



# **NATIONAL REFERRAL MECHANISM ON CRIMES OF TRAFFICKING IN PERSONS**

IN THE KINGDOM OF SAUDI ARABIA



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# Introduction

The Kingdom of Saudi Arabia has ratified several international instruments, conventions and protocols on the prevention of trafficking in persons, particularly regarding women and children. As such, the provisions, rights and obligations of such conventions have become an integral part of the Kingdom's national laws, and criminal justice practitioners including the law enforcement agencies in the Kingdom have become responsible for the implementation of their provisions.

Under Royal Decree No. M/40, dated 21/07/1430 H, the Kingdom promulgated the Anti-Trafficking in Persons Law, which stems from the provisions of Sharia and aligns with the relevant international standards. The Law has defined the crime of trafficking in persons in a clear manner consistent with international standards, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC).

It is also worth noting that the national law provides protection against all forms of trafficking in persons and prescribes all the appropriate penalties. It also contains provisions on the treatment of victims of trafficking in persons and the prevention and combating of this crime, considered one of the most serious crimes and violation of human rights in modern world. In addition to the Anti-Trafficking in Persons Law, the Kingdom of Saudi Arabia has also formed a National Committee on Combating Human Trafficking (NCCHT) comprising a number of representatives of relevant authorities.

In its 4th meeting for the year of 1438 H, the Committee recommended the adoption of the National Anti-Trafficking in Persons Plan for the years 2017 – 2020. It is based on four main pillars: prevention; protection; judicial prosecution; and national, regional and international cooperation. The Committee has also adopted practices surrounding the rescue and accommodation of victims of trafficking crimes, including their accommodation in shelters.

Considering that combating trafficking in persons requires cooperation and coordination between more than one entity (the Public Prosecution; the Judiciary; the Ministries of: Interior, Labor and Social Development, Justice, Health, and Commerce and Investment; the Saudi Public Security; civil society institutions; the media; scientific authorities; shelters; care homes; etc.), it was necessary to develop a national framework for coordination and collaboration, dubbed the "The National Referral Mechanism for Cases of Trafficking in Persons". It will serve as a national reference document that identifies the fundamentals of handling trafficking cases and clarifies the roles and responsibilities of the Kingdom's various authorities, in order to ensure the provision of integrated and comprehensive services and protect the victims of trafficking and reintegrate them into their place in society. This national mechanism will also play a significant role in determining how judicial and law enforcement authorities and other concerned entities handle trafficking cases and in determining means of cooperation with civil society institutions (charities and civil associations), international organizations and all relevant government agencies.

**This mechanism will enable key players to assist victims throughout six stages:**

## STAGE 1

Identification of the Victim

## STAGE 2

Rescue, Transfer and Registration of the Victim

## STAGE 3

Investigation and Prosecution (Formal and Legal Determination)

## STAGE 4

Protection and Assistance of the Victim

## STAGE 5

Voluntary Return of the Victim

## STAGE 6

Reintegration of the Victim

# Terms & Definitions



## Trafficking in Persons

Articles (1) and (2) of the Anti-Trafficking in Persons Law has defined this term as follows:

Article (1.1): Trafficking in persons: Use, recruitment, transportation, harboring or receipt of a person for the purpose of exploitation.

Article (2): It is prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, exploiting the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual exploitation, mendicancy, forced labor or service, slavery or slavery-like practices, servitude or the removal or organs or for conducting medical experiments thereon.



## Victim

A victim is a person who has been exploited in one of the manners indicated in Articles (1.1) and (2) of the Anti-Trafficking in Persons Law (2009).



## Potential Victim

A person with clear signs or indicators that they could be vulnerable to be exploited, but is reached before they could fall victim to such exploitation.



## Alleged Victim

A person who is a victim of trafficking but has not been officially identified as such by the concerned authorities (Public Prosecution or the judiciary), or who has refused to be officially or legally recognized as such.



## Assistance Recipient

Every person identified as a victim of trafficking who agrees to receive assistance.



## First Responders

The employees of the authorities most likely – by nature of their work – to meet various types of victims, as well as health service providers, operators of hotlines of trafficking cases and other first responders.



## Case Management Team

A team representing several relevant authorities that is handling the case management file in cooperation with the Human Rights Commission.



## Case Management File

A complete file for managing a victim's case, for the purposes of recording information and documenting assistance.

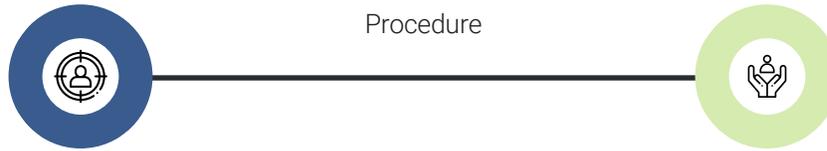
Each file should contain all (or some of) the following information:

- The victim's personal information (name, family address, work, education and qualifications).
- Details on the specific circumstances of experienced by the victim, including incidents of abuse.
- Assessment of safety and risks.
- The written voluntary consent form signed by the victim to receive assistance.
- The physical, mental and psychological condition of the victim and any relevant requirements.
- The required assistance, the goals and priorities, the victim's needs and wishes, the required services and a timeline.
- The assistance provided, the current healing and reintegration status, the follow-up required, and the evaluation of the security risks based on the criminal nature of trafficking in persons.

# National Referral Mechanism Stages

## STAGE 1

### Identification of the Victim



During this stage, the first responder identifies whether the person is a potential victim by making note of the initial indicators (illustrated below).

After identifying the potential victim, they are first brought to a shelter, then a police station is notified to take the necessary actions and inform the Public Prosecution, which in turn provides specialized assistance through referring the potential victims to representatives of the Ministry of Labor and Social Development and other relevant authorities, in order to receive support and assistance per the requirements of the case.

### The authorities responsible for identifying victims of trafficking in persons (early responders):

- Judicial authorities (the Public Prosecution and the judiciary)
- Security and law enforcement (police stations, border posts, security centers, criminal investigation, field patrols, specialized committees)
- Ministry of Labor and Social Development
- Ministry of Health (hospitals, health centers)
- Ministry of Foreign Affairs (diplomatic missions abroad)
- Embassies and diplomatic missions in the Kingdom
- International organizations (via official channels in the Kingdom)
- Ministry of Media (audio-visual media)
- Citizens (and any residents)
- Saudi Bar Association
- Civil society institutions (charitable and civil associations)
- Passenger carrier service professionals, such as pilots and stewardesses, maritime navigators and assistant navigators, train conductors and assistant conductors

## FORM 1 Potential Victim Indicators

---

Forced Labor or Domestic Work Victim Indicators		Yes	No
1.	They cannot leave their work environment.	Yes	No
2.	They exhibit signs that their movements are being controlled.	Yes	No
3.	Their employer reports them missing even though they still live in his house.	Yes	No
4.	Their employer reports them missing even though they still live in his house.	Yes	No
5.	They – or their family members – are exposed to violence or threats of violence.	Yes	No
6.	They suffer from injuries that appear to be a result of abuse.	Yes	No
7.	They are under threat to be turned over to the authorities.	Yes	No
8.	They do not have travel documents.	Yes	No
9.	They do not know the local language.	Yes	No
10.	They allow others to speak on their behalf even when addressed directly.	Yes	No
11.	They receive low wages, if any.	Yes	No
12.	They work for excessively long hours	Yes	No
13.	They do not have vacation days.	Yes	No
14.	They live in poor or substandard accommodation.	Yes	No
15.	They do not have access to healthcare.	Yes	No

<b>16.</b>	Their transport fees to destination countries have been paid by brokers, whom they must pay back through work or services.	Yes	No
<b>17.</b>	They believe they are shackled by debt.	Yes	No
<b>18.</b>	They do not have a private place to stay and sleep.	Yes	No
<b>19.</b>	They are subject to insults, abuse, threats or violence.	Yes	No

## FORM 2 Potential Victim Indicators

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Sexual Exploitation Victim Indicators		Yes	No
<b>1.</b>	They cannot leave their work environment.	Yes	No
<b>2.</b>	They exhibit signs that their movements are being controlled.	Yes	No
<b>3.</b>	They exhibit fear or worry.	Yes	No
<b>4.</b>	They – or their family members – are exposed to violence or threats of violence.	Yes	No
<b>5.</b>	They suffer from injuries that appear to be a result of abuse.	Yes	No
<b>6.</b>	They are under threat to be turned over to the authorities.	Yes	No
<b>7.</b>	They do not have travel documents.	Yes	No
<b>8.</b>	They do not know the local language.	Yes	No
<b>9.</b>	They allow others to speak on their behalf even when addressed directly.	Yes	No
<b>10.</b>	They receive low wages, if any.	Yes	No

<b>11.</b>	They work for excessively long hours.	Yes	No
<b>12.</b>	They do not have vacation days.	Yes	No
<b>13.</b>	They live in poor or substandard accommodation.	Yes	No
<b>14.</b>	They do not have access to healthcare.	Yes	No
<b>15.</b>	Their transport fees to destination countries have been paid by brokers, whom they must pay back through work or services.	Yes	No
<b>16.</b>	They believe they are shackled by debt.	Yes	No
<b>17.</b>	They only know sexual vocabulary in the local language, or the language of their clients.	Yes	No
<b>18.</b>	Most of their clothes are of the sex work variety.	Yes	No
<b>19.</b>	They have tattoos or other marks that indicate “ownership” by their exploiters.	Yes	No
<b>20.</b>	There is reason to suspect they are victims who cannot refuse sexual relations, even if unprotected or violent.	Yes	No
<b>21.</b>	They are of any age, given that ages may vary depending on the place.	Yes	No

## FORM 3 Potential Victim Indicators

---

<b>Labor Exploitation Victim Indicators</b>		Yes	No
<b>1.</b>	They live in groups in the same place where they work and rarely get to leave, if at all.	Yes	No
<b>2.</b>	They live in degrading and unsuitable places, such as farmhouses or factories.	Yes	No
<b>3.</b>	Their clothes are not suited for the type of work they do, and may – for example – lack protective equipment or warm clothes.	Yes	No

<b>4.</b>	They do not have a work contract.	Yes	No
<b>5.</b>	They have excessively long hours.	Yes	No
<b>6.</b>	They suffer from injuries that appear to be a result of abuse.	Yes	No
<b>7.</b>	They are under threat to be turned over to the authorities.	Yes	No
<b>8.</b>	They do not have travel documents.	Yes	No
<b>9.</b>	They do not know the local language.	Yes	No
<b>10.</b>	They allow others to speak on their behalf even when addressed directly.	Yes	No
<b>11.</b>	They receive low wages, if any.	Yes	No
<b>12.</b>	They work for excessively long hours across long stretches of time.	Yes	No
<b>13.</b>	They do not have vacation days.	Yes	No
<b>14.</b>	They rely on their employers to receive a number of services, such as work, transportation and accommodation.	Yes	No
<b>15.</b>	They do not have access to healthcare.	Yes	No
<b>16.</b>	Their transport fees to destination countries have been paid by brokers, whom they must pay back through work or services.	Yes	No
<b>17.</b>	They believe they are shackled by debt.	Yes	No
<b>18.</b>	They are disciplined with fines.	Yes	No
<b>19.</b>	They lack basic training and professional licenses.	Yes	No

## FORM 4 Potential Victim Indicators

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Forced Mendicancy Victim Indicators		Yes	No
1.	They are children, disabled refugees or elderly who often beg in public places and aboard public transportation.	Yes	No
2.	They are children who carry or sell illegal drugs.	Yes	No
3.	They exhibit fear or worry.	Yes	No
4.	They have physical disabilities that appear to be a result of amputation.	Yes	No
5.	They belong to gangs with members of the same nationality.	Yes	No
6.	They suffer from injuries that appear to be a result of abuse.	Yes	No
7.	They are under threat to be turned over to the authorities.	Yes	No
8.	They do not have travel documents.	Yes	No
9.	They do not know the local language.	Yes	No
10.	They travel daily in big groups across long distances.	Yes	No
11.	They receive low wages, if any.	Yes	No
12.	They work for excessively long hours across long stretches of time.	Yes	No
13.	They are subject to insults, abuse, threats or violence.	Yes	No
14.	They live in poor or substandard accommodation.	Yes	No
15.	They do not have access to healthcare.	Yes	No

## FORM 5 Potential Victim Indicators

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Child Victim Indicators	Yes	No
<b>1.</b> They cannot contact their parents or guardians.	Yes	No
<b>2.</b> They exhibit fear and act in a manner inconsistent with the typical behavior of children their age.	Yes	No
<b>3.</b> They do not have friends of their own age outside work.	Yes	No
<b>4.</b> They do not have access to education.	Yes	No
<b>5.</b> They do not have time to play.	Yes	No
<b>6.</b> They live away from other children in substandard accommodation.	Yes	No
<b>7.</b> They perform jobs unsuitable for children.	Yes	No
<b>8.</b> They travel unaccompanied by adults.	Yes	No
<b>9.</b> They do not have travel documents.	Yes	No
<b>10.</b> They do not know the local language.	Yes	No
<b>11.</b> They allow others to speak on their behalf even when addressed directly.	Yes	No
<b>12.</b> They travel in groups with persons who are not their next of kin.	Yes	No
<b>13.</b> They have clothes usually worn by children during craftwork, or in sex work.	Yes	No
<b>14.</b> Toys and children beds and clothes are found in inappropriate places such as brothels and factories.	Yes	No
<b>15.</b> They live in poor or substandard accommodation.	Yes	No

- |            |   |     |    |
|------------|---|-----|----|
| <b>16.</b> | They do not have access to healthcare.                            | Yes | No |
| <b>17.</b> | Unaccompanied children are found with phone numbers to hail cabs. | Yes | No |
| <b>18.</b> | Illegal cases of adoption are detected.                           | Yes | No |

## FORM 6 Interview Form by the First Responder

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Day	Date	Tyme	City
<input style="width: 100%; height: 30px;" type="text"/>			

### Information on the Case

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Name	ID Type
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>
ID Number	Date
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>
Nationality	Gender
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>
Age	Profession
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>
Social Status	Telephone
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>
Email	Address
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>

## Employer Information

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Employer Name

Telephone

ID Number

Residence

Company

Address

## Guiding indicators to identify if the case falls under crimes of trafficking in persons, Forms (1-5)

---

1. \_\_\_\_\_

10. \_\_\_\_\_

2. \_\_\_\_\_

11. \_\_\_\_\_

3. \_\_\_\_\_

12. \_\_\_\_\_

4. \_\_\_\_\_

13. \_\_\_\_\_

5. \_\_\_\_\_

14. \_\_\_\_\_

6. \_\_\_\_\_

15. \_\_\_\_\_

7. \_\_\_\_\_

16. \_\_\_\_\_

8. \_\_\_\_\_

17. \_\_\_\_\_

9. \_\_\_\_\_

18. \_\_\_\_\_

## Employer Information

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1.

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2.

---

3.

---

Authority

---

Name

---

Signature

## STAGE 2

### Rescue and Shelter (Transfer and Registration) of Victims:

01

#### PROCEDURE 1 | RESCUE

Notifying the regional shelter affiliated with the Ministry of Labor and Social Development through the liaison officer on the case management team of the potential victim (based on the indicators clarified in Stage 1 and Interview Form 6).

02

#### PROCEDURE 2 | RECEPTION AND ASSESSMENT

Receive the case at the shelter headquarters (the representative of the regional shelter affiliated with the Ministry of Labor and Social Development)

Provide translation when necessary (Ministry of Labor and Social Development or the concerned embassy)

Understand the general condition of the case through observing the key initial indicators as per the form of exploitation (shelter employees)

Provide the basic needs of the case (food, water, basic hygiene, clean clothes, a place to rest, some privacy and the possibility to contact family members, etc.) (shelter employees)

03

#### PROCEDURE 3 | FOLLOWING THE INITIAL ASSESSMENT

Initial acceptance of the case, while stating grounds for acceptance.

Providing urgent medical care when needed at shelters or regional centers and hospitals (in coordination with the representative of the Ministry of Health on the National Referral Mechanism team)

Acquiring the consent of the potential victim with regard to the procedures, and in the presence of a translator as per Form 7.

04

#### PROCEDURE 4 | SECURING BASIC NEEDS AND TEMPORARY SHELTER

The risks surrounding the case are assessed as per Form 8 below (shelter employees - case manager).

The embassy of the case is notified that its citizen is staying in the shelter (shelter employees - case manager).

An official medical examination is conducted to assess the physical and psychological condition and any contagious diseases (Ministry of Health regional offices in coordination with the Ministry representative on the National Referral Mechanism team).

05

PROCEDURE 5 | INITIAL INTERVIEW

Initial interview as per the Interview Form 9 below (shelter employees - case manager).

Notifying the potential victim of their rights, duties and the next referral steps (shelter employees - case manager).

If the potential victim is a child, they shall be subject to a probation officer on a case by case basis (shelter employees - case manager).

Preparing the case management file (shelter employees - case manager).

06

PROCEDURE 6 | ADOPTING THE RESULT OF THE INITIAL ASSESSMENT AND TAKING ACTION REGARDING THE CASE AS FOLLOWS:

ALLEGED VICTIM

- Appointing an attorney to provide the necessary legal counsel and assistance (by the shelter).
- Referring paperwork to the concerned police station and notifying the Public Prosecution of same to record the incident under a criminal number.

VULNERABLE CASES

The Referral Mechanism team adopts the case management file and refers it to the concerned authorities.

LABOR CASES

The Ministry of Labor and Social Development handles the case.

## FORM 7 Consent Form for Suitable Action

I, the undersigned, after being informed of my rights and legal status by the case manager in a language I understand, hereby declare that I consent to taking the necessary sheltering action, in addition to any other action taken by the National Referral Mechanism for Victims of Trafficking in Persons, and as such have acknowledged same on \_\_ / \_\_ / 14\_\_ H.

Case name \_\_\_\_\_

Case Manager \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

# FORM 8 Initial Interview Form

Case Name

File Number

Health Requirements	Conditions	Yes	No
<b>Physical Health</b>	Headache, exhaustion, dizziness, backache, stomach-ache or abdominal pain, skin irritation, vision problems, colds, breathing difficulties, toothache	Yes	No
<b>Previous or Current Injury</b>	Self-harm, suicidal thoughts or suicide attempts	Yes	No
<b>Psychological Health</b>	Memory problems, frequent crying, anxiety, anger, stress disorders and hostility, aggression and PTSD	Yes	No
<b>Contagious Diseases</b>	Tuberculosis, Hepatitis B, STDs	Yes	No
<b>Addiction</b>	Alcohol, narcotics, substance	Yes	No
<b>Other</b>	_____	Yes	No
<b>Safety and Security</b>		Yes	No
Current or previous security concerns		Yes	No
Concerns about the safety of family, friends or acquaintances		Yes	No
Unsafe locations in the Kingdom or their country of origin		Yes	No
Other _____		Yes	No

Employee Name

Job Title

Date

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Signature

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# FORM 9 Initial Interview Form

---

Day \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

File Number \_\_\_\_\_

## Information on the Case

---

Name

ID Type

ID Number

Date

Nationality

Gender

Age

Profession

Social Status

Telephone

Address

## Referral Entities

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1. Ministry of Justice or courts (all types)
2. Public Prosecution
3. Ministry of Interior, regional directorates or governorates
4. Regional police or police stations
5. Ministry of Labor and Social Development
6. Ministry of Foreign Affairs

7. Ministry of Health, hospitals, or health centers

10. International organizations, in coordination with the Human Rights Commission

8. Civil society institutions (charitable or civil associations)

11. The victim visits a shelter by their own initiative

9. Embassies or foreign consulates

12. Other: \_\_\_\_\_

Referral Entity

Correspondence Number

Date

## Assessing Risks Surrounding the Case

Health Requirements	Conditions	Yes	No
<b>Physical Health</b>	Headache, exhaustion, dizziness, backache, stomach-ache or abdominal pain, skin irritation, vision problems, colds, breathing difficulties, toothache	Yes	No
<b>Previous or Current Injury</b>	Self-harm, suicidal thoughts or suicide attempts	Yes	No
<b>Psychological Health</b>	Memory problems, frequent crying, anxiety, anger, stress disorders and hostility, aggression and PTSD	Yes	No
<b>Contagious Diseases</b>	Tuberculosis, Hepatitis B, STDs	Yes	No
<b>Addiction</b>	Alcohol, narcotics, substance	Yes	No
<b>Other</b>	_____	Yes	No
<b>Safety and Security</b>		Yes	No
Current or previous security concerns		Yes	No
Concerns about the safety of family, friends or acquaintances		Yes	No
Unsafe locations in the Kingdom or their country of origin		Yes	No
Other _____		Yes	No



## Summary of Indicators Surrounding the Case as per Indicator Forms (1-5)

**ACTS**

**METHODS**

**EXPLORATION**

**Initial Interview Form**

Houses

Farming

Manufacture

Workshops

Enterprises

Other

**Unpaid Labor**

Houses

Farming

Manufacture

Workshops

Enterprises

Other

**Forced Mendicancy**

**Prostitution or Sexual Exploitation (Please indicate)**

**Organ or tissue removal or medical commerce (Please indicate)**

Debt Bondage

Servitude

Slavery

Slavery-Like Practices



## Post-Initial Interview Assessment

In cases of alleged victims (acceptance into the National Referral Mechanism) In cases of alleged victims (acceptance into the National Referral Mechanism)

An attorney is assigned to the case (by the shelter) to provide legal counsel and assistance.

Notifying the concerned police station in the region, through the Public Security representative on the Referral Mechanism team.

Notifying the Public Prosecution in the region, through the Public Prosecution representative on the Referral Mechanism team.

**Specialist Name:**

**Representative Name:**

**Representative Name:**

**In vulnerable and labor cases**

In vulnerable cases: The Referral team adopts the case management file, then refers it to the concerned authorities.

In labor cases: The Ministry of Labor and Social Development handles the case through:

**Observations**

1. \_\_\_\_\_

3. \_\_\_\_\_

2. \_\_\_\_\_

4. \_\_\_\_\_

Case Manager at the Shelter

Job Title

Signature

## STAGE 3

### Investigation and Prosecution (Formal and Legal Determination)

The regional shelter affiliated with the Ministry of Labor and Social Development refers the case to the police after ensuring the case management file is completed and the preliminary procedures under the Law of Criminal Procedure are fulfilled before referring it to the Public Prosecution.

#### 01

##### PROCEDURE 1 | ALLEGED VICTIM (OFFICIAL SHELTER) (PROSECUTION AND THE JUDICIARY)

Notifying the victim of his/her legal rights in a language he/she understands through the lawyer appointed by the shelter affiliated with the Ministry of Labor and Social Development.

Allowing the alleged victim to explain his situation as a victim of trafficking in persons, as well as his legal, physical, psychological and social conditions.

Examining the victim by a specialist doctor if it appears he/she is in need of medical or psychological attention, or if he/she requests it (in coordination with the case manager at the shelter).

Transferring the victim to a medical, psychological or social rehabilitation center if it becomes evident that his/her physical or psychological condition or age requires it (in coordination with the case manager at the shelter).

Transferring the victim to a specialized center if he/she needs shelter.

Providing security and protection if needed.

If the victim is a foreigner and needs to stay in the Kingdom or continue working throughout the investigation or trial, this is to be decided by the Public Prosecution or the competent court, in coordination with the shelter affiliated with the Ministry of Labor and Social Development.

#### 02

##### PROCEDURE 2 | CASE INVESTIGATION

The Public Prosecution examines the case and investigates whether or not he/she is a trafficking victim.

The National Referral Mechanism team is informed of the investigation outcome (through the case manager with the Ministry of Labor and Social Development, the police representative, or the Public Prosecution representative on the case management team).

#### 03

##### PROCEDURE 3 | OUTCOME OF THE PUBLIC PROSECUTION INVESTIGATION

**Note:** Annex (2) provides guidelines on the questions that the concerned specialists (from the police, Public Prosecution or the judiciary) can ask.

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If it becomes apparent there is a crime of trafficking in persons after questioning the accused, the Public Prosecution issues an official order to shelter the victim.

- The Public Prosecution issues an official sheltering order for the victim.

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**If the investigation reveals that a crime of trafficking in persons has not been committed, the Public Prosecution notifies the case management team so it may refer the case to the authorities concerned with handling vulnerable cases and the humanitarian conditions involved.**

The referral mechanism team adopts the case management file and refers it to the authorities concerned with handling vulnerable cases and the humanitarian conditions involved (the shelter in cooperation with the Public Prosecution representative on the referral mechanism team).

In labor cases: The Ministry of Labor and Social Development handles the case.

## STAGE 4

### Protection and Assistance

Assistance is offered during the investigation and prosecution stages until the potential victim decides to voluntarily return to his/her country, or is integrated into society while ensuring he/she is not subjected to trafficking again. This includes the possible assistance provided as per the needs of the (potential) victim as follows:

01

#### ACTION TAKEN IN VULNERABLE AND LABOR CASES

Vulnerable Cases: Transferred to the authority concerned with resolving the vulnerability.

- Non-trafficking cases are referred to the concerned authorities (by the case manager at the shelter)
- Providing the necessary assistance (medical, psychological, legal, etc.) to the case (attorney and case manager at the shelter)
- Keeping the case in the shelter if necessary

02

#### ACTION TAKEN IN CASE OF ALLEGED VICTIM

Implementing the Public Prosecution order to shelter the alleged victim at the center affiliated with the Ministry of Labor and Social Development

- Keeping the victim informed and involved in the legal and judicial action taken with regard to the case (the attorney and case manager at the shelter).
- Providing the necessary (medical, psychological, legal, etc.) services (by shelter employees).
- Rehabilitation and training if possible (the shelter in cooperation with the Technical and Vocational Training Corporation).
- Removing any obstacles that hinder the victim's employment during the prosecution period, and providing work opportunities when possible.
- Following up on the investigation and informing the victim of any updates.
- Issuance of the final judgment

#### Parties involved in providing protection and assistance to victims of trafficking in persons include:

- Judicial authorities (the Public Prosecution and the judiciary)
- Security authorities
- Ministry of Labor and Social Development
- Ministry of Health (hospitals, health centers)
- Ministry of Foreign Affairs (diplomatic missions abroad)
- Embassies and diplomatic missions in the Kingdom
- International organizations in coordination with the Human Rights Commission

## STAGE 5

### Voluntary Return of Potential Victims

Helping and enabling the potential victim to voluntarily return to their country of origin

01

PROCEDURE 1 | HOLDING A CONSULTATIVE SESSION (CASE MEETING)

- Meeting Objective: Developing a plan for the voluntary return of the victim after assessing the risks.
- Meeting Participants: Representatives of the National Referral Mechanism team - as needed - with a representative from the victim's embassy

02

PROCEDURE 2 | IF THE VICTIM WISHES TO RETURN TO THE COUNTRY OF ORIGIN

- Notifying the Public Prosecution or the judiciary to estimate whether or not the case should remain in the Kingdom, in accordance with article (15.7) of the Anti-Trafficking in Persons Law.
- Ensuring the availability of a travel document (if unavailable the case manager at the shelter will coordinate with the concerned embassy to produce a document that enables the victim to return).
- Removing obstacles that hinder the victim's return, such as the resignation letter and residency penalties (the case manager at the shelter will coordinate with the representatives of the Ministry of Interior and the Saudi Public Security on the Referral Mechanism team).
- Securing return tickets through the victim's embassy.
- Coordinating with the Ministry of Health and health practitioners to accompany the victim during the journey if their medical condition does not allow them to travel by themselves.
- Organizing a reception in the country of origin in coordination with the Ministry of Foreign Affairs and the concerned embassy.
- Coordinating between international organizations (International Organization for Migration, etc.) and the concerned authority in the country to ensure the continued rehabilitation and healing process if needed by the victim, provided that such coordination is handled by the Human Rights Commission representative on the Referral team.

03

PROCEDURE 3 | IF THE VICTIM SEEKS EMPLOYMENT

- Providing the opportunity to look for work.
- Facilitating the work permit and residency procedures in coordination with the concerned authorities.
- Providing a work opportunity through the Ministry of Labor and Social Development if possible.

Ensuring the availability of a travel document (if unavailable the case manager at the shelter will coordinate with the concerned embassy to produce a document that enables the victim to return).

Coordinating with international organizations (International Organization for Migration, United Nations High Commissioner for Refugees, etc.) by the responsible entity to find a third country to receive the victim.

Removing obstacles that hinder the victim's return, such as the resignation letter and residency penalties (the case manager at the shelter will coordinate with the representatives of the Ministry of Interior and the Saudi Public Security on the Referral Mechanism team).

Securing return tickets through the victim's embassy.

Coordinating with the Ministry of Health and health practitioners to accompany the victim during the journey if their medical condition does not allow them to travel by themselves.

Organizing a reception in the third country in coordination with the Ministry of Foreign Affairs and the concerned embassy.

Coordinating between international organizations (International Organization for Migration, etc.) and the concerned authority in the country to ensure the continued rehabilitation and healing process if needed by the victim, in coordination with the Human Rights Commission.

#### **Parties involved in providing protection and assistance to victims of trafficking in persons include:**

- Judicial authorities (the Public Prosecution and the judiciary), in accordance with Article (15.7) of the Anti-Trafficking in Persons Law.
- Security and law enforcement (police stations, border posts, security centers, criminal investigation, field patrols, specialized committees).
- Ministry of Labor and Social Development
- Ministry of Health (hospitals, health centers)
- Ministry of Foreign Affairs (diplomatic missions abroad)
- Embassies and diplomatic missions in the Kingdom
- International organizations in coordination with the Human Rights Commission

## STAGE 6

### Reintegration

This stage aims to enable the person to resume their life as an active member in society across all its social, economic, civilizational, political and cultural aspects.

01

#### INTEGRATION VICTIMS OF TRAFFICKING IN PERSONS

Objective: Giving victims the opportunity to participate in everyday life and integrate into society.

Types of reintegration assistance on a case-by-case basis:

- Healthcare services (Ministry of Health)
- Educational assistance (Ministry of Education)
- Professional training (Technical and Vocational Training Corporation)
- Small enterprises and income-generating ventures (the concerned ministry in the country)
- Employment (Ministry of Labor and Social Development)
- Suitable accommodation (Ministry of Labor and Social Development)
- Staying and removing obstacles that hinder the victim's work and providing the victim with job opportunities if possible (Ministry of Labor and Social Development in coordination with concerned parties within the National Referral team)

#### **Parties involved in the reintegration of victims of trafficking in persons include:**

- Security and law enforcement (police stations, border posts, security centers, criminal investigation, field patrols, specialized committees).
- Ministry of Labor and Social Development
- Ministry of Health (health centers, ER services, hospitals)
- Ministry of Foreign Affairs (diplomatic missions abroad)
- Embassies and diplomatic missions in the Kingdom
- International organizations in coordination with the Human Rights Commission

# Appendix 1

REFERRAL TEAM MEMBERS FORM

# National Referral Mechanism Team

## 1. Anti-Trafficking in Persons Committee

Representative	Job Title	Telephone
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email	Fax	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 2. Ministry of Justice

Representative	Job Title	Telephone
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email	Fax	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 3. Public Prosecution

Representative	Job Title	Telephone
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email	Fax	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 4. Police

Representative	Job Title	Telephone
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email	Fax	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>

**5. Ministry of Labor and Social Development**

Representative

Job Title

Telephone

Email

Fax

Other

**6. Ministry of Health**

Representative

Job Title

Telephone

Email

Fax

Other

**7. Ministry of Media**

Representative

Job Title

Telephone

Email

Fax

Other

**8. Civil Society Institutions**

Representative

Job Title

Telephone

Email

Fax

Other

**9. Ministry of Foreign Affairs**

Representative

Job Title

Telephone

Email

Fax

Other

**10. Other**

Representative

Job Title

Telephone

Email

Fax

Other

**11. Other**

Representative

Job Title

Telephone

Email

Fax

Other

**12. Other**

Representative

Job Title

Telephone

Email

Fax

Other

# Appendix 2

MAJOR POINTS TO BE OBSERVED UPON HEARING  
STATEMENTS FOR INTERVIEWS BY THE POLICE OR THE  
PUBLIC PROSECUTION

The Public Prosecution or the Police may, during proceedings, ask any questions that could help to detect a trafficking in persons crime. Following are examples of necessary questions that could be useful in identifying whether the case considered before the Public Prosecution or assistant judicial officers is a trafficking in persons crime or not:<sup>1</sup>

### 1. Questions related to mobilization, recruitment, use or exploitation:

- Where was initial contact made with the victim?
- When was initial contact made with the victim?
- How was the trafficker contacted? Via:

- |  |                                       |  |   |
|--|---------------------------------------|--|---|
| <input type="checkbox"/> Advertisement | <input type="checkbox"/> Social Media | <input type="checkbox"/> Employment Office | <input type="checkbox"/> Personal Contact |
| <input type="checkbox"/> Third Party   | <input type="checkbox"/> Family       | <input type="checkbox"/> Others            |   |

- What were the arrangements, or the agreement?
- Were you aware of the nature of the activity that you would be engaged in?
- Has the victim been informed of the financial arrangements and their conditions? What are they?
- Was the victim deceived by way of a real job (professional transfer)? And how?
- What was the victim told about the place where they would live? And with whom?
- Was the victim paid money before the trip arrangements and it was agreed they would pay it back later (debt bondage)? How much was it? How would it be paid? By money transfers or directly to the trafficker?
- Was the victim told that they would pay additional costs such as housing or food? And how?
- Was any family member aware of the trip arrangements?
- And did they receive any money from the traffickers?
- And how much?
- Was the victim smuggled or did they travel in public?
- What travel documents were used to cross the borders?
- And if available, please take a copy.
- Was the victim assaulted before being trafficked?

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<sup>1</sup>United Nations: Toolkit to Combat Trafficking in Persons; United Nations Office on Drugs and Crime, pp. 304-

- Sexually                       Physically                       Psychologically  
 Was Detained Before Trafficking     Others (State)

- Were there any witnesses to all the previous questions?
- If yes, accurate details should be provided.
- Obtain accurate descriptions of the traffickers, meeting places, equipment, etc. used in the crime in the country of destination.

**2. Questions related to reception and exploitation:**

- Date and time of entry into the Kingdom.
- Was the entry done secretly or in public and how?
- What travel documents were used? And where are they now?
- Were the travel documents withheld upon entry? And where are they now?
- Who received the victim in the country of destination?
- Where did the victim live? And where is this place located?
- Were there other victims in that place?
- Describe the place and state its address (survey and survey report required).
- Was the victim assaulted before being trafficked at this stage?

- Sexually                       Physically                       Psychologically  
 Was Detained Before Trafficking     Others (State)

- To what kind of exploitation was the victim subjected??
- Where did the exploitation occur?
- How did the victim get to the place of exploitation?
- When did the victim discover that they were being exploited?
- Were they under surveillance? By whom?
- Was the victim able to leave the place of exploitation or the place of residence without surveillance?
- Did the victim have keys for the place of exploitation or accommodation? And no, who had such keys?

- What time was the victim doing their job? And for how many hours?
- Was the victim forced to do the work required of them? What was the method or means of coercion?
- Did the victim speak the local language? What were the means of communication used with the traffickers and service recipients?
- Did the victim receive wages for their work? How much? Were the wages fair? How were the wages paid?
- In the event of sexual exploitation, how much wages did the victim receive per day?
- Can you sum up the total amount collected by the victim from the beginning of the exploitation?
- What has become of these amounts now?
- Is this recorded in registers?
- And where are such registers?
- Who drove the victim to and from the exploitation and accommodation places?
- Is the victim indebted to the trafficker in exchange for bonds?
- How much is the debt?
- Why were the bonds signed?
- And where are the bonds now?
- Was the victim under threat by use of:

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Violence                      | <input type="checkbox"/> Sexual Assault                         | <input type="checkbox"/> Notifying Parents | <input type="checkbox"/> Coercion into Drug Use |
| <input type="checkbox"/> Retaliation on Family Members | <input type="checkbox"/> Revealing Exploitation on Social Media | <input type="checkbox"/> Others            |   |

- Were there any witnesses to all the previous questions?
- If yes, accurate details should be provided.
- Obtain accurate descriptions of the traffickers, meeting places, equipment, etc. used in the crime.

### 3. Questions related to the physical aspect:

- Was any coercive method used to control the victim? And how?
- Was the victim forced to perform acts beyond their consent? What are they?

- Was the victim paid for the acts they performed? How much?
- Were there other people forced to perform such acts with the victim? Who are they?
- Did the victim receive any threats? What kind?
- Were you physically assaulted? Were others? And how?

#### **4. Questions related to freedom of movement:**

- Were the victim's movements restricted? And how?
- Did the victim work and sleep in the same place?
- Did the victim move freely in public places?
- Did the victim buy their needs freely?
- Was the victim able to use a phone freely?

#### **5. Questions related to the psychological aspect:**

- Was the victim afraid of anyone?
- What was the reason for the victim's fear?
- Is the victim fearful of security authorities? And why?



# Article 1

## Definitions

The following terms, wherever mentioned in this Law, shall have the meanings assigned thereto, unless the context requires otherwise:

- 1. Trafficking in persons:** Use, recruitment, transportation, harboring or receipt of a person for the purpose of exploitation.
- 2. Transnational crime:** A crime shall be deemed transnational in the following cases:
  - a. If committed in more than one country.
  - b. If committed in one country, yet a significant part of preparation, planning, direction or supervision thereof is carried out in another country.
  - c. If committed in one country with the participation of an organized crime group performing crime activities in more than one country.
  - d. If committed in one country, but has grave effects in another country.
- 3. Organized crime groups:** Any group of two or more persons carrying out a planned act of trafficking in persons to receive, whether directly or indirectly, material, financial or other benefits.
- 4. Child:** Any person not exceeding eighteen years of age.

# Article 2

It shall be prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual assault, forced labor or services, mendicancy, slavery or slavery-like practices, servitude or the removal of organs or for conducting medical experiments thereon.

# Article 3

## General Penalty

Any person who commits a crime of trafficking in persons shall be punished by imprisonment for a period not exceeding fifteen years or a fine not exceeding one million riyals, or both.

# Article 4

## Harsher Penalties

Penalties provided for in this law shall be more severe in the following cases:

1. If the crime is committed by an organized crime group.
2. If the crime is committed against women or people with special needs.
3. If the crime is committed against a child, even if the perpetrator is not aware of the fact that the victim is a child.
4. If the perpetrator uses or threatens to use a weapon.
5. If the perpetrator is the spouse, ascendant, descendant or guardian of the victim or has authority over them.
6. If the perpetrator is a law enforcement officer.
7. If the crime is committed by more than one person.
8. If the crime is transnational.
9. If the crime inflicts severe harm on or results in permanent disability of the victim.

# Article 5

## Consent of Victims in Trafficking in Persons Crimes

Consent of victims shall be deemed irrelevant in any of the crimes provided for in this law.

# Article 6

## Harsher Penalties

Any person who commits the following acts shall be punished by imprisonment for a period not exceeding five years or a fine not exceeding two hundred thousand Riyals, or both:

1. Any person who uses physical force, threat, terror, deprivation of due benefits, or promises, offers or grants an undeserved benefit to instigate false testimony or interfere therewith or present false evidence relating to committing any of the crimes provided for in this law.

2. Any person who uses physical force, threat or terror to interfere with the performance of official duties by a judicial or law enforcement officer in relation to any of the crimes provided for in this law.

## Article 7

### Penalty for Being Aware of Committing a Crime

Any person who becomes aware of committing any of the crimes provided for in this law or an attempt to commit the same, even if liable for professional confidentiality, or receives information or leads related directly or indirectly to such crime, and does not immediately notify the competent authorities thereof; shall be punished by imprisonment for a period not exceeding two years or a fine not exceeding one hundred thousand riyals, or by both. The competent court may exclude parents, children, spouses and siblings from the provisions of this article.

## Article 8

### Penalty for Participating in Committing a Crime

Any person who participates in trafficking in persons or takes part in any of the crimes provided for in Articles (2), (4) and (6) of this Law shall receive the same penalty as the perpetrator.

## Article 8

### Penalty for Participating in Committing a Crime

Any person who participates in trafficking in persons or takes part in any of the crimes provided for in Articles (2), (4) and (6) of this Law shall receive the same penalty as the perpetrator.

## Article 9

### Penalty for Concealing Items or Persons Engaged in a Crime

Any person who knowingly possesses, conceals or disposes of items resulting from any of the crimes provided for in this Law, harbors one or more persons involved therein with the intention to assist them in evading justice or helps conceal evidence of the crime, shall be punished by imprisonment for a period not exceeding five years or a fine not exceeding two hundred thousand riyals, or by both. The competent court may relieve a defendant from the penalty imposed for harboring fugitives if the fugitive in question is a spouse, ascendant or descendent thereof.

## Article 10

### Attempting to Commit a Crime

Attempts to commit any of the crimes provided for in Articles (2), (4) and (6) of this Law shall receive the penalties prescribed for completed crimes.

## Article 11

### Confiscation of Crime Proceeds

The competent court may, in all cases, confiscate private property, luggage, tools and other items used, prepared for use in or resulting from trafficking in persons.

## Article 12

### Exemption or Reduction of Penalty (Notifying the Authorities)

Any perpetrator who notifies the competent authorities of information regarding a crime prior to its commencement, leading to detection of said crime prior to its commission, apprehension of the perpetrators or preventing completion thereof shall be exempted from penalties prescribed for crimes specified in this law. If notification of the competent authorities takes place after the crime has been committed, said perpetrator may be exempted from the penalty if such notification leads to the arrest of the remaining perpetrators by the competent authorities. If the notification takes place during the investigation, the penalty may be reduced.

## Article 13

### Penalty for a Corporate Person

Without prejudice to the liability of natural persons, if a crime of trafficking in persons is knowingly committed through, to the benefit of, or on behalf of a corporate person, said person shall be punished by a fine not exceeding ten million riyals, and the competent court may order temporary or permanent dissolution or closure of the same or any branch thereof.

## Article 14

## Harsher Penalties

Penalties provided for in this Law shall not prejudice the imposition of any harsher penalties provided for in other laws.

## Article 15

### Measures Taken during Investigation and Prosecution for Protection and Assistance of Victims

The following measures shall be adopted regarding victims of trafficking in persons during investigation or prosecution:

1. Inform the victim of his legal rights, using a language he or she can understand.
2. Avail the victim of the opportunity to set forth his status as a victim of trafficking in persons, as well as his or her legal, physical, psychological and social status.
3. Refer the victim to a specialist physician if he or she appears to be in need for medical or psychological care or if he or she requests such care.
4. Admit the victim to a medical, psychological or social rehabilitation center if so needed by his or her medical or psychological condition or age.
5. Admit the victim to a specialized center if he or she needs shelter.
6. Provide police protection for the victim if necessary.
7. If the victim is a non-Saudi and there is a need for him or her to stay or work in the Kingdom during investigation or prosecution, the Public Prosecution or competent court shall have the discretion to decide upon such matter.

## Article 16

### Public Prosecution Competencies pursuant to the Law

The Public Prosecution shall have the power to investigate and prosecute crimes provided for in this Law, and to inspect rehabilitation centers for victims of such crimes in order to ensure enforcement of relevant judicial rulings.

# Appendix 4

DEFINITIONS AND TERMS

# DEFINITIONS AND TERMS

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**Trafficking in Persons:** According to Articles (1) and (2) of the national Anti-Trafficking in Persons Law, this term is defined as follows:

Article (1), Paragraph (1): Trafficking in Persons: Use, recruitment, transportation, harboring or receipt of a person for the purpose of exploitation.

Article (2): It shall be prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual assault, forced labor or services, mendicancy, slavery or slavery-like practices, servitude or the removal of organs or for conducting medical experiments thereon.

## EXPLANATION OF TERMS MENTIONED IN THE DEFINITION (ACTS)

**Use or recruitment of persons:** It means recruiting persons and using them as negotiable commodities for the purpose of exploitation and profiteering, whether by legitimate or unlawful means regardless of committing such acts within the same country, or across its regional borders so that the victim is subject to the perpetrator and voluntarily carries out any orders whatsoever as a result of being under control. The perpetrator obtains material benefits in exchange for the victim's exploitation.

**Transportation or Transfer of Persons:** It is intended to move people from one place to another, whether international or local, regardless of the means and the method used and whether it is legal or illegal. Transportation takes either of two forms: spatial or professional.

**Spatial Transportation:** moving the victim from one place to another, whether across the borders of the state, or within it.

**Professional Transfer:** transferring the victim by the perpetrator, whether it is a natural or corporate person, from a legal profession to an illegal one for the purpose of exploitation, whatever the means used for so doing.

**Receipt:** Receiving persons who have been transported across the national borders of the state or inside it where the perpetrator or mediators meet and are introduced to the trafficking in persons victims; or removing any impediments in terms of residence, food, and drink for the purpose of exploiting such victims, whatever the means used for so doing.

**Harboring:** Provision of a safe place by traffickers, or mediators affiliated to traffickers, to accommodate victims of trafficking in persons during their residence. Harboring may also include providing job opportunities for victims that appear legal on the surface but are in fact intended to exploit such victims in illegal activities that may take place during, or after the completion of the works they are assigned to do.

## Terms and Concepts Used in Defining Trafficking in Persons

### EXPLANATION OF TERMS MENTIONED IN THE DEFINITION (MEANS)

**Threat:** It is a means used to press a victim to make him/her obey the orders of the perpetrator; for example, the person threatened could have refrained from the criminal behavior that he/she was ordered to commit if

he/she can endure serious harm to himself/herself or to others, but he/she was obliged to commit the crime because he/she loses the ability to choose, and accordingly by committing the crime he/she avoids the serious harm that he/she may incur.

- **Kidnapping:** “Seizing a person (whether male or female) by fraud or coercion and carrying him/her away to a certain place”. It also means carrying away trafficking victims by force away from their country of origin to coerce them into doing what is required of them. This means that the main feature in this context is force and use of violence to take a person away from his/her permanent place of residence.

- **Fraud and Deception:** The legislator did not set a definition for fraudulent methods, leaving that to jurisprudence and the judiciary, and found it sufficient to specify the purpose of such methods. Fraudulent methods within the context of a trafficking in persons crime may be defined as “lies or false promises supported by external manifestations that would delude a person (a trafficking victim) by offering to help fulfill his/her needs and demands in a legitimate way contrary to the truth”. The perpetrator exploits the personal, social, or economic circumstances that such person is subject to inducement to commit a certain criminal behavior as a result of deception and misleading for the purpose of exploitation and profiteering. Deception takes one of two forms:

- **Fully Deceptive Recruitment:** Victims are lured by false promises of employment or financial gains contrary to the truth, and are fully deceived by the true intentions of the traffickers.

- **Partially Deceptive Recruitment:** Victims may be aware that they are to be employed in a given activity but they are deceived as to the conditions under which they will be working. This means that a victim of trafficking in persons victim may be employed in a specific job in the country of destination but is then subjected to certain pressures that may amount to coercion into carrying out an illegal activity. Thus, the apparent job becomes a cover for the illegal one.

- **Abuse of Authority:** An abuser of authority must be a civil servant or a person assigned to perform a public service, for example; it is not necessary that they actually receive a bribe, as merely asking for a bribe or the sheer acceptance of it establishes the corpus delicti of the crime.

- **Abuse of Vulnerability:** It refers to exploiting a person’s economic, social, health or psychological conditions as a means to recruit that person until he or she becomes a victim of trafficking in persons.

- **Giving or receiving payments or benefits to achieve the consent of a person having control over another person:** It means that a person goes beyond the limits set for him regarding the exercise of a moral authority granted to him over another person, in violation of the laws, norms, customs, traditions and cultures in force in a society, such as a husband forcing his wife to practice prostitution.

## EXPLANATION OF TERMS MENTIONED IN THE DEFINITION (PURPOSES—EXPLOITATION)

- **Forced or compulsory labor:** Pursuant to the Forced Labor Convention no. (29) adopted by the General Conference of the International Labor Organization in 1930, entering into force in 1932, forced or compulsory labor refers to “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Following are some forms of trafficking in labor:

- **Enslavement:** According to the Slavery Convention signed in Geneva on September 25, 1926 and entering into force on March 9, 1927:

- **Slavery** is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- **Slave trade** includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.
- **Slavery** is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 identified these practices as follows:
- **Debt bondage:** the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;
- **Serfdom:** the condition or status of a tenant who is by law, custom or agreement bound to live and labor on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;
- **Any custom or practice whereby:**
  - A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;
  - The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise;
  - A woman on the death of her husband is liable to be inherited by another person;
  - Any custom or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor.



## EXPLANATION OF TERMS MENTIONED IN THE DEFINITION (PURPOSES—EXPLOITATION)

- **Removal of organs:** The laws on the use of the human body organs define organ transplant as “removal of an organ from the body of a living person, or a dead one as the case may be, and manufacturing or placing it into the body of another living person”.
- **Prostitution:** It is simply the sale of sexual services in all their forms.
- **Sexual exploitation:** It refers to the use of persons for sexual activities in exchange for a reward or any other form of compensation.
- **Forced begging:** It means the exploitation of a person for the purpose of asking for money, food etc. from the general public by soliciting their kindness and generosity, either with impairments, claiming poverty, through

the use of children etc.

● **Medical experiments:** They refer to exploiting people for the purposes of scientific or technical medical works that are conducted without any medical necessity related to a patient's condition, or medical or humanitarian service, but rather for satisfying a scientific appetite.



