thesis, the relation between the theoretical concepts and empiricism is effective, due to the international organizations and transnational actors and the issue which have been selected to answer the questions. Trafficking is a global problem and numerous actors which are not states are trying to prevent it. The problem of studying trafficking is that there is minimal availability of data with many statistics showing different results.



## 2 Human and Child Trafficking

The UN defines human trafficking in Article 3 (a) of the Trafficking in Persons Protocol as:

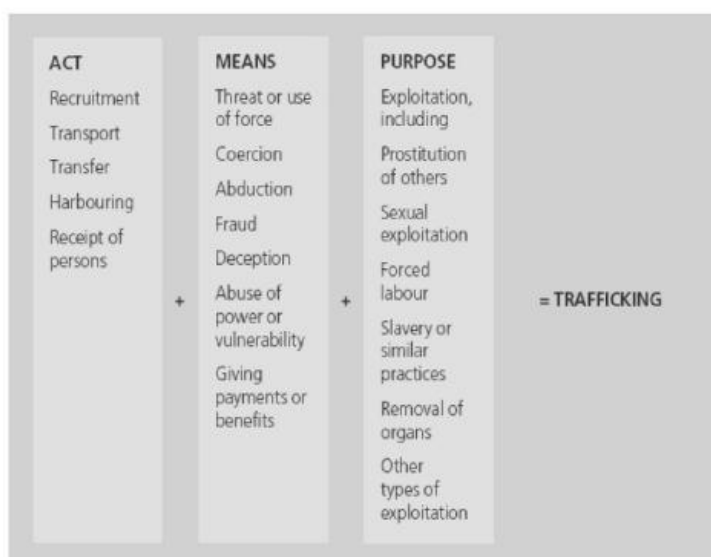
“[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UNODC 2004 p. 42).

According to the UN, a child is a person of being less than eighteen years of age. In Article 3 (c), the UN defines child trafficking in the following way:

“The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” [...]” (UNODC 2004 p. 43).

Figure 2.1 shows the three elements which include the Trafficking in Persons Protocol. These elements are the act (what is done), the means (how it is done) and the purpose (why it is done) (UNODC 2008 p. 2f).

Figure 2.1 Elements of human trafficking



Source: UNODC 2008 p. 3

The definition of trafficking by the UN is comprehensive. However, according to Silvia Scarpa (2008 p. 5ff) one of the limitations of this definition is that it fails to take prostitution and the harvesting of organs into account. Individual states can decide whether prostitution is a crime or not and furthermore, there is no definition for the harvesting of organs. In this thesis the terms of human and child trafficking will be used in its broadest sense by the UN. The resulting problem is that many states have different legislations to prevent trafficking with no uniform agreements on how to punish traffickers.

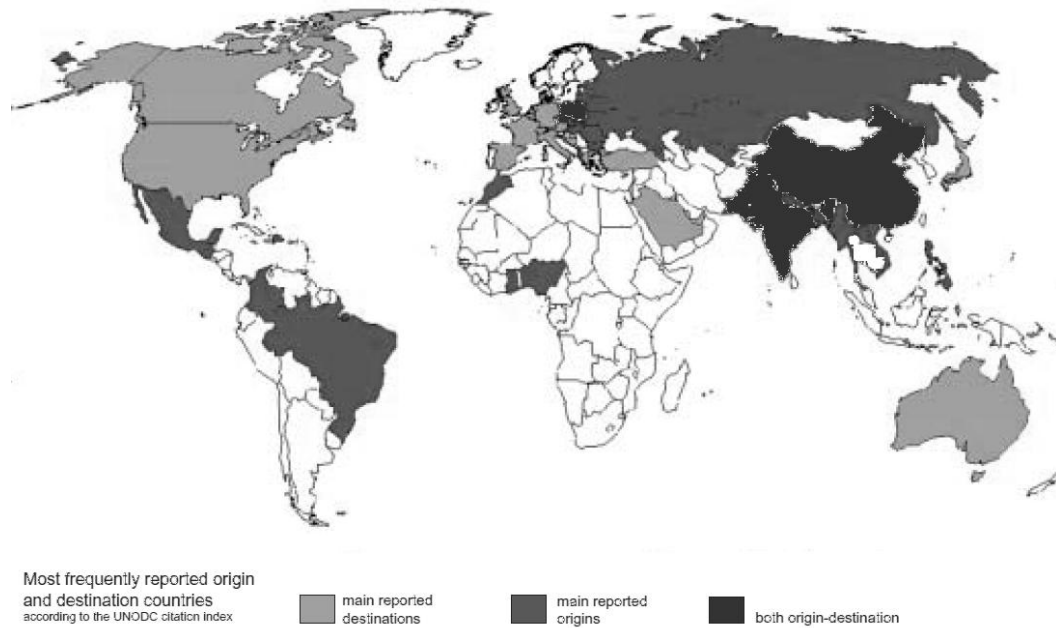
Minimal attention has been paid to trafficking and consequently, there is not an exact number describing trafficking. The key problem is that certain researchers believe trafficking is overrated due to the lack of data, others perceive trafficking as a significant problem worldwide. Researchers have experienced difficulties using traditional methods of data collection for trafficking due to the level of difficulty in obtaining reliable data from states. Most states in the field of trafficking only focus on adults and do not distinguish the victims by their age. Therefore, it is difficult to estimate the number of children who are victims of child trafficking. Furthermore, countries mix the data of trafficking and the smuggling of migrants due to their vague definitions (Scarpa 2008 p. 8f, 11). Smuggling of migrants is defined as

“the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident” (UNODC 2004 p. 54f).

According to Christal Morehouse (2009 p. 85f) trafficking is against humanity, while the smuggling is against a state. Smuggling is a transportation of a person from state to state, bringing profit to the smugglers.

The UNODC published report “Trafficking in Persons: Global Patterns” in April 2006. This report is one of the first global studies of trafficking and collects the data of victims from 127 countries exploited in 137 countries. Countries can have different roles in the trafficking process; it is therefore common to categorize countries. The categories are: sending or origin countries, which are the places where victims are abducted; transit countries, which are the places where victims are placed temporarily before being moved to destination countries; and receiving or destination countries, which are the places in which the victims are trafficked. Figure 2.2 illustrates the main origins, transit and destinations countries of the reported victims of trafficking. One can see that most of the European countries, North-America and Australia are destination countries, while most countries in the developing world are origin or transit countries (UNODC 2006 p. 17).

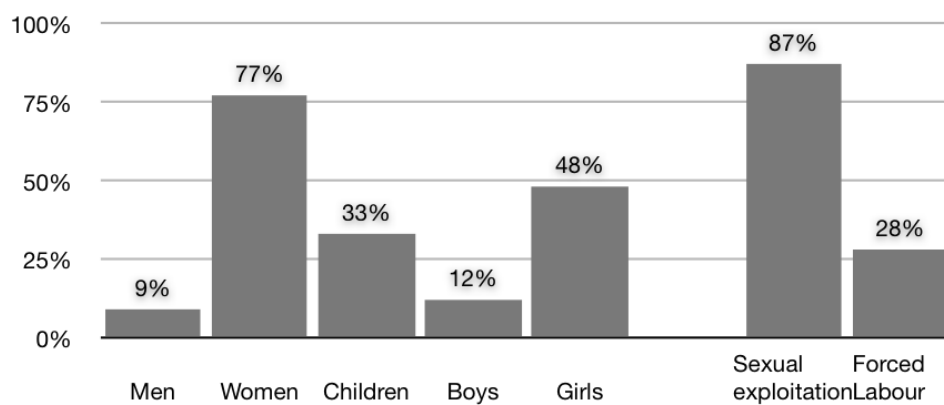
Figure 2.2 Main origins, transit and destination countries



Source: UNODC 2006 p. 17

The report estimates the fractions of victims according to their gender and age. Most of the victims are women and girls, child trafficking accounts for 33 percent. Furthermore, the report estimates the most common forms of trafficking are sexual exploitation (87 percent) and forced labour (28 percent) (Figure 2.3) (UNODC 2006 p. 33).

Figure 2.3 The reported profile of victims and the purpose of human trafficking at the global level



Source: UNODC 2006 p. 33

### 3 International Organizations` and Transnational Actors` Role in World Politics

After the Second World War realism was the dominating position in the area of international relations. According to Robert Keohane and Joseph Nye (1977 p. 23f) realism is a theory which assumes that states are the most important actors in world politics. Therefore, realists hold the view that transnational relations in the international system show mainly the interests of the most powerful states. States with enormous influence in world politics have goals which vary from those of other international players and usually they can enforce their interest over the ones of transnational actors and international organizations. Therefore, the international condition and the influence of transnational actors and international organizations are entirely based on their cooperation with the powerful states (Risse 2002 p. 264).

New challenges in the world politics have changed the position of realism in international relations. Recently, researchers have shown an increased interest in studying transnational actors and international organizations and their impact on world politics. Keohane and Nye (1977 p. 23f) argue against the view of realism and claim that states are no longer the only international actors but other actors, such as international organizations and transnational actors play a major role in world politics. Different transnational actors and international organizations operate together with states, trying to affect international events and to influence the behavior of states (Keck & Sikkink 1998 p. 1).

Compared to earlier studies the recent work concentrate rather on national and transnational relations and interaction between transnational actors, international organizations and states, than using traditional regime analysis which focuses on inter-state institutions by a “governance without government” (Risse 2002 p. 259). Different scholars of international relations exist, which as a consequence leads to several contradicting classifications and definitions of these actors (Kegley & Wittkopf 1989 p. 132). This thesis uses definitions which make a clear distinction between international organizations and transnational actors as they are organized differently. Michael Barnett and Martha Finnemore use the term of international organization as an intergovernmental organization (IGO) which is defined as

“[...] institutional structure created by agreement among three or more sovereign states for the conduct of regular political interactions” (Barnett & Finnemore 2004 p. 177).

Another definition is given by Sir Gerald Fitzmaurice, member of the International Law Commission of the UN between 1955 and 1960, who defines international organization as follows:

“The term "international organization" means a collectivity of States established by treaty, with a constitution and common organs, having a personality distinct from that of its member-States, and being a subject of international law with treaty-making capacity;” (1956 II *Yearbook ILC* 108).

By contrast, transnational actor can be understood as an agreement between two or more participants which pursue common interests. None of these participants are an agent of government or an international organization (Archer 2001 p. 38). According to Keohane & Nye a transnational interaction is a

“[...] movement of tangible or intangible items across state boundaries when at least one actor is not the agent of a government or an intergovernmental organization.” (Keohane and Nye 1971 p. 332).

This thesis uses the definition of international organizations by Barnett & Finnemore which declares that international organizations are created by agreement among sovereign states. The definition of transnational actor used, is the one by Keohane & Nye which regards transnational actors as an actor who does not consist of states and is not an international organization. This chapter begins with the describing organizational structures of international organization and transnational actor and continues to describe their instrument to influence states.

### 3.1 International Organizations

Most theoretical frameworks in international relations assume that international organizations do not have a significant impact on world politics. According to Lynn Miller (1994 p. 67) sovereign states establish international organizations on a voluntary base on subjects where corporation with other states is required and a formal structure is desired. The majority of international organizations are established by negotiations and treaties which are dictated by powerful states, and represent their interests accordingly. Therefore, international organizations can be seen as instruments of powerful states. According to state-centric analysis, international organizations do not have their own goals, but rather follow the interests of states. By contrast, Barnett and Finnemore (2004 p. 22ff) grant international organizations a certain independence. Furthermore, they argue that international organizations can even have goals which are in contradiction to the interests of states.

### 3.1.1 Organizational Structure

Barnett & Finnemore (2004) see international organizations as bureaucracies which they define as

“[...] rational, impartial, and technical that they are valued and viewed as a superior way of organizing and coordinating activities.” (Barnett & Finnemore 2004 p. 27).

Bureaucracies have four crucial units which are hierarchy, continuity, impersonality and expertise. The parts of the organization work in strict defined boundaries, are given a well-defined competence and are responsible according to their position within the hierarchy. The influence of employees is based on their skills and position rather than on their personal characteristics. These impersonal rules prevent nepotism within the organizations. International organizations are often experts in their field which determines the way of operation and behavior (Barnett & Finnemore 2004 p. 17ff).

The organizational structure and the goals they pursue give international organization often more social legitimacy than states - which instead follow their own goals and rules. On the other hand, Barnett & Finnemore observe that bureaucracies are not perfect. They can become obsessed with their own rules and work only for their own benefits. In this case, many of their activities aim for self-preservation (Barnett & Finnemore 2004 p. 3ff, 16, 37).

### 3.1.2 International Organizations` Influence on States

States have created international organizations to take care of problems, for which they do not have enough time, information or resources to solve. The international organizations are given the authority by states over certain problems. Seyom Brown (1995 p. 195) argues that international organizations have an important role to improve communication and cooperation between states. They achieve this by rule making, agenda-setting, and information gathering. International organizations monitor member states so that they may improve their legislation within the rules which are decided within the international organization.

International organizations define the relevance of problems and provide means to approach them. The key factors for the influence of international organizations are knowledge and the control of it. They can decide what information is collected. International organizations gather information on their member states and how they encounter and solve problems. By collecting these data, international organizations monitor them and have the power to influence and affect the behavior of states. But the purpose of international organizations is not only to solve problem, but also to prevent the emergence of future problems (Barnett and Finnemore 2004 p. 29ff).

International organizations are authorities such as any bureaucracy by definition. They have the power to declare what is right and to get actors to do what they otherwise would not do. International organizations use their authority

by regulating and constituting the world. International organizations can offer and change incentives for states and transnational actors and in this way influence their behavior. Furthermore, international organizations define rules which categorize and classify the world. These classifications of problems influence the perspective of bureaucrats and the way the problems are addressed. Rules not only confine but also define how the world is seen by actors (Barnett & Finnemore 2004 p. 16ff).

## 3.2 Transnational Actors

Globalization and the influence of states are the cause of current transnational relations. Transnational actors are strengthening their positions in the international system to get more power to impact world politics. According to the theory of realism, transnational actors will have more impact on international relations when they change the preferences and policies of the most powerful states sustainably to their favor (Risse 2002 p. 260).

### 3.2.1 Organizational Structure

Thomas Risse (2002 p. 255f) claims that there are two types of transnational actors; formal organizations and networks. Some of them pursue instrumental goals; some of them are motivated by a “common good”. Formal organizations have hierarchal and vertical patterns of communication, while networks consist of voluntaries which communicate horizontally. Walter Powell (1990) argues that networks are not organized in a hierarchical way, in other words they are

“[...] “lighter on their feet” than hierarchies...” and “[...] are particularly apt for circumstances in which there is a need for efficient, reliable information.” (Walter Powell 1990 p. 303f).

Networks can consist of formal organizations or groups of individuals where the contact between the members is an important factor to operate. These contacts can be both formal and informal. The range of transnational actors can vary broadly as well geographically as in their concerns. Certain transnational actors operate globally, while others are confined to specific regions of the world. Some transnational actors concentrate on a single issue, while others follow a multipurpose mission (Risse 2002 p. 255f).

### 3.2.2 Tools of Transnational Actors to Influence States

Risse (2002 p. 265) describes three different methods with help of which transnational actors can affect world politics. These methods are lobbying, coalition-making with international organizations and in this way pressuring states

“from above” and “from below”, and coalition-building with states. The transnational actors monitor states and relay on local contacts to collect information. This information supports on one hand the possibility to put pressure on states from outside and, on the other hand, to supply coalition partners. Furthermore, they try to create awareness of their issues by attending conferences of international organizations (Mingst 1999 p. 255ff). Transnational actors have different communication tools to achieve their goals. The most powerful tools are social mobilization, pressure and protest which often are set into motion by putting actors to shame. This reminds states to follow the rules and norms demanded by society (Keck and Sikkink 1998 p. 23f).

Transnational actors have a higher possibility to gain influence on the domestic policy-making processes when the political system in the country is more liberal, less centralized and pluralistic, but this does not necessarily guarantee access to the political decision-making, as it is harder to participate in winning coalitions (Risse 2002 p. 266). To succeed in the international system, transnational actors should extend their political influence. Anyhow, the work of transnational actors in international arenas such as in the EU or the UN is not certain to achieve the desired results. Ann Marie Clark (1998) is one of the researchers who have shown that in the UN the success of the impact of transnational actors affects the issue itself and the participating countries (Risse 2002 p. 265).

Resources of transnational actors affect their influence on world politics but the success also depends on how vulnerable states and international organizations are to the pressure of transnational actors. The fear of losing reputation leads to this vulnerability. That also means, that the more states or international organizations have committed themselves to the norms of a particular transnational actors, the more vulnerable they are to the pressure of this actors (Keck and Sikkink 1998 p. 29).

One criticism of literature on transnational actors is that most studies only focus on single-case researches on transnational campaigns, which have succeeded in their activities and targets. Unfortunately, there is a minimal amount of information available for the various campaigns which operate at the same time, but have failed unanimously in their goals. One major drawback of this approach is that researchers cannot generalize the success of transnational actors (Risse 2002 p. 264).



# 4 Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) consists of 56 European, North American, South Caucasus and Central Asian states (Appendix 1). According to Chapter VIII of the UN Charter the OSCE is one of the sub-organization of the UN. Its headquarters are located in Vienna, Austria. OSCE is an international organization and has three main areas of concerns. These are politico-military issues, different economical and environmental questions and human dimension issues. The initial purpose of the OSCE is to have a broad security concept in which democracy, human rights and cooperation play a central role. The assignments of the OSCE comprise of early warnings, conflict prevention, crisis management and post-conflicts reconstruction principal instrument (OSCE 2010a). This chapter first gives a brief overview of important incidents in history of the OSCE and subsequently describes the main decision-making bodies of the OSCE. Finally, the thesis concentrates on the effort of the OSCE to prevent trafficking and how participating states handle trafficking.

## 4.1 From the Conference to the Organization

After the Second World War and beginning of the Cold War, Europe was divided into East and West. The Soviet Union together with the United States and Canada agreed to participate in the European Security and Cooperation Conference (CSCE), which took place 1975 in Helsinki, Finland. Besides NATO and the Warsaw Pact, the neutral and nonaligned states took part in the Congress as they wanted to have an influence on the international relations in Europe. The Conference in Helsinki was a political pact which was intended to deepen and broaden the future meetings of the CSCE (OSCE 2007 p. 1).

The end of the Cold War changed the political institutions in Europe which were established during the Cold War. The Warsaw Pact disappeared completely, while NATO had to adapt to the new situation in the world. In the Charter of Paris 1990, the member states of the CSCE considered that the CSCE needed an institutionalization to operate after the Cold War. The Council of Foreign Ministers, the Civil Service Committee and the Secretariat were established in Paris. The Paris Charter emphasized the common values of Europe, such as representative democracy, human rights and the rule of law (OSCE 2007 p. 6f).

The CSCE was originally a cooperation and consultation forum between the East and West, whose main goal was to achieve a détente and secure European

area. The CSCE did not belong to the UN and its cooperation with other organizations and the UN was not established properly until the 1990s. It was proclaimed a regional collective security organization under the UN in 1992 in Helsinki. In Budapest 1994, the CSCE was renamed to the Organization for Security and Cooperation in Europe (OSCE). The Ministry of Foreign Affairs was renamed to The Council of Ministers and the Standing Committee was renamed to the Permanent Council (OSCE 2007 p. 8).

## 4.2 Decision-making Bodies of the OSCE

The OSCE is an international organization, where the power is shared by the different institutions in a hierarchal way. The 56 states of the OSCE are equally represented in all decision-making bodies. In December 2006, the Brussels Ministerial Council codified the decision-making rules in the Rules of Procedure. The decision-making of the OSCE is based on the consensus principle:

“Consensus shall be understood to mean the absence of any objection expressed by a participating State to the adoption of the decision in question. Any texts which have been adopted by a decision-making body by consensus shall have a politically binding character for all the participating States or reflect the agreed views of all the participating States” (OSCE 2007 p. 14).

The decision-making bodies of the OSCE consist of the meetings of Heads of State or Government/Summits, Ministerial Councils, the Permanent Council and Forum for Security Co-operation (Appendix 2).

The most important body of the OSCE, where the highest decision-making takes place, is the Meetings of Heads of State or Government, or Summits. In the Summits, the participating states make decisions, which influence the whole OSCE. The Summits are not only available to its 56 participating states but also to the Mediterranean and Asian Partners for Co-operation, other international organizations and non-governmental organizations (NGOs). Apart from the Summits which are held irregularly, the Ministerial Council meets annually, except in the years in which a Summit is held. The Ministerial Council is one of the most important and crucial decision-making bodies of the OSCE. In its meetings the decisions on the organization's priorities and policy guidelines on political activities is made. Its members are the Foreign Ministers of the 56 participating states. All the bodies and institutions of the OSCE, except the Summit, are responsible for the Ministerial Council (OSCE 2007 p. 13ff).

The Permanent Council is the body for political consultation and decision-making in the OSCE. The Permanent Representative of the state holding the Chairmanship of the OSCE leads the Permanent Council. The 56 participating states have appointments in the Permanent Council to decide the crucial actions of the organization. Various committees and working groups, which are under the Permanent Council, work and prepare issues to be decided upon future by the Permanent Council. The Forum for Security Co-operation (FSC) is an

independent decision-making body. The representatives of the 56 participating states meet weekly to confer on the military security and balance of the OSCE area. The most important assignments of the FSC are to achieve agreements on arms control, decrease the risk of conflicts and to execute/accomplish appointed measures (OSCE 2007 p. 16f).

### 4.3 OSCE and Trafficking

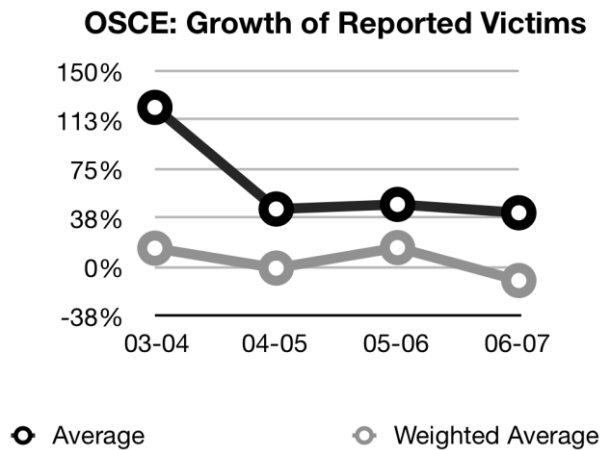
The OSCE has an important role in the fight against trafficking and has a designated office for this purpose (Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings). The main function of this office is to supervise participating states of the OSCE and to influence the method of implementation of their legislation to prevent trafficking (OSCE 2010b). Eva Biaudet (the Head of this Office 2006) has argued that trafficking is an emerging problem, where OSCE takes a major role preventing it, but OSCE cannot prevent it alone, without help of states (UP 4/2008). The OSCE has an active role preventing trafficking through the signing of several commitments which condemn trafficking. The Action Plan to Combat Trafficking in Human Beings is established in Maastricht Ministerial Council Decision No. 2 (2003), which is the document introducing the tools to fight trafficking. The OSCE Action Plan has the three main goals: “prevention, protection, prosecution” (OSCE 2003 p. 1).

The OSCE assists the participating states at four different levels. These levels are policy-making, field work, technical expertise and coordination of international actors. The OSCE works in tandem with the governments against trafficking, where one of the main goals is to increase the awareness of trafficking in participating states (OSCE 2010b). The OSCE arranged the Alliance Against Trafficking in Persons in Vienna in 2006 together with the Austrian EU Presidency and the International Organization for Migration (IOM). The Alliance Against Trafficking in Persons is an international forum whose main goal is to prevent trafficking. It creates strategies and improves its member’s legislation on preventing trafficking. The Alliance consists of several national authorities, regional and international organizations, networks, IGOs and (I)NGOs. Both the OSCE and ECPAT belong to the Alliance Against Trafficking in Persons (OSCE 2010c).

The source of empirical data on trafficking used in this thesis is the Global Report on Trafficking in Persons by the UNODC (2009). Figure 4.1 shows the growth of reported victims in the 56 participating states of the OSCE. It shows that the growth of victims is decreasing between 2003 and 2007. One of the problems in measuring trafficking is that if countries have very few cases to report, small changes in the numbers can drastically alter changes expressed in percentages such as seen in Figure 4.1. In Bulgaria for example, the increase of victims ranged from 3 to 33 corresponding to an increase of 1000 percent. As a consequence, the growth of victims averaged over all countries is rather high.

Therefore, when averaging, the countries were weighted according to their contribution to the total amount of victims.

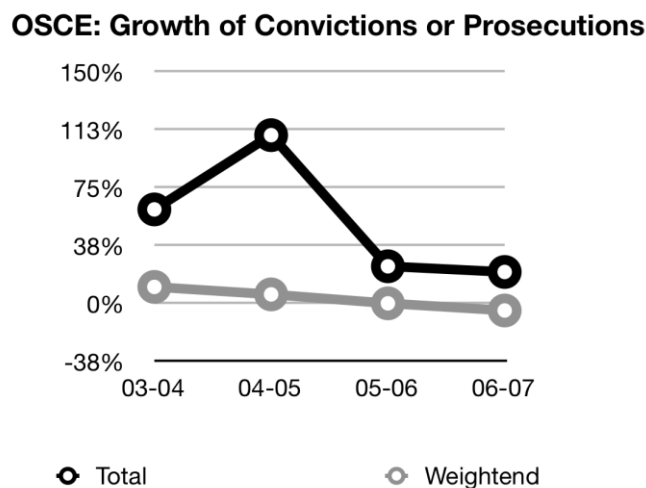
Figure 4.1 Growth of reported victims in the participating states of the OSCE



Source: The UN Report 2009

The statistics of investigations and convictions of trafficking is proven to be greatly challenging due to drastic variation in data. Figure 4.2 illustrates the growth of convictions and prosecutions in the participating states of the OSCE. It shows that between 2003 and 2007 the growth of convictions or prosecutions has decreased. The percentage values of the countries are also weighted by their fraction of the total amount of cases. The problem is that in the investigated states many different laws according to which the cases are handled existed. Some states only provide number of suspicious, while others provide a number of convictions.

Figure 4.2 Growth of convictions or prosecutions in the participating states of the OSCE



Source: The UN Report 2009

# 5 End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes

End Child Prostitution, Child Pornography and Trafficking in Children for sexual purposes (ECPAT) is a global network which consist of over 80 groups in 70 different countries (Appendix 3). All the groups belonging to ECPAT are independent organizations or coalitions whose main goal is to fight against the commercial sexual exploitation of children. Many types of groups exist in ECPAT; some of them are large coalitions of NGOs, while others are small groups of individuals. Some groups concentrate on only one aspect, while other groups concentrate on an enormous range of aspects of Commercial Sexual Exploitation of Children (CSEC) issues (ECPAT 2008a).

The ECPAT has an advisory position in the Economic and Social Council of the United Nations (ECOSOC). ECPAT has come from being a regional campaign to a global non-governmental organization (NGO) and network. The original name of ECPAT was End Child Prostitution in Asian Tourism until it changed its name to its current name (ECPAT 2008b). This chapter begins by a brief overview of the history of ECPAT. It continues with organizational structures of the ECPAT and finally, it focuses on the role of ECPAT in fighting against the trafficking of children.

## 5.1 History of ECPAT

ECPAT was established as a three-year campaign in 1990, when researchers at a tourism consultation in Thailand recognized that child prostitution had become a major problem in many Asian countries. The mission of ECPAT was to bring awareness of the growing problem of child prostitution to the media, state institutions, police and international organizations. In March 1991, ECPAT published its first Newsletter and shortly after in 1992 the first book, which described the dimension of the problem of child prostitution in the Asian countries and the necessary steps that need to be taken to prevent it. In 1992 ECPAT had its first international consultation in Thailand, where it was decided that child prostitution was not only a problem in Asian countries but also a worldwide issue. In the following year ECPAT was holding the first international consultation outside Asia in Germany (ECPAT 2008b).

In 1996 there was a consultation called “Enforcing the Law” in Bangkok Thailand, in which more than 50 law enforcement officers from 17 different countries took part. The main goal was to process the new laws and improve strategies for monitoring the countries where the problem exists. In the same year, ECPAT arranged in cooperation with UNICEF and the NGO Group for the Rights of the Child a World Congress against CSEC in Stockholm, Sweden. A Second World Congress against CSEC was held in 2001 in Japan, 134 governments participated. The number of governments rose to 137 governments in the Third World Congress in Brazil in 2008 (ibid.).

The first International Assembly of the ECPAT Network was held in 1999 in Bangkok where more than 50 countries participated. In 2002, there was a second ECPAT International Assembly in Bangkok in an attempt to improve the rights of children. The third and fourth International Assemblies were held in 2005 and 2008 respectively. 180 participants from 70 ECPAT groups from all regions of the world participated in the fourth International Assembly (ibid.).

## 5.2 Organizational Structure of the ECPAT Network

ECPAT consists of the International Assembly, the Board and the International Secretariat. The ECPAT groups meet every three years at the International Assembly for purposes depending on the necessities of the country or region on which they are working. The International Assembly is the most important decision-making body in the ECPAT and it consists of representatives of National Groups or Affiliate Groups. It regulates rules and policies and the mode of operation of the network (ECPAT 2008c).

Every National Group can send two persons to the International Assembly and has subsequently two votes. Each Affiliate Group can send one person to the International Assembly and hence, has only one vote. If a country has no National Group but more than two Affiliates, the Affiliates can receive an additional vote. The decisions are made by a simple majority of votes in the International Assembly. In the case of a tie vote, the Moderator of the International Assembly has the final decision (ECPAT 1999 p.7).

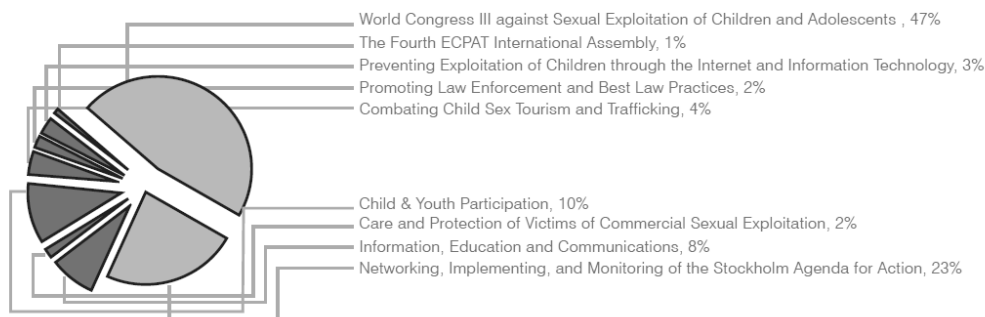
ECPAT International Board assignment sends an annual report to all National Groups and Affiliate Groups within the ECPAT International. The Board consists of nine regional representatives, one from each region, three officers and one Youth representative. The three officers comprise of an independent Chairperson, Treasurer and Secretary. The Youth representative is required to be between 16 and 25 years of age at the moment he/she is chosen. The representatives are elected at the International Assembly and usually hold the chair for a three year period (ECPAT 2008d).

The International Secretariat is the administrative and coordinating body of ECPAT and is located in Bangkok, Thailand. The International Secretariat under the direction of the Chairperson of the Board is responsible for the agenda for the meetings of the International Assembly. An Executive Director is the main head

of the International Secretariat and is elected by the Board. His or her main goal is to lead the Secretariat. The main focus of the International Secretariat is to coordinate the global work of ECPAT. One of its numerous responsibilities is to expand the ECPAT network. The Secretariat works to conceive different kind of projects and programs in order to improve the preventing of CSEC. The International Secretariat also works with international non-governmental and intergovernmental organizations such as Interpol, World Tourism Organization, ASEM and UNICEF (ECPAT 2008e).

ECPAT receives funding from different organizations such as Christian Aid, Irish Aid, private donors, The Oak Foundation, The Swedish International Development Cooperation Agency (SIDA), UBS Optimus Foundation and Air France (ECPAT 2010 p. 40f). Figure 5.1 illustrates the expenses of ECPAT between 2008 and 2009 whereby the prevention of child sex tourism and trafficking accounts four percent.

Figure 5.1 Project Expenditures, Programs and Administrative Costs between July 2008 and June 2009



Source: ECPAT 2010 p. 40

### 5.3 ECPAT and Child Trafficking

The victims of child trafficking and their protection are one of ECPAT's main concerns. In many cases the victims are illegal immigrants in the country and ECPAT is trying to influence the legislation of the countries to ensure the traffickers are punished and not the victims. Several efforts to improve the condition of the victims in the country are in progress (ECPAT 2008g).

ECPAT has a National Plan, which gives advices to governments and civil society actors to prevent CSEC. A National Plan provides countries with tools to improve and monitor the situation of CSEC. It is not a uniform agreement and countries can apply it according their own views. Certain countries pay more attention to the employment of children, while others prioritize the prevention of CSEC. ECPAT has several additional programs with the objective to prevent CSEC. These programs are Care and Protection, Child and Youth Participation,

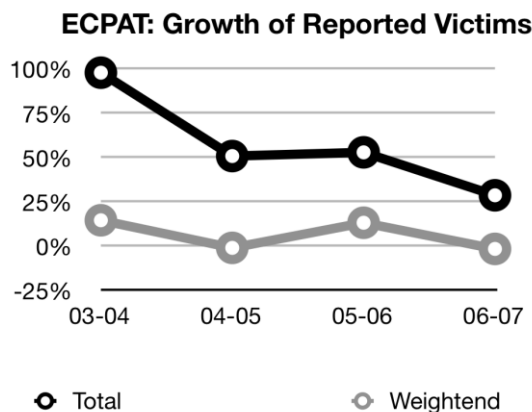
Combating Child Sex Tourism, Combating Child Trafficking, Preventing Exploitation of Children through the Internet and ICTs and Promoting Legal Reform (ECPAT 2008f).

ECPAT has many different campaigns in cooperation with different companies, organizations and countries. Body Shop and ECPAT have a conjoint campaign to prevent the sex trafficking of children and young people. In 2009 they published the report called “Their Protection Is in Our Hands: The State of Global Child Trafficking For Sexual Purposes”. According to the Report the victims of child trafficking are most commonly from poorer areas and are trafficked to richer areas. The child trafficking occurs from Eastern Europe to Western Europe but there is also a noticeable flow within the European sub-regions (ECPAT 2009 p. 10, 14).

One of the main goals of the ECPAT is to make sure that states and governments are united against child trafficking. ECPAT creates new models to prevent child trafficking and shares the models with countries, NGOs, individuals and all whose goal it is to prevent trafficking. ECPAT monitors the countries and publishes reports of methods and structures countries are putting in place against child trafficking. It is also training and helping the countries law enforcement (police officers, judges, prosecutors, etc.) to recognize victims of the child trafficking and the traffickers. ECPAT tries to build cooperation among the local civil society actors and global social movements for the prevention of sexual exploitation of children. Many countries have different legislations to prevent child trafficking or have no legislation at all. Strong laws are necessary to extinguish child trafficking. ECPAT is trying to increase the capacities of the member groups to work on legal reforms at a local level (ECPAT 2008g).

The empirical data on the area of operation of ECPAT were also found in the Global Report on Trafficking in Persons by the UNODC (2009). Studying the number of victims in the ECPAT area is difficult as it was previously in the case of OSCE. Figure 5.2 shows the growth of reported victims in the countries where ECPAT is operating. It can be seen that the growth of victims has decreased between 2003 and 2007.

Figure 5.2 Growth of reported victims in ECPAT’s area of operation



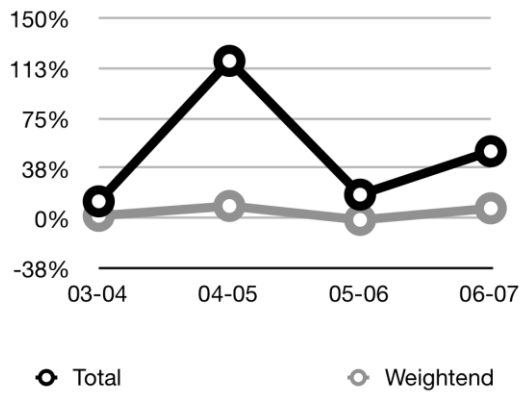
Source: The UN Report 2009



Figure 5.3 shows the growth of convictions and/or prosecutions in the countries where ECPAT is operating. Apparently, the growth of convictions or prosecutions has increased between 2003 and 2007.

Figure 5.3 Growth of convictions or prosecutions in ECPAT's area of operation

**ECPAT: Growth of Convictions or Prosecutions**



Source: The UN Report 2009

## 6 Discussion

The purpose of this thesis is to examine how the OSCE and ECPAT are fighting against trafficking. It is analyzed how international organizations and transnational actors are organized and how they combat trafficking. The way they operate leads to certain difficulties they encounter fighting and preventing human trafficking.

The OSCE was first a conference called CSCE but due to changes in world politics it developed towards an international organization. It has been established by agreement among 56 sovereign states which meet annually to discuss current issues (Barnett & Finnemore 2004 p. 3, 177). The OSCE is not only selectively concentrating on the prevention of trafficking, but also addresses politico-military issues, different economical and environmental questions as well as other human dimension issues (OSCE 2010a). According to Barnett & Finnemore (2004 p. 17f) international organizations are bureaucracies which are organized in hierarchal and vertical structures. The four crucial forms of bureaucracies (hierarchy, continuity, impersonality and expertise) are present in international organizations. OSCE has a hierarchal structure, where decision-making occurs by impersonal rules in annual meetings. The power of the OSCE is distributed equally among its member states and the process of decision-making occurs according to a consensus principle, meaning that all the member states need to accept the rules decided in the OSCE. In the arena of trafficking, it is crucial that decision-making will work in practice as quickly as possible to help the victims of trafficking. One of the problems is that Minister Councils of the OSCE are held annually and Summits even more rarely (OSCE 2007 p. 13ff). This affects efficiency of decision-making process drastically.

ECPAT, in contrast, is a transnational actor and a network operating across state boundaries where the members are neither a government nor an intergovernmental organization (Keohane & Nye 1971 p. 332). ECPAT consist of 70 groups in over 80 countries and focuses especially on the rights of children in trafficking. Risse (2002 p. 255f) and Powell (1990 p. 303f) argue that networks do not consist of states but voluntaries. ECPAT does not have a heavy bureaucracy and is not organized in a hierarchal way which leads to an undelayed information exchange between the groups and gives the opportunity to react quickly. Transnational actors can operate globally or in specific regions of the world (Risse 2002 p. 255f). The ECPAT groups meet every three years at the International Assembly for purposes depending on the necessities of the country or region on which they are working in (ECPAT 2008a, 2008c). In contrary to OSCE, the decision-making of ECPAT occurs with a simple majority principle and different groups inside of ECPAT do not need to follow the proposals of other groups. One

of the main goals of these groups is to eliminate child trafficking without the constant disruptions of meetings (ECPAT 1999 p. 7).

According to Brown (1995 p. 195) international organizations are improving communication and cooperation among member states. Rule making, agenda-setting and information gathering are important tasks of international organizations. OSCE assists member states at different levels. These levels are policy-making, field work, technical expertise and coordination of international actors (OSCE 2010b). OSCE is combating trafficking and has a designated office for this purpose (Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings). The office monitors member states and aims to impact the anti-trafficking legislation of member states. Another purpose is to increase the awareness of trafficking in member states. To achieve influence this office needs to have information on the member states and control it appropriately (Barnett & Finnemore 2004 p. 29, 32). Eva Biaudet who represented this Office in 2006, declared that trafficking is an increasing problem which every member states has to take care of. But without improving their legislation, they will never achieve real results (UP 4/2008).

The victims of trafficking in the participating states of the OSCE already receive a certain level of support. Therefore, the OSCE pursues the long-term goal of harmonizing anti-trafficking legislations. The OSCE tries to find common rules or norms in the participating states. Based on this common ground, similar and viable laws are tried to be established in the member states to fight and prevent trafficking across borders (OSCE 2010b). The process of finding solutions can take longer but requires being sustainable as it is the case with the consensus decision-making principle. OSCE works mainly in European countries and these countries have a similar degree of development. This is one of the reasons for the consensus principle and the decision-making principle to work. The main goal of the OSCE is accepted by all the participating states because of mentioned consensus rule in the decision-making. Participating states can “choose” to be members and if they disapprove of certain subjects, they do not need to accept it.

In the states where ECPAT is operating, the victims of child trafficking are mostly illegal immigrants and not protected by the legislation of the states. Therefore, ECPAT tries to support and protect the victims by improving their position (ECPAT 2008g). ECPAT has a National Plan, whose purpose is to assist states and civil society actors to improve and monitor the right of children. It is not a uniform agreement and some states consider it more than others. Most states define human trafficking as a crime, some even have a distinct legislation to prevent child trafficking, but many do not protect children (ECPAT 2008f). As every transnational actor (Mingst 1999 p. 255ff), ECPAT gathers information on local conditions and creates reports on child trafficking in many states. Furthermore, ECPAT tries to assist and train the official law enforcement to recognize victims and traffickers (ECPAT 2008g).

According to Risse transnational actors have three different ways to impact world politics. These are lobbying, coalition-making and coalition-building. Transnational actors cooperate with international organizations and, participate in their conferences (Mingst 1999 p. 255ff). ECPAT has extended cooperation with

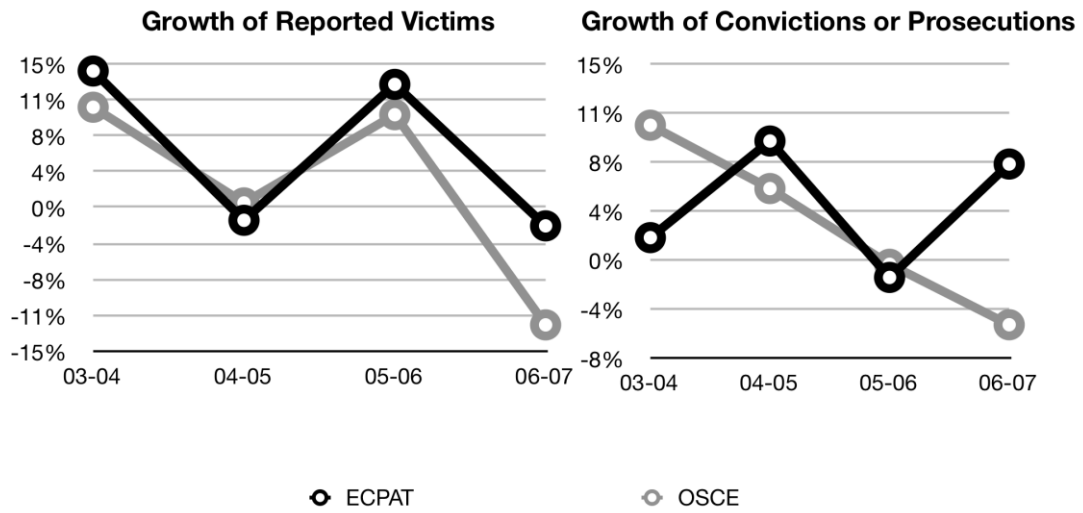
several companies, international organizations and states (ECPAT 2009 p. 10, 14). ECPAT is trying to bring the issue of child trafficking on the agenda of states and in that way to influence them (ECPAT 2008g). To achieve their goals, local ECPAT groups monitor countries and provide the data to outside to give the ECPAT network and states the means to put pressure on the government ,from above‘ and ,from below‘ (Keck & Sikkink 1998 p. 12f). One of the problems ECPAT encounters thereby is that foreign states are independent and sovereign and do not need to accept decisions made by ECPAT. The chances to achieve influence on the domestic policy-making processes are higher in states with open and less centralized political system (Risse 2002 p. 265). Another factor determining the success is the vulnerability of the states regarding the pressure of transnational actors. The more a state commits itself to the norms of ECPAT, the more influence ECPAT can achieve (Keck & Sikkink 1998 p. 29).

Trafficking is a difficult issue to study and due to the mentioned problems; the absolute numbers provided by different states are difficult or even impossible to compare (Scarpa 2008 p. 8ff). However, as long as the states use the same method of measurement every year, the changes of the measured numbers expressed in percents can be effectively compared. Thereby, the measured quantity can be different ones such as investigations, prosecutions or convictions. Even though, this method allows comparing states based on given data-set, it introduces another problem. If states have very few cases to report, small changes in numbers can lead to a high change expressed in percentages. Therefore, when averaging, the countries were weighted according to their contribution to the total amount of victims. However, this method results in the fact that states with a high number of cases dominate the statistics.

Figure 6.1 summarized the growth of reported victims and convictions or prosecutions in the states of the OSCE and ECPAT. The curve picturing the growth of victims is similar for both actors. ECPAT is operating in several states which as well participate in the OSCE. Some of these states report a comparably high number of victims and consequently dominate the statistics. It is evident that in the participating states of the OSCE the growth as well of reported victims as of number of convictions decreases and is even negative in the year 2007. The result can thereby be understood as the fight against trafficking becoming successful and the actual number of cases of trafficking is decreasing. On the other hand, it can be that traffickers learned to avoid authorities and the actual number of cases, in contrast to the reported numbers, is constant or even growing.

In the states where ECPAT operates, the growth of convictions tends to increase. Many states, in which ECPAT is active, such as development countries, are not yet as developed as the Western countries in fighting trafficking. Therefore, it can be assumed that the awareness of the problem of trafficking is not yet very distinct. The increasing growth of convictions brings hope that the states begin to take trafficking more seriously and actually prosecute the traffickers.

Figure 6.1 Growth of reported victims and convictions or prosecutions in the countries of the OSCE and ECPAT



Source: The UN report 2009

## 7 Summarizing Conclusions

The aim of this thesis was to study the way OSCE and ECPAT are fighting against trafficking. The focus was on the organizational structure of these actors. It was analyzed how these actors influence states and what difficulties they encounter preventing human trafficking.

The OSCE aims to prevent trafficking through the implementation of legislation in participating countries and the training of public authorities. In addition, the OSCE works on improving its participating states knowledge about trafficking and its prevention. Most of the OSCE participating states are democratized states and have already established laws to prevent trafficking. The problem is that the legislation varies in different countries, which the OSCE is trying to harmonize. The ECPAT, on the other hand, is trying to protect victims of child trafficking by attracting the attention of states to the issue of child trafficking. The ECPAT groups put pressure on countries from “outside” to influence states by monitoring them. They make individual reports about each state and in this way attempt to have an effect on authorities in the states.

The OSCE is an international organization consisting of 56 countries. It is a bureaucracy which is organized in a hierarchal way. The decision-making occurs with a consensus principle. In contrary, the ECPAT is a transnational actor which consists of various groups in over 80 countries and is organized in a horizontal way. ECPAT uses a simple majority principle in the process of decision-making and the groups do not need to consider the proposals of other groups. The consensus principle in the decision-making of the OSCE demands time. It is not possible to react immediately on emerging problems. Compromises have to be made to find a solution everyone can stand behind. In contrary, the groups of ECPAT operate independently and assist the victims on site. The decision-making occurs with a simple majority principle and eases the accomplishment of solutions. On the other hand, states do not need to adapt the national plan of ECPAT. Furthermore, the influence of ECPAT in a particular state depends on the vulnerability of this state to the pressure ECPAT applies.

The conclusion which can be drawn from the present thesis is that international organizations and transnational actors are organized in different ways and have different means to influence states and world politics. OSCE is an international organization consisting of states while the transnational actor ECPAT is a network of groups of people. The OSCE has many assignments, whereof one is to prevent trafficking, whilst ECPAT concentrates on the commercial sexual exploitation of children which includes child trafficking. But then again a common ground was found. Both the chosen actors pursue the goal of preventing human trafficking. None of them is a state but operates across borders side by side with states. According to the empirical and theoretical work

of this thesis, both actors have a significant influence on world politics and are not only actors dependent on powerful states. OSCE improves the communication and exchange of data between states and influences their legislation. ECPAT uses social mobilization and coalitions to set political processes in motion.

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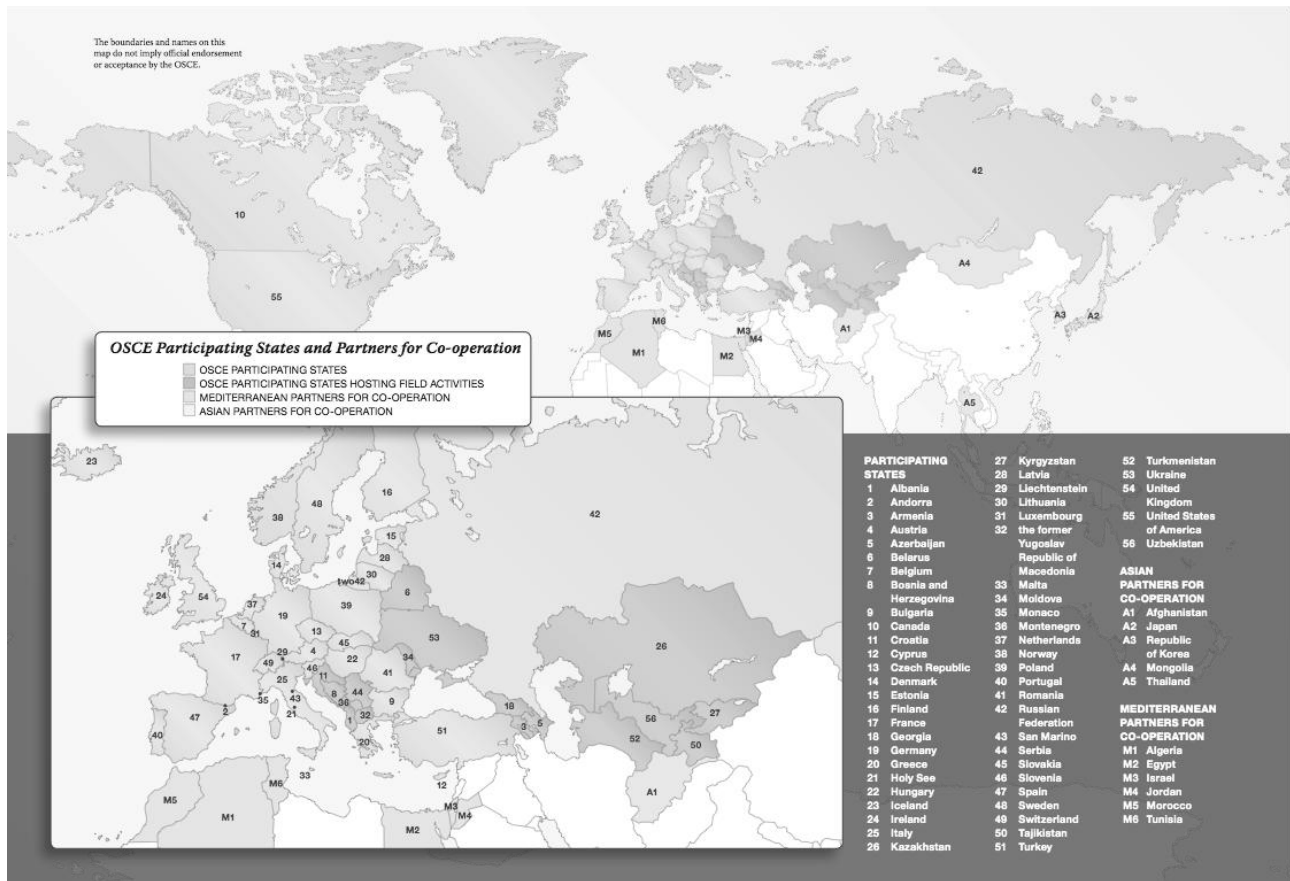
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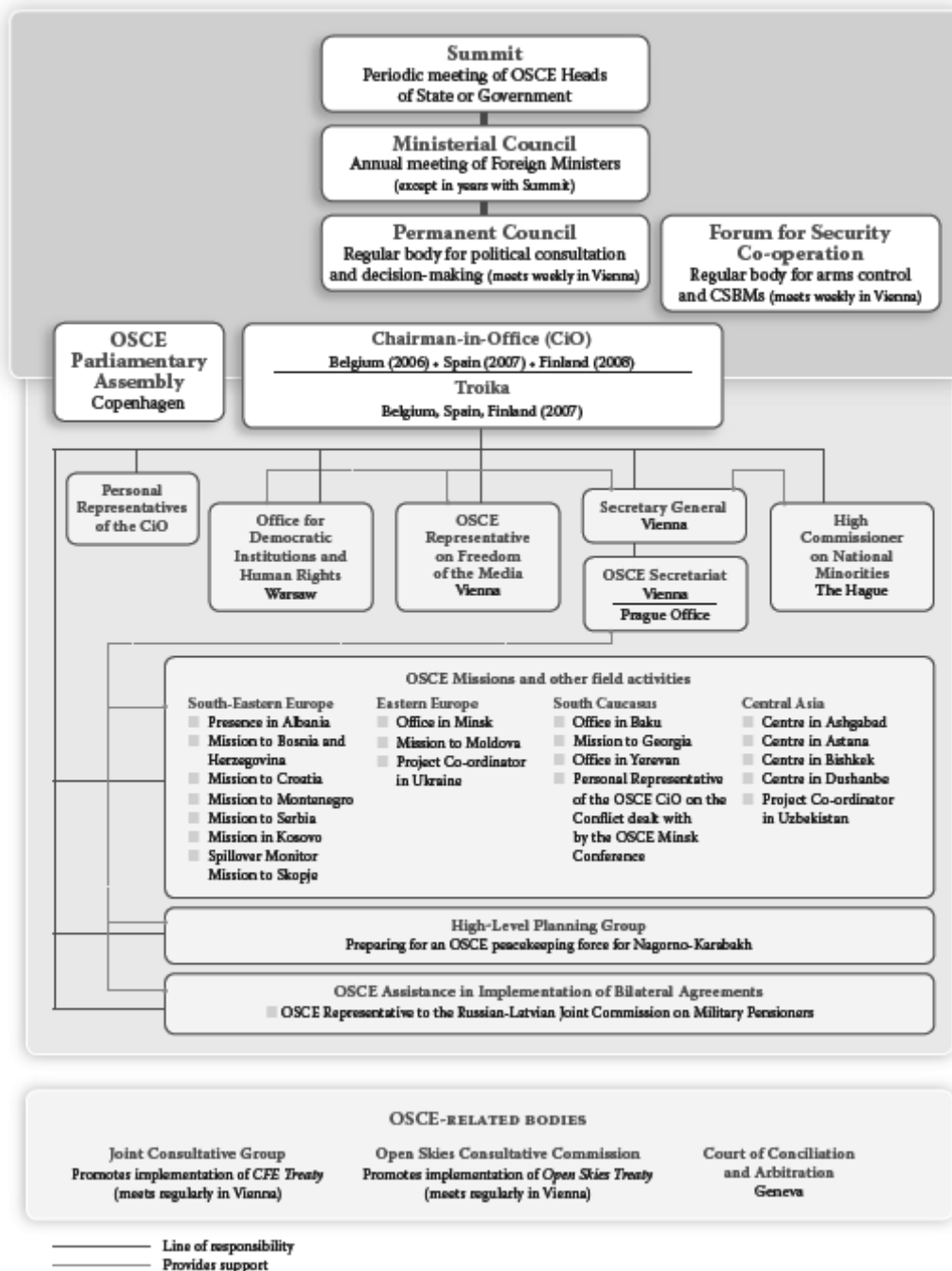
# Appendix 1 OSCE Participating States and Partners for Co-operation



Source: OSCE 2007

# Appendix 2 Overview of the OSCE

## Overview of the OSCE



Source: OSCE 2007

## Appendix 3 States where ECPAT groups operate



■ States where ECPAT groups operate

Source: ECPAT 2008c