



 sciendo

BALTIC JOURNAL OF LAW & POLITICS

A Journal of Vytautas Magnus University
VOLUME 15, NUMBER 3 (2022)
ISSN 2029-0454

Cite: *Baltic Journal of Law & Politics* 15:3 (2022): 954-974
DOI: 10.2478/bjlp-2022-002069

THE PHENOMENON OF HUMAN TRAFFICKING, SOCIAL CAUSES AND LEGAL APPROACH

Abdellatif Lamzarah Ph.D.

Researcher, Faculty of Legal, Economic and Social Sciences, University of Sidi Mohamed Ben Abdallah, Fez, Morocco.

Email : abdolamzzarah5@gmail.com

Received: August 15, 2022; reviews: 2; accepted: November 28, 2022.

Abstract

The crime of human trafficking is the ultimate violation of human dignity, and it represents a qualitative leap in the field of inhumane exploitation of the individual. For the human self, in light of the growing hotbeds of armed conflicts, whether internal or regional, that suffer from turmoil and instability, which formed an easy center and a renewable resource of victims that organized crime gangs exploit in order to achieve huge sums behind the exploitation of these victims, whether by recruiting them, forcibly transferring them, or Kidnapping or defrauding them for the purpose of exploiting them in illegal activities, so I tried to study the causes of this phenomenon and its psychological effects, as well as the approach adopted to address this phenomenon.

Keywords

Human trafficking, human security, immigration, criminal policy, psychological effects, control.

Introduction

The crime of human trafficking is extremely dangerous to the human being and the society in which he lives and has spread widely in the countries of the world until it has become a threat to many of these countries. To reduce this crime through international conventions and urging countries to enact the necessary legislation that criminalizes human trafficking.

The international community has recently witnessed serious phenomena and crimes that humanity has never known, and these phenomena have diversified in terms of ways and methods, and this crime is a form of slavery. Trafficking in

the past, our current era reveals to us that societies have succeeded in revolting against the previous actions, by transcending the traditional form of slavery and enslavement, and thus the old image has disappeared, but this act still exists to this day, but in more developed forms and forms. Various and innovative methods that include all forms of exploitation, cruelty and exclusion, with the aim of achieving material gains through the exploitation of victims.

Although various heavenly and man-made legislations affirmed the principle of honoring the human being and the inviolability of his body, as well as what was stated in international and regional international charters, and what was approved by the constitutions of countries and their internal laws that emphasized the same principle, including what was stated in the texts of the Universal Declaration of Human Rights of 1948 that: "No one shall be held in slavery or be excluded, and slavery and slavery shall be prohibited in all its forms."

This type of crime is included in organized crime, which is carried out by criminal gangs who have mastered crime, and made it the focus and field of their activity, and their source of income in order to obtain money, using multiple and different means for this, some of them are old, others are modern and innovative, in proportion to the modern means that are used in perpetration of these crimes, and thus the crimes of human trafficking are of a special nature, the subject of which is a special category of the people of the hand, who are those who suffer poverty, need and unemployment, and have no social security, and this type of crime is not only committed within the territory of states, but also transcends its territorial borders, i.e. It is transnational¹.

The term human trafficking is one of the terms that it is difficult to define in a comprehensive way, but this did not prevent international and national legislations from exerting efforts for the purpose of arriving at the closest definition. The Supplementary Convention on the Abolition of the Slavery, the Slave Trade, and Regulations and Practices Similar to Slavery of 1956 defines slavery as "all acts involved in the capture, detention, or abandonment of a person, with the intent to turn him into a slave, and all acts involved in the holding-possession of a slave with a view to selling him." or exchange it.

While the United Nations Protocol to Prevent, Prohibit and Punish Trafficking in Persons, Especially Women and Children supplementing the 2000 United Nations Convention against Transnational Organized Crime defines trafficking in persons as "the recruitment, transportation, harboring or receipt of persons by means of the threat or use of force or other forms of coercion or Kidnapping, fraud, abuse of power, abuse of a position of vulnerability, giving money or benefits to obtain the consent of a person having control over another person for the purpose of exploitation. slavery, servitude, or the removal of organs.

1- Muhammad Hassoun, the crime of human trafficking and mechanisms to combat it in the light of national and international legislation, a thesis for obtaining a master's degree in private law, Faculty of Legal, Economic and Social Sciences, Abdelmalek Al-Saadi University, Tangiers, Morocco, academic year 2020/2021, p. 3.

As for man-made laws, the Emirati legislator has known²Trafficking in human beings includes the following: "the recruitment, transportation, deportation or receipt of persons by means of the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power, abuse of a position of vulnerability, or the giving or receiving of payments or benefits to obtain consent A person who has control over another person for the purpose of exploitation. Exploitation includes all forms of sexual exploitation, exploitation of the prostitution of others, forced labor or services, servitude or practices similar to slavery, servitude, or the removal of organs.

As the French legislator knew,³Human trafficking is the recruitment, transportation, deportation, harboring or reception of a person for the purpose of exploiting him in one of the following cases: 1- Either by using threats, coercion, violence or fraudulent methods against the victim, his family or any other person who has a habitual relationship with the victim.

As for the Moroccan legislator, human trafficking has been defined and the number of its forms in Law No. 14-27, where it was considered that human trafficking is intended to recruit, lure, transport, transfer, harbor or receive a person, or mediate in that, by threatening or using force, authority, position, or Influencing or taking advantage of a situation of weakness, need or vulnerability, or giving or receiving money, benefits or advantages to obtain the consent of a person who has control over another person for the purpose of exploitation.

Accordingly, the importance of the topic is manifested in taking a set of manifestations, whether humanitarian, social, economic or legal, through which this topic finds its importance as it relates to several levels and attracts the attention of several activities of different specializations, as well as a phenomenon with an international dimension and all countries of the world suffer from the effects of this phenomenon.

The problematic issue is reflected in the extent to which the national and international policy has been able to confront the crime of human trafficking? In connection with the problem adopted in this article, the topic will be addressed through the following design:

The first topic: The crime of human trafficking causes and effects

The second topic: Mechanisms to combat the crime of human trafficking

The first topic: The crime of human trafficking: causes and effects

Many global changes during the last decades of the last century contributed to making changes in international discussions and generating new security

²Law No. 51 of 2006 in the matter of combating human trafficking.

³Article 1- 4- 225 of the French Law No. 711-2013 on combating human trafficking, amending and supplementing the French Criminal Code.

threats, such as the phenomenon of human trafficking, which was classified as one of the most serious crimes after drug trafficking as a real threat to security, which may mean ensuring the stability of the state and maintaining societal harmony on the one hand. or the individual being subjected to violations of his security and his basic rights in what is known as human security; By striking the components of the human entity and harnessing it in acts of slavery, slavery and prostitution in order to obtain sums of money in the framework of what is known as the human economy, and on the other hand, a threat to regional and international national security; As a cross-border crime as it takes place on the internal arena of any country⁴.

In this topic, I will address the most important reasons for the emergence of the crime of human trafficking through (The first requirement), with the exception of the second requirement to talk about the effects (the second requirement).

The first requirement: the causes of human trafficking

There are many reasons behind this humanitarian catastrophe, and perhaps the most important of them are the poor social and economic conditions that societies in developing countries are going through, and the weakness of legal legislation and preventive measures. To enter the world of the slave trade, sex, and search for humiliating work at the cheapest price abroad to escape death and murder, and the most dangerous in all of this is the lack of seriousness of some governments in combating this illegal trade, and the large and easy profits that criminal networks achieve under the umbrella of tourism nationality, human trafficking, and child trafficking, which leads to the perpetuation of these crimes under a legal system that is oblivious to these violations⁵.

This is how I thought before talking about the causes of the spread of human trafficking (Second paragraph), talking about forms of human trafficking (first paragraph).

First paragraph: Images of human trafficking

The United Nations has described the crimes of human trafficking as a disgrace and shame for all, and many international organizations have considered it the largest illegal activity in the world, after it became the first illegal commercial activity in the world, rather than drug trafficking.

Accordingly, the most important forms of human trafficking are:

First: prostitution

4- Alaa Al-Rahman, The Crime of Human Trafficking as a Threat to Human Security: Dimensions and Methods of Confrontation, *Academia Journal of Political Science*, No. 2, 2020, p. 39.

5- Abdul Qader Al-Sheikhly, *Crimes of Trafficking in Persons and Human Organs and Their Punishment in Sharia, Arab Laws and International Law*, Al-Halabi Human Rights Publications, Lebanon, 2009, first edition, p. 89.

Prostitution has long been the most prevalent form of sexual exploitation of women, and the most widespread across countries, and in these images women are treated as a commodity with a market value, and sex work does not come by chance, as sex plays a major role in the world of economics and politics, where women are seen as sources of pleasure, It is a means of corruption and corruption, and the sex trade is a booming business that generates hundreds of millions of dollars annually, and these profits depend on the flow of foreign women across the border.

Prostitution is prohibited in many countries of the world. In October 2000, the Netherlands officially legalized prostitution and the management of places for prostitution after it was in fact permitted. The reason for the permissibility is that the Dutch industry of prostitution generates 5% of the revenue of the Dutch economy, and in 2001 the rate of return on the sinful trade increased to 20% of prostitutes come to Holland from 32 different countries, and 70% of foreign prostitutes are from Central and Eastern Europe.

In 2002, Germany authorized the administration of places for prostitution and the administration of places for sexual contact, and the number of prostitutes is estimated at about 400,000, and 70% of them are foreigners, and 80% of foreign prostitutes come from Eastern Europe, and some countries of the former Soviet Union.⁶

Trafficking in women for the purpose of sex includes an important part of the overall human trafficking, and the majority of cases of cross-border slavery in the present day, and here is forced to engage in commercial sex by force, deception and coercion, or through the exercise of power and influence over the person.

Second, the sexual exploitation of children

Child trafficking crimes are committed with the aim of exploiting them without taking into account their rights, and that among the most common forms of child trafficking in all countries of the world, for example, but not limited to, the following:

1. Kidnapping children for the purpose of selling them in the name of adoption.
2. Petty crimes.
3. Forced child labor, including domestic labor if it involves a violation of children's rights, forced service, slavery or practices similar to slavery, servitude.
4. Trafficking in human organs - removing human organs and donating them even with consent.
5. Sex tourism, exploitation of the prostitution of others, other forms of sexual exploitation.
1. Exploitation of children in Internet pornography or prostitution.

6-Ibrahim bin Ahmed Al-Naqbi, Human Trafficking Crimes and the Strategy to Combat It at the International and Regional Levels, International House for Publishing and Distribution, Al-Haram, 2016, second edition, p. 83.

2. Child marriage or exploitation of the so-called underage marriage⁷.

Third: Migrant smuggling

There is no doubt that there is a close relationship between the smuggling of migrants and human trafficking, as the majority of illegal immigrants resort to human smuggling traffickers to organize their escape to the countries they wish to move and live in in exchange for money. People smuggling gangs often use boats to sail from certain areas on the coasts. The sailors are heading to their destination, as in the case of Somalis and Sudanese heading to Saudi and Yemeni lands, where they are disembarked at anchors far from ports and security points.⁸As well as the trend of the citizens of African countries to the north of Morocco in order to immigrate to Spain from the Moroccan coasts, or often smugglers bargain the migrants at high prices, and they may bargain with them by dropping them off to the nearest site on the condition of paying additional amounts and then endangering their lives as a result of the possibility of drowning, in addition to that some of them have It seeks to lighten the load of the boat by throwing some migrants to get rid of the extra weight, in addition to the occurrence of some problems as a result of some of them drugging illegal immigrants by putting drugs through food and drinks, and then exploiting them in the organ trade, by handing them over to specialized gangs who hand them over to hospitals specialized in carrying out these illegal operations. You take possession of their organs and organs and transplant them to others for huge sums of money⁹. The profits of the human smuggling trade to the European Union alone amount to about five billion dollars annually, half of which goes to the Vietnamese mafia, which is the most active human smuggling mafia.¹⁰.

Also, human trafficking and migrant smuggling are run by gangs that use the usual smuggling methods to smuggle drugs, and illegal immigrants are exposed to sexual exploitation or death, which makes the crime of human smuggling a major threat to the lives of immigrants, and perpetrators of these crimes use complex techniques to locate the coast guard, and border guard points The Romanian and Bulgarian gangs are the most successful in this field.

What should also be noted is that smuggling migrants and human trafficking, both of which are crimes that involve transporting individuals to gain a profit. However, with regard to human trafficking, there must be two additional elements that transcend the scope of smuggling:

Trafficking must involve some improper form of recruitment, such as

7Karim Al-Nahhasi, trafficking in Persons and Sexual Exploitation of Children, Al-Manar Magazine, No. 4, without mentioning the Sunnah, p. 78.

8- Othman Al-Hassan, Illegal Immigration and Crime, Naif Arab University for Security Sciences, Saudi Arabia, 2008, first edition, p. 2.

9- Jalal al-Din Ibrahim, The Impact of Smuggling of Illegal Immigrants, Naif Arab University for Security Sciences, Riyadh, 2004, first edition, p. 12.

10- Dhahi Khalfan, The security effects of the phenomenon of smuggling illegal immigrants and human trafficking, Naif Arab University for Security Sciences, Riyadh, 2004, first edition, p. 5

coercion, deception, or abuse of an authority, and the act must have been done for some exploitative purpose, although that purpose does not necessarily have to have been achieved.

In human trafficking, it is the main source of revenue for the perpetrators of the crime, and the economic driving force behind committing this crime within the framework of the proceeds that come from the exploitation of victims in prostitution or forced labor, or by any other means. As for smuggling migrants, the smuggling fee paid by the immigrant is not the legitimate source of revenue is the main source of rent, and there is usually no ongoing relationship between the perpetrator and the immigrant, after that immigrant has reached his intended destination.

The other main difference between smuggling migrants and human trafficking is that this smuggling always has a transnational character, while human trafficking does not have to be cross-border but may occur within the borders of the state.¹¹

However, although smuggling migrants and trafficking in persons are two distinct crimes, they also represent interrelated criminal problems, because the legal definition of each crime contains common elements, and the actual cases from each of them may involve elements of these two crimes together, or they may transfer From one crime to another, many victims of human trafficking begin their journey by agreeing to be smuggled from one country to another, then the smuggled migrants may get involved in deception or coercion in exploitative cases later, thus becoming among the victims of human trafficking¹².

The second paragraph: the causes of human trafficking

There are many reasons and motives behind the aggravation of the crime of trafficking in human beings, and these reasons in their entirety are complex and sometimes reinforce each other, and given that this crime is only global, its aggravation and spread is related to its two sides, who are the victims who represent the supply side on the one hand, it is linked to its two sides, who are the victims who represent the supply side and the employers Labor and sex exploiters who represent the demand side on the other hand, and I will address some of these reasons and factors due to their importance in committing this crime as follows:

First, the economic and social factors

The dire economic conditions play a prominent role in the emergence and exacerbation of the crime of human trafficking, especially poverty, which is one of the most important causes of human trafficking.

11- Ibrahim bin Ahmed Al-Naqbi, Human Trafficking Crimes and the Strategy to Combat It at the International and Regional Levels, MS, p. 103.

12- Ahmed Akmal, Human Trafficking Crimes, Algerian Journal of Legal Sciences, No. 13, year 2020, p. 90.

Poverty

Poverty is the main factor to which most cases of sale of children belong. Poor families in many East Asian and African countries often have few or no options for managing the livelihood available to them, which prompts these families to hand over their children to some slave traders on the pretext of their employment, as they depend on many Poor families in all parts of Asia, India, and some African countries depend on the incomes of their children from the man-made work they do.

Some child trade brokers may also resort to moving between poor villages to search for families in need and offer to help them by giving these families a small amount of money as an advance to improve their conditions with promises that they will get more money as a result of what their child will earn after training and preparing him for work, except In fact, these families remain for many years succumbing to the exploitation of that broker as a result of their inability to pay the debt, while the child continues to succumb to slavery until he pays the family debt¹³.

In other words, poverty is one of the most important reasons that lead to the growth of this phenomenon, as the search for a better life or escape from difficult economic and social conditions in the hope of achieving harmful material profit from false hopes and illusions that are used to deceive women and children to leave their homelands to other countries in search of an opportunity Legitimate work.

Second - the collapse of family structures and family disintegration

One of the main reasons for the spread of human trafficking is family disintegration in some African and Asian countries, where studies confirm that competition between spouses in polygamous families in some African countries leads to the abandonment of children or their selling to anyone who wants to buy in order to get rid of him. Also, the death of one of the parents may lead to the transfer of the child to another nursery or trafficking, in addition to other disintegration that contribute to the exacerbation of the problem.

One of the reasons that may push some families to sell their children is the greed of the parents or one of them to make some financial profit. For example, in some Asian and African countries, families do not abandon their children only because of poverty, but also out of greed, greed and the desire to achieve financial profit.¹⁴

13- Abdul Rahman Asiri, *Traditional and New Patterns of Child Abuse*, Naif Arab University for Security Sciences, Saudi Arabia, 2001, first edition, p. 5.

14- Abdul Qader Al-Sheikhly, *Crimes of Trafficking in Persons and Human Organs and Their Punishment in Sharia*, Arab Laws and International Law, MS, p. 96.

Third, the social conditions

Fleeing from wars, natural and human disasters, fleeing poverty, and clinging to false promises of work and wealth are all reasons why people who are victims of human trafficking surrender themselves to these traders.¹⁵We also do not forget that wars are a very important reason for the increase of the phenomenon that increases the displacement of families and pushes their children to enter the world of the slave trade, sex, and the search for the dominant work at the cheapest prices outside the countries to escape death and murder, although most victims of human trafficking fall through kidnapping. But some of them see this as a decision and solutions to their personal problems¹⁶.

Unemployment also contributes to supporting human trafficking, because the fragile economic structure and the spread of unemployment are considered attractive to get work and subsequently a better standard of living in another country. and pornography¹⁷.

The second paragraph - political factors

Internal conflicts and wars play an important role in reviving this illegal trade.

Despite the importance of the previous reasons, the spread of this crime increases relatively due to political strikes, especially during the period of crises and wars, and the resulting human disasters and economic crises, and of course this will lead to the emergence of large groups of refugees, as well as illegal immigrants who become in the clutches of human trafficking gangs in the regions With the same political turmoil and by the nature of the human psyche, these souls seek to achieve well-being with the simplest standards and keep away from the bitter hurricanes of life, and therefore they increase the displacement of families and push all the refugees who left their countries as a result of persecution to victims of trafficking by criminal organizations that take advantage of these conditions to sell children and trafficking in women¹⁸.

Based on the foregoing, it is clear that all the reasons for the emergence of this phenomenon are purely social reasons and mainly related to the absence of serious development policies that will accelerate the human life in a dignified life, keeping him away from the hands of human trafficking gangs.

15- Hamed Sayed Muhammad, *Trafficking in Persons as a Transnational Organized Crime: Among the Causes, Repercussions, and Strategic Visions*, The National Center for Legal Publications, Lebanon, 2016, first edition, p. 27.

16- Abdul Qader Al-Sheikhly, *Crimes of Trafficking in Persons and Human Organs and Their Punishment in Sharia, Arab Laws and International Law*, Al-Halabi Human Rights Publications, Cairo, 2009, first edition, p. 89.

17- Good student, *Trafficking in Persons and Human Organs Crimes in Algerian Legislation and International Agreements*, PhD thesis in Private Law, Faculty of Law and Political Science, University of Abi Bakr Belkaid, University Year 2017/2018, p. 92.

18- Hamed Sayed Muhammad, *Human Trafficking as a Transnational Organized Crime: Among the Causes, Repercussions, Strategic Visions*, MS, p. 28.

The second requirement: the effects of the phenomenon of human trafficking.

There are psychological, physical, health, economic, social, and political effects of human trafficking. The process may destroy the personality of the trafficker, especially if he is a child or a woman. The following is a statement of these effects:

Paragraph one: psychological effects

There is no doubt that the actions resulting from the crime of human trafficking have serious psychological effects on the trafficked individuals, including the difficulty of speaking about the harsh practices they suffered as a result of their exposure to physical accidents such as sexual exploitation, rape, or forced labor, and the resulting psychological effects that lead to depression, feelings of instability, fear of the unknown and the future, distrust of others, and shame that may haunt them in their lives.¹⁹

A group of study confirms that the majority of victims of human trafficking suffer from mental illnesses as a result of the attacks and serious criminal acts, they have been subjected to, and these psychological effects extend even to the families of the victims who also suffer psychologically because of what those close to them are exposed to.

The second paragraph: political and economic effects

Legislative authorities in countries work to issue national legislation that includes legal texts through which their national territory and borders are controlled from violation, especially in exceptional circumstances as internal and external armed conflicts as well as natural disasters and political and ethnic conflicts lead to the displacement of a large proportion of people and displacement within the country or migration to another country. Political corruption also leads to encouraging human traffickers to pay bribes to complete their crime, which hinders the ability of governments to combat this crime except by combating these negative phenomena by enacting and implementing deterrent laws, regulating immigration authorities and strengthening the judiciary.²⁰

If the state loses its control over the protection of women and children who are found and kidnapped from their homes and schools or from displacement camps, this leads to a threat to the security of society, especially the most vulnerable people. A commodity in international markets offered for sale and purchase, and this in turn requires the intervention of the national legislator for the purpose of providing criminal protection by expanding the criminalization cycle,

19- Raad Fajr, Human Trafficking between Domestic and International Legislations, Tikrit University Journal of Law, No. 3, 2020, p. 80.

20-Muhammad Abdel-Fadil, Dimensions of the Hidden Economy and the Movement of Good Money in the Egyptian Economy, Dar Al-Nahda Al-Arabiya, Cairo, year 2000, first edition, p. 22.

tightening the penalty, and establishing a specialized criminal judiciary to investigate this type of crime in order to reduce the crime of human trafficking.²¹

As for the economic effects, they are multiple, and they directly and indirectly affect the spread of the crime of human trafficking, as this crime leads to the depletion of human resources. Whether for the exporting country, the crime scene, as for the importing country for the victim, at the level of the exporting country, the phenomenon of human trafficking plays a role in the depletion and destruction of the workforce at the level of children, adults, women or men, especially if the motive behind this move to the other country is to achieve quick and guaranteed profit, and that The country importing people affects the latter on the national labor inside the importing country, as business owners rush to employ cheap labor at the expense of national labor with high costs when compared to imported labor.

Third paragraph: Social and human impacts

There is no doubt that the actions resulting from the crime of human trafficking have serious health effects, and the victim may be subjected to physical and psychological torture, deprivation of health care, sleep, order and proper nutrition, which causes the spread of diseases such as scabies and tuberculosis and leads to developmental and awareness problems in children.²²

Also, among the effects of this crime is the spread of ignorance, which leads to the loss of the ability to earn a future livelihood, and this reinforces the cycle of poverty and illiteracy, which increases the willingness of people to become a commodity in the human trafficking market, and this leads to impeding national development²³.

Human trafficking also leads to the destruction of social structures, because these people need family and social support, which they lose as a result of being stripped from their families and families.²⁴

The second topic: Mechanisms to combat the phenomenon of human trafficking

International studies have proven that crime has developed and increased in a way that disturbs the security of the international community as a whole, especially in light of the witnessed development of the growing rates of crime in all its forms, and the criminal's use of one of the mechanisms of the age in committing crime and trying to escape punishment, and across international borders to hide

21- Salah Rizk, *Crimes of Economic Exploitation of Children*, Dar Al-Fikr and Law, Cairo, 2015, first edition, p. 30.

22- Ramia Shaer, *Human Trafficking, a Social Legal Reading*, Al-Halabi Human Rights Publications, Lebanon, 2013, first edition, p. 30

23- Muhammad Bassiouni, *Organized Crime, an Analytical Study*, House of Culture for Publishing, Jordan, 1999, Edition 1, p. 82.

24- Jihad Al-Bazizat, *Organized Crime, an Analytical Study*, House of Culture for Publishing, Amman, 2004, 2nd Edition, p. 80.

from the eyes of justice.

That is why it has become clear that contemporary criminal policy must include the development of criminal law and international cooperation mechanisms as an inevitable necessity imposed by the current reality, and necessitated by the increase in criminal activities between different countries of the world, especially crimes of trafficking in persons and the increase in organized crime in its contemporary forms, where it can be emphasized that this cooperation represents the formulation Effective for achieving social balance within the state and consolidating the principles of criminal justice at the international and national levels.

International cooperation to combat crime represents one of the types of cooperation between states in their external relations, and it is intended to exchange aid and assistance and joint efforts in the field of addressing the dangers and threats of crime and the other fields linked to it, such as the field of criminal justice, the field of security or to overcome the problems of borders and sovereignty that may hinder national efforts To pursue criminals and track sources of threat, whether this mutual assistance is judicial or legislative, substantive or procedural, and whether it is limited to the efforts of two countries only or extends regionally or globally²⁵.

Accordingly, it is necessary for the development of criminal policy mechanisms in the field of combating human trafficking to keep pace with the fields of contemporary criminal policy in all its preventive, procedural or curative dimensions, whether from a legislative or institutional point of view, whether national (The first requirement) or in the international field and the extent of Morocco's involvement with it in combating human trafficking (the second requirement).

The first requirement: official institutions directly related to combating human trafficking

The activation of the provisions of the criminal policy on human trafficking is an absolute necessity that burdens the state, given that it is responsible in providing the necessary protection for the victims of this crime, as well as in order to prepare solutions aimed at eradicating the reasons behind the development of cases of human trafficking, through its official institutions that must have A major role in combating human trafficking, it is not enough for the Moroccan legislator to ratify international conventions, in addition to adopting a law that includes the basics of combating such as reprimand, punishment and protection clauses for the victims.

and from it, the necessity of research requires monitoring the role of each of the judiciary, as well as the National Committee in charge of human trafficking, as official institutions that implement criminal policy and monitor it (the first paragraph), in

25- Abdel Hadi Hamad, Human Trafficking between Islamic Jurisprudence and Positive Law, Dar Al-Fikr Al-Jami'i, Cairo, 2015, first edition, pg. 97

addition to the rest of the official institutions (the second paragraph).

Paragraph one: The role of the judiciary and the National Committee to Combat Human Trafficking

To combat human trafficking from an institutional point of view, it is necessary to combine all efforts in order to lay the practical foundations for this fight, especially as it relates to the role of the judiciary. (First), or in relation to the role of the National Committee to Combat Trafficking in Human Beings (Second).

First- The role of the judiciary in combating human trafficking

The judiciary is the most important link in implementing the injunctive provisions related to human trafficking, whether it is related to judges of the Public Prosecution Office or the sitting judiciary.

In view of the important role that the Public Prosecution has become to play in directing criminal policy, especially after its independence from the Ministry of Justice, as the Public Prosecution is currently responsible for directing criminal policy in Morocco. In this context, the Public Prosecution has endeavored to ensure the implementation of Law No. The most important mechanisms are the patrols directed at the work of the Public Prosecution and carried out by the Chief Public Prosecutor in the field of furnishing a purposeful criminal policy in the field of combating human trafficking.

The circular issued by the Chief Public Prosecutor stressed the need to activate the requirements for the protection of victims of crime in general stipulated in Articles 14.448, 1.5.82, 4.82 and 5.82 of the Code of Criminal Procedure, regarding the protection of victims, by working on:

1. Failure to arrange criminal responsibility for victims of human trafficking when they commit criminal acts under threat.
2. Immediately work to identify all victims, their identities, nationalities and age.
3. Possibility to change places of residence and non-disclosure of identity information.

In addition, the periodical stressed the need to take any other additional measure that is considered an effective guarantee for the benefit of the victim of human trafficking by means of a reasoned decision in accordance with Article 5.82, while taking care to take the protective measures for victims of human trafficking stipulated in the same law, as follows:

1. The possibility of preventing suspects or accused persons from contacting or approaching the victim (Article 82.5.1).
2. The possibility of authorizing the foreign victim to remain in Moroccan territory until the end of the trial (Article 82.5.1).
3. Exempting victims of human trafficking from the judicial fees associated with the civil lawsuit they file to claim compensation for damage resulting from the crime.
4. Victims of human trafficking and their rights holders shall benefit from legal

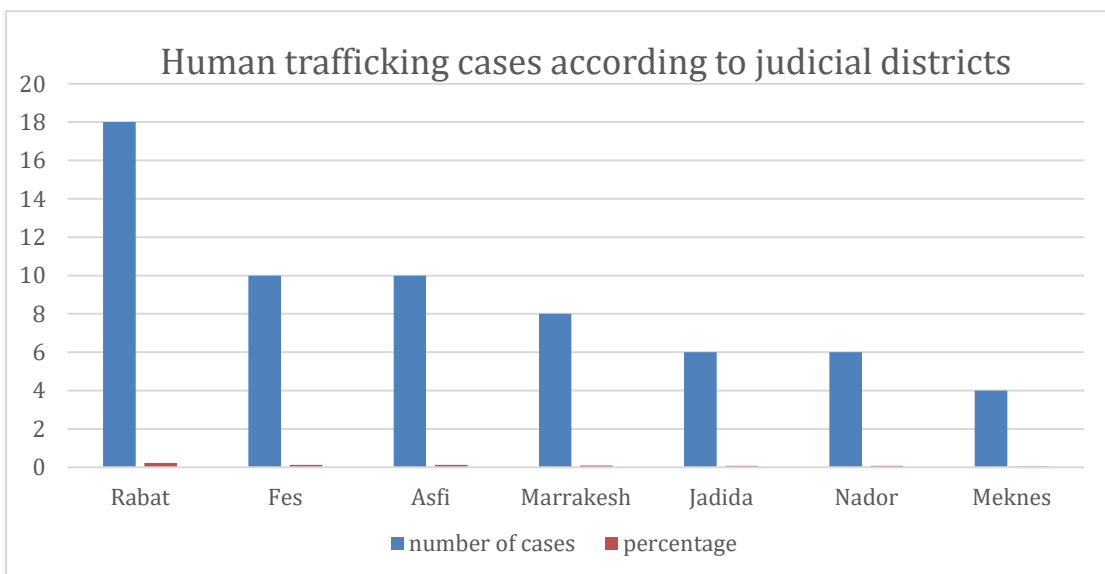
- aid by virtue of the law in every case, including appeal, and including all procedures for implementing the provisions of Article 5 of Law 27.14.
5. The Chief Public Prosecutor also asked the king's attorneys general at the courts of appeal and the king's attorneys at the courts of first instance to the necessity of employing the mechanisms they have available to support the care and protection of victims, namely:
 6. The Women and Children Care Cell at the Public Prosecution Office by intensifying communication and coordination with local and regional partners, including civil society associations, to provide appropriate social services, especially in the aspect of accommodation and hospitalization.
 7. Regional and local committees to coordinate the care services for women and children that they head, by intensifying their role in protecting victims of human trafficking and finding qualitative solutions for them²⁶.

Efforts made by the Public Prosecution and the judicial police forces enabled the arrest of several cases of human trafficking in the year 2020:

Human trafficking cases are distributed according to judicial districts as follows:

1-Table 1. of distribution of human trafficking cases by judicial districts.

percentage	number of cases	AppealsChambre
23%	18	Rabat
13%	10	Fes
13%	10	Asfi
10%	8	Marrakesh
8%	6	Jadida
8%	6	Nador
5%	4	Meknes



2-Chart showing the distribution of human trafficking cases by Moroccan judicial districts

26- Circular issued by the Head of the Public Prosecution, No. 32 Q/DNA, dated 03/06/2018.

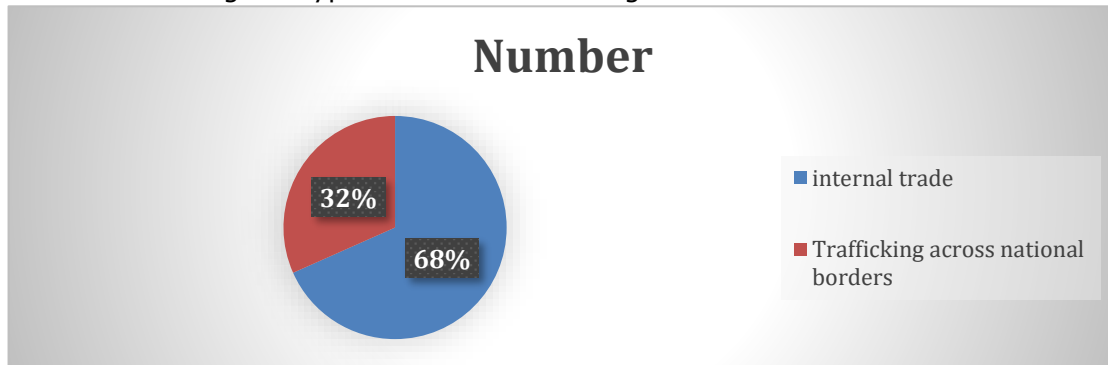
Regarding the geographical distribution of the number of cases, the Judicial Department of the Appeals Chamber of Rabat topped the number of cases registered in the year 2020, with 18 cases, or 23% of the total cases, followed by the Fez and Asfi Appeals with 10 cases.

As for the quality of human trafficking, there is internal and transnational trafficking:

3- Table 2. showing statistics related to the type of human trafficking.

The percentage	The number	Type of Trafficking
68%	54	internal trade
32%	25	Trafficking across national borders
100%	79	the total

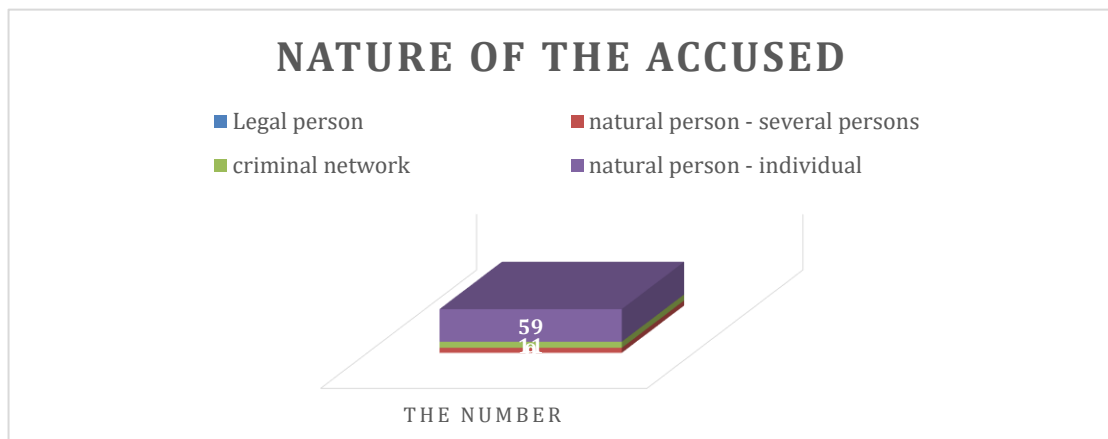
4- Chart showing the type of human trafficking



Analyzing the above-mentioned data, it is noted regarding the quality of human trafficking that 32% of the cases have a cross-border geographical dimension, in which modern communication and communication technology were used.

As for the nature of the accused, most of the cases are dominated by the individual nature of the accused persons. In 59 cases, one self was prosecuted, and in 9 cases several self-taught persons were charged, while 11 files related to organized criminal networks were recorded, while no legal person was pursued, as this shows. Next chart:

5- Chart showing statistics related to the edition of persons followed in cases of



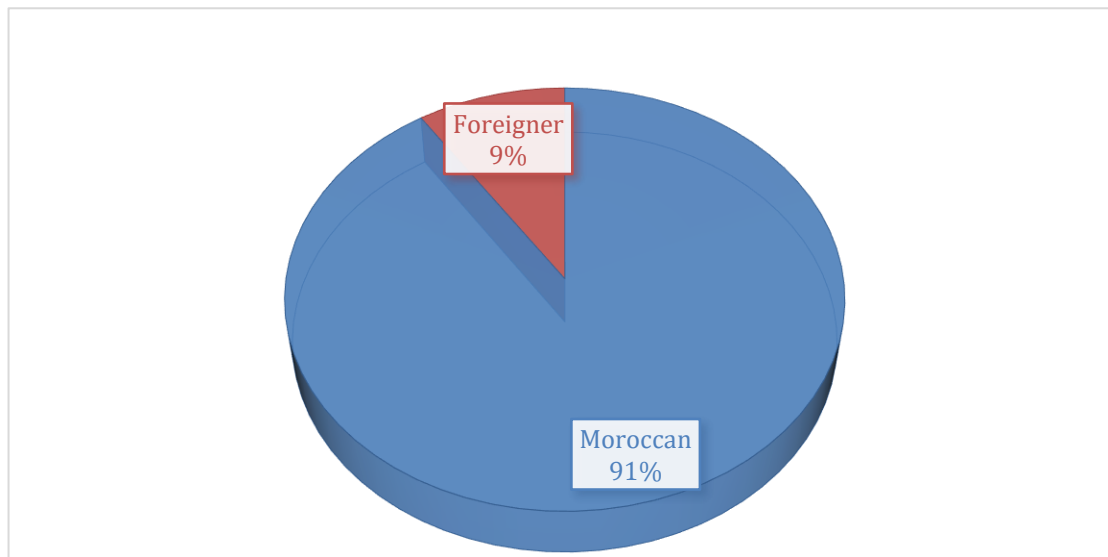
human trafficking

With regard to the nationality of the followers, most of them are of Moroccan nationality, 125 followers, or 91%, while 13 foreigners active in international displacement networks were followed, which is illustrated by the following table:

6-Table 3. showing the nationalities of the observers in the cases of human trafficking.

The ratio	The number	Followers Nationality
91%	125	Moroccan
9%	13	Foreigner

7 -Chart showing statistics related to the nationality of persons followed in cases of human trafficking.



Thus, the important role of the judiciary in implementing the requirements of Law No. 27.14 on combating human trafficking has become necessary in order to ensure an effective criminal policy.

Second- The role of the national committee in charge of combating human trafficking

After the establishment of the National Committee to Combat Trafficking in Human Beings, one of the most important institutional mechanisms that Law No. 27.14 related to human trafficking came in Article VI, where it confirmed that the Prime Minister spoke to the Prime Minister a national committee to coordinate measures to combat human trafficking and prevent it, and it has several important competencies in the field of combating trafficking. human beings and in coordination with other relevant national and international bodies.

With reference to the law on combating human trafficking, the important role of the National Committee in charge of combating human trafficking and coordination in this is clear through several tasks that can be summarized as follows:

Submit to the government every proposal that it deems useful in order to develop a public policy and a national action plan to combat human trafficking, monitor its developments, prevent it and protect its victims, and track and evaluate its implementation, with the involvement of the concerned authorities in order to:

1. Proposing various forms of prevention and cooperation between the competent authorities, international organizations and national and international NGOs, tasked with combating and preventing human trafficking.
2. Propose all necessary measures to support the projects of civil society associations to protect and assist victims of human trafficking and to prevent it.
3. Suggesting the preparation of guidelines in the field of combating human trafficking.

These competencies are similar to the competencies carried out by national committees in several comparable countries, which can be mentioned as follows:

In Egyptian legislation, a committee was established in accordance with Cabinet Resolution No. 15 of 2007, with the aim of working on developing the necessary frameworks for implementing the anti-trafficking law, and coordinating between ministries and government departments concerned with addressing human trafficking crimes in all regions of the country. The committee includes 17 representatives from different countries. Federal and local institutions.

Where the committee provides the resources necessary to spread awareness of the aspects related to human trafficking, and develop training and rehabilitation programs for the bodies, bodies and elements concerned with dealing with victims of these crimes. The committee also officially represents the UAE in international forums related to human trafficking issues.²⁷.

As for the French legislation, the National Committee for Combating Trafficking in Human Beingsprof has a major role in this field, as it worked to create the first national action plan to combat human trafficking in partnership with several intertwined government sectors on November 30, 2012, with the participation of civil society associations in this with the aim of developing mechanisms to combat human trafficking and protect victims²⁸.

It can be said that the national committee to combat human trafficking should play several roles and tasks, most of which are propositional, aiming mainly at coordinating in the field of combating and preparing an integrated national action plan or strategy to combat human trafficking.

27- Ibrahim Al-Ghandour, *The Role of Criminal Policy in Combating Human Trafficking in Morocco - A Comparative Study-*, PhD thesis in Private Law, Faculty of Legal, Economic and Social Sciences, University of Sidi Mohamed bin Abdullah, Fez, Academic Year 2019-2020, p. 213.

28: plan d'action lutte contre la traite des êtres humains 2014- 2016 en France, ministère droits des femmes de ville et de la jeunesse et des sports, 2013 page 3.

Second Paragraph: Official Institutions in charge of combating human trafficking

Official institutions are institutions of a preventive nature that work to combat the crime of human trafficking through their position and tasks entrusted to them due to the nature of their work. The preventive policy requires monitoring all efforts and recruiting all structures in society to eliminate sources of criminal danger, and one of the most important administrative structures specialized in Morocco for crime prevention:

First: The Directorate of Immigration and Border Control at the Ministry of the Interior

The Directorate of Migration and Border Control is entrusted with the task of practical application of the national strategy in the field of combating human smuggling networks and border control.

The directorate consists of:

1. Research and Investigations Department.
2. Department of providing practical logistical means.

Morocco has realized since the seventies that the most dangers can come from the Sahara, which necessitated the establishment of a system in order to prevent the leakage of the dangers associated with this, as it tightened control on the borders, including the Moroccan maritime borders, which are well secured. In the same context, who is the most dangerous The threats that are being dealt with within the framework of proactive preventive measures are human trafficking and arms trafficking, especially after the fall of the former Libyan regime and in light of the current conditions, meetings have been held in order to persuade countries in the region to secure their borders, especially in light of the presence of weapons that may fall into the hands of Criminal or terrorist organizations²⁹.

Second: The Directorate of International Cooperation at the Ministry of Interior

The Directorate of International Cooperation is entrusted with the task of implementing the international cooperation projects of the Ministry of Interior, in

29- The Director of Immigration and Border Control at the Ministry of Interior stressed that Morocco has worked to tighten controls at the borders in order to avoid the infiltration of terrorists returning from the areas of Syria or Iraq, and added, when talking about irregular migration, that Algeria does not want to cooperate in securing the borders, which is what prompted The Kingdom has decided to put barriers in order to prevent the flow of risks associated with migration, and he indicated in a symposium on migration and integration, at the Atlantic Currents Conference held in Marrakesh, organized by the Policy Center of the OCP when talking about border security, as the Director of Migration considered that Morocco It is the only country in the region that has a coherent strategy for dealing with migration in a context marked by the risks associated with human trafficking and terrorist threats, and notes that around the world about 80% of migrants are in a legal situation, while 20% live in an irregular situation legitimacy, and stressed that the consequences must be dealt with About 20% of illegal immigrants are found, especially in a context characterized by the intervention of terrorist organizations for human trafficking in order to provide financial resources.
Watch:almoharir.com, visited 07/14/2022, at 17:39.

cooperation with the various structures of the Ministry of the Interior.

It is assumed that this directorate has important roles in combating human trafficking through the competencies entrusted to it in the field of cooperation and coordination in the field of migration and its repercussions. However, the problem that is observed with regard to these agencies of the Ministry of Interior, they are still strict in their openness to their external environment in order to enable researchers and all those interested in the roles they play in order to work on an actual evaluation of their work to monitor the difficulties and obstacles and to suggest alternatives that would improve the quality of their work.

Third: the judicial police

The judicial police intervene after the occurrence of the crime to collect evidence about it, search for the perpetrators and bring them to justice to take the appropriate penalties. It also contributes to the implementation of criminal policy on the ground through its preventive strategy to reduce the spread of crime before it occurs, in line with the development that society knows.

Morocco does not have a police specialized in organized crime in the internationally recognized concept, given the seriousness of organized crime, including the crime of human trafficking. Keeping pace with the criminal policy approach, especially in the field of crime prevention, because taking precautions and reprimanding the perpetrators of the crime and contributing to not being indifferent to punishment.³⁰.

Conclusion

Human trafficking is a heinous crime directed against the individual and the state as it affects their security alike. It is considered a form of slavery and a natural extension of slavery that societies practiced since ancient times and receded at the end of the last century under the pressure of civil rights associations for citizens and the intensification of all governments and international organizations.

It constitutes a form of arrogance as it robs a person of his freedom and dignity and makes him perform hard work in violation of customs and laws under threat and torture. legitimate family abuse or abuse.

All this will call for rearranging the rules of the criminal policy on human trafficking in a way that is consistent with all the principles of a protectionist dimension and is also consistent with all that Morocco has committed to internationally, as it is not enough for the criminal legislator to come up with legal texts that carry general principles and regulatory texts without keeping pace with them by providing The physical and human means to ensure the success of the process of combating human trafficking.

Therefore, all parties to criminal policy must proceed from the legislative

30- Ibrahim Al-Ghandour, *The Role of Criminal Policy in Combating Human Trafficking in Morocco - A Comparative Study* - MS, p. 224.

authority that enacts laws, the judicial authority that is applied by them, the executive authority that implements judicial rulings and decisions, and the auxiliary bodies of the judicial authorities and all institutions active in the field of control, whether through roles related to victim protection, sensitization and awareness, or evaluation of criminal policy, whether Official or unofficial, work according to a unified strategy with clear objectives, because concerted efforts in the fight against human trafficking would significantly reduce the number of human trafficking cases and the number of victims in this crime, which will lead in a second stage to the establishment in an effective manner of a relevant criminal policy. Preemptive, protective and restraining dimensions.

In my opinion, confronting this phenomenon cannot be through reprimand and criminal policy alone, but the causes of the emergence of the phenomenon, which are social and political causes such as poverty, unemployment and wars...

At the conclusion of this study, the following recommendations were proposed:

1. Launching an international strategy aimed at addressing the causes of the emergence of this phenomenon by supporting poor countries and helping them achieve development.
2. Launching a wide awareness campaign to warn of the seriousness of this phenomenon.
3. Reconsider the systematic international policy to address the phenomenon.
4. Exploiting the means of modern technology in the strategy of combating this crime.
5. Providing psychological treatment and social support to all victims of human trafficking.

Reference

1. Ibrahim El-Ghandour, *The Role of Criminal Policy in Combating Human Trafficking in Morocco - A Comparative Study-*, PhD thesis in Private Law, Faculty of Legal, Economic and Social Sciences, University of Sidi Mohamed Ben Abdallah, Fez, academic year 2019-2020.
2. Muhammad Hassoun, *The Crime of Human Trafficking and Mechanisms to Combat It in the Light of National and International Legislation*, Thesis for obtaining a master's degree in Private Law, Faculty of Legal, Economic and Social Sciences, Abdelmalek El Saadi University, Tangiers, Morocco, academic year 2020/2021.
3. Alaa Al-Rahman, *The Crime of Human Trafficking as a Threat to Human Security: Dimensions and Methods of Confrontation*, *Academia Journal of Political Science*, No. 2, year 2020.
4. Abdul Qader Al-Sheikhly, *Trafficking in Persons and Human Organs Crimes and Their Punishment in Sharia, Arab Laws and International Law*, Al-Halabi Human Rights Publications, Lebanon, 2009, first edition.
5. Ibrahim bin Ahmed Al-Naqbi, *Human Trafficking Crimes and the Strategy to Combat It at the International and Regional Levels*, International House for

- Publishing and Distribution, Al-Haram, 2016, second edition.
6. Karim Al-Nahhasi, trafficking in Persons and Sexual Exploitation of Children, Al-Manar Magazine, Issue 4, without mentioning the Sunnah.
 7. Othman Al-Hassan, Illegal Immigration and Crime, Naif Arab University for Security Sciences, Saudi Arabia, 2008, first edition.
 8. Jalal al-Din Ibrahim, The Impact of Smuggling of Illegal Immigrants, Naif Arab University for Security Sciences, Riyadh, 2004, first edition.
 9. Dhahi Khalfan, The security effects of the phenomenon of smuggling illegal immigrants and human trafficking, Naif Arab University for Security Sciences, Riyadh, 2004, first edition.
 10. Ahmed Akmal, Human Trafficking Crimes, Algerian Journal of Legal Sciences, No. 13, year 2020.
 11. Abdul Rahman Asiri, Traditional and New Patterns of Child Abuse, Naif Arab University for Security Sciences, Saudi Arabia, 2001, first edition.
 12. Hamed Sayed Muhammad, Human Trafficking as a Transnational Organized Crime: Among the Causes, Repercussions, and Strategic Visions, The National Center for Legal Publications, Lebanon, 2016, first edition,.
 13. Abdul Qader Al-Sheikhly, Crimes of Trafficking in Persons and Human Organs and Their Punishment in Sharia, Arab Laws and International Law, Al-Halabi Human Rights Publications, Cairo, 2009, first edition.
 14. Good student, Trafficking in Persons and Human Organs Crimes in Algerian Legislation and International Agreements, PhD thesis in Private Law, Faculty of Law and Political Science, University of Abi Bakr Belkaid, University year 2017/2018.
 15. Raad Fajr, Human Trafficking between Internal and International Legislations, Tikrit University Journal of Law, No. 3, 2020, p. 80.
 16. Muhammad Abdel-Fadil, Dimensions of the Hidden Economy and the Movement of Good Money in the Egyptian Economy, Dar Al-Nahda Al-Arabiya, Cairo, 2000, first edition.
 17. Salah Rizk, Crimes of Economic Exploitation of Children, Dar Al-Fikr and Law, Cairo, 2015, first edition.
 18. Ramia Shaer, Human Trafficking, a legal and social reading, Al-Halabi Human Rights Publications, Lebanon, 2013, first edition.
 19. Muhammad Bassiouni, Organized Crime, Analytical Study, Dar Al-Thaqafa Publishing, Jordan, 1999, Edition 1.
 20. Abdel Hadi Hamad, Human Trafficking between Islamic Jurisprudence and Positive Law, Dar Al-Fikr Al-Jami'i, Cairo, 2015, first edition.
 21. Jihad Al-Bazizat, Organized Crime, an Analytical Study, Dar Al-Thaqafa Publishing, Amman, 2004, 2nd Edition.
 22. Plan d'action lutte contre la traite des êtres humains 2014-
 23. 2016 en France, ministère droits des femmes de ville et de la jeunesse et des sports, 2013.