

Combating Child Trafficking Internationally and Nationally/ Saudi Arabia as a Model

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Abstract: Human trafficking, especially child trafficking, due to its serious violations of human rights and fundamental freedoms in particular and its negative effects on the stability and cohesion of society in general, has recently engaged international attention.

The number of persons affected by various forms of child trafficking, such as economic and sexual exploitation, forced recruitment, organ trafficking and so on, is constantly increasing worldwide. Therefore, this problem, owing to the misuse of modern technologies and techniques by organized crime groups for the exploitation of and trafficking in children, must be highlighted and given due attention at the national and international levels.

Keywords: Human Rights, Trafficking in Persons, Children Trafficking , Protecting Children.

مكافحة الاتجار بالأطفال دولياً ووطنياً - المملكة العربية السعودية نموذجاً

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المستخلص: شغل موضوع الاتجار بالأشخاص، والاتجار بالأطفال على وجه الخصوص الاهتمام الدولي في الآونة الأخيرة، نظراً لما تمثله هذه الجريمة من انتهاك خطير لحقوق الإنسان وحرياته الأساسية، ولما يترتب عليها من آثار سلبية تنعكس على استقرار المجتمع وتماسكه بشكل عام، وفي ضوء الارتفاع المستمر والمتزايد للمتضررين من الأشكال المختلفة للاتجار بالأطفال على مستوى العالم، من استغلال اقتصادي وجنسي، وتجنييد إجباري، وتجارة بالأعضاء البشرية، وما إلى ذلك، كان لا بد من تسليط الضوء على هذه المشكلة، وإبراز أهمية إيلاء العناية اللازمة لها على المستويات الوطنية والدولية كافة، خاصة إذا ما أخذنا بالاعتبار إساءة استخدام الوسائل التكنولوجية والتقنيات الحديثة من قبل عصابات الجريمة المنظمة في استغلال الأطفال والاتجار بهم.

الكلمات المفتاحية: حقوق الإنسان، الاتجار بالأشخاص، الاتجار بالأطفال، حماية الأطفال.

Introduction.

Child trafficking is a new criminal activity in which some persons carry out illegal, some dangerous, acts such as sexual abuse, forced labor and compulsory conscription. Such actions are opposed by the tolerant Islamic sharia and all divine religions, criminalized by all international conventions and covenants and punished by all national laws.

This paper is highlight the attention that the international community attaches to the protection of the child rights. This interest is because not only children are the most vulnerable, or because most

trafficking cases are associated with disabled, orphaned or marginalized children as well as children from ethnic minorities, but also because they are the mainstay of the states' development, rise and advancement.

Furthermore, this phenomenon is a form of organized crime that threatens the security, stability and rule of law of states.

Therefore, it is more appropriate to address the violation of child rights in whatever form, regardless of the causes, to fight this grave phenomenon and reduce its negative social, political, economic, psychological, physical and health consequences.

Research Questions and Objectives:

Accordingly, the questions that the research attempts to answer are as follows:

- 1- What methods do child traffickers utilize?
- 2- What are the child trafficking consequences?
- 3- What efforts have been made to combat international child trafficking?
- 4- What are the main Saudi national efforts to confront, combat and reduce the crime of child trafficking?

The overall objectives of this research can be as follows:

- 1- Demonstrating the methods used by child traffickers.
- 2- Clarifying the consequences of child trafficking.
- 3- Highlighting efforts to combat international child trafficking.
- 4- Identifying national efforts to combat this crime (Saudi Arabia as a case).

Research Approach:

The research is based on an analytical descriptive approach that reflects the phenomenon at issue as it actually exists, not only in terms of description and in terms of the provision of accurate information and data, but also in terms of its analysis and interpretation. In addition, the research establishes the legal dimensions of the child trafficking crime, describes its nature and dangers and highlights international and domestic efforts to combat it, with a view to arriving at practical conclusions that will help to identify appropriate means of eradicating this criminal phenomenon.

Research Outline:

Chapter One of this study examines the offence of child trafficking by investigating its concept, methods and impacts. Chapter Two studies the main efforts to combat child trafficking at the international and national levels (Saudi Arabia as a case).

Research Terminologies:

The main terms used in this study are as follows:

- 1- Crime: All conduct, whether act or omission is criminalized by law and punishable by a penalty⁽¹⁾.
- 2- Trafficking: The act of conducting trade or business, through buying and selling goods, in order to obtain profit⁽²⁾.
- 3- Children: the plural of the word "child", whether male or female, who has not reached puberty. Under the Convention on the Rights of the Child, the child is "every human being under the age of eighteen, unless, under the law applicable to this child, adulthood is attained earlier"⁽³⁾.
- 4- Child Trafficking: this term shall mean the "recruitment, transportation, transfer, harboring and or receipt" of a child, for the purpose of exploitation. That could be happen by any means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over the child. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, the removal of organs, participation in armed conflicts, or any other purposes⁽⁴⁾.

1- What is Child Trafficking?

Child trafficking is one of the most serious criminal phenomena in society. The proportion of trafficked children has increased to almost one third of the total victims of trafficking crimes detected, necessitating intensified international efforts to control it and reduce its effects⁽⁵⁾.

Trafficking may be accompanied by use of force, threats of violence, beatings, confinement, restriction and rape, or by non-coercive means such as fraud, deception, false promises and offers, complicity or assistance by a person having authority over the victim, aimed at achieving an exploitative purpose. These exploitive purposes may include the prostitution of others or other forms of sexual abuse, forced Labor or service, slavery or practices similar to slavery, servitude or the removal of organs. Below,

(1) Al-Sarraj, Aboud (1985), *Criminology and Punishment*, Kuwait University, Kuwait. p. 34.

(2) Al-Sharfee, Ali Hassan (2005), *Criminalization of Trafficking in Women and their Exploitation in International Laws and Agreements, and International Cooperation in the Field of Confronting the Phenomenon of Trafficking in Human Organs*, a Research presented at the Symposium on Combating Trafficking in Persons and Human Organs held at Naif Arab University for Security Sciences, Riyadh, p. 171.

(3) Article 3 of the Convention on the Rights of the Child issued by the United Nations General Assembly on November 20, 1989.

(4) Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2000.

(5) The Global Report on Trafficking in Persons issued by the United Nations Office on Drugs and Crime in 2012. Retrieved from: www.unodc.org/documents/data-and-analysis/glotip/GLOTIP14_ExSum_arabic.pdf

we try to highlight this criminal phenomenon by focusing on its concept, its methods, its most important causes and its negative repercussions.

1.1- Child trafficking characteristics:

Child trafficking crime is a form of human trafficking, which refers to the exploitation of children, whether they are boys or girls under the legal age⁽⁶⁾, in different forms including but not limited to: forced labor, involuntary servitude, sexual exploitation, being turned into child soldiers, and the exploitation of them in other illegal activities, such as drugs trade and beggary.

This crime is existed in every region of the world, and is not limited to a specific area, although the forms of children trafficking can vary from country to country, for example, the United States is considered as one of most sex trafficking countries in the world, where labor trafficking exists at lower rates in it compared to developing countries⁽⁷⁾.

There are different organizational types of children traffickers, that may use fear tactics to lure the victims into different practices of exploitation and enslavement, and even if the victim of trafficking is satisfied with the exploitation, this consent is not taking into account⁽⁸⁾. Thus, the consent is not used to exempt the offender from criminal responsibility; because of the children's vulnerability. In other words, traffickers can't use the consent of the victims as a defense once they are appeared in a court.

There are many reasons for child trafficking; poverty can be considered as one of the main factors behind this crime, along with the lack of education, insufficient or non-enforced of legislations, lack of awareness, absence of birth registration, humanitarian crisis, political conditions and instability, and human rights violations⁽⁹⁾. These are the most common causes of treating trafficked children like slaves, who are subjected to many illegal and unethical trades.

Child trafficking is a complex issue; it is considered as one of the most well- organized crime, traffickers usually organize themselves through large international networks and criminal gangs, which are engaged in many illegal activities, such as drug smuggling or prostitution⁽¹⁰⁾.

(6) Article 3 of the Convention on the Rights of the Child issued by the United Nations General Assembly on November 20, 1989.

(7) Child Trafficking: Myth vs. Facts, Website of the Organization of Save the Children, on the following link: <https://www.savethechildren.org/us/charity-stories/child-trafficking-myths-vs-facts>

(8) Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2000.

(9) Busuttill, Fanny (2011), Fight against Child Trafficking, available at the following website: <https://www.humanium.org/en/child-trafficking/>

And Banasal, Urvashi (2018), Child Trafficking, the Amity International Journal of Legal and Multidisciplinary Studies, Vol. 2, Iss 3, July 2018, p. 69.

(10) Busuttill, Fanny, op. cit.

Finally, it is very important to note that this crime is not subjected to the statute of limitation⁽¹¹⁾, due to its seriousness and dangerousness, as well as the difficulty of detecting it.

1.2- Child trafficking methods:

International reports point out that most trafficked children are at risk of being commercially exploited by engaging them in sexual activities, with the proportion of children trafficked for forced labor has risen to 40% of trafficking victims. Children are trafficked to perform forced labor, to work in dangerous industries, to be used in criminal activities, as well as to be recruited in armed conflicts⁽¹²⁾.

The most notable methods used in child trafficking are:

1.2.1 Child sexual exploitation:

It is the exploitation of the children's bodies by child traffickers in order to satisfy the desire of sex seekers, in exchange for money to be given to the traffickers⁽¹³⁾. Such exploitation includes any act by which a child is transferred by any person or group of persons to another person, the exploitation of children in prostitution through their use for the purpose of sexual activities for remuneration or any other consideration, or the exploitation of children in pornography⁽¹⁴⁾.

Although it is difficult to obtain accurate and reliable figures, data and statistics on the phenomenon of sexual exploitation of children and the number of victims, it can be said that it is now investigated in various social and economic settings and levels. For example, the International Child Sexual Exploitation Images Database (INDECOPE), operated by Interpol, identified close to 3,000 child victims in some 40 countries during 2013⁽¹⁵⁾.

Furthermore, given the widespread and child-focused content of pornography on the Internet, there is an urgent need to promote rules of conduct by Internet service providers, to create hot websites to report on child pornography and to enact laws by legislative authorities criminalizing electronic sex business, in order to provide legal protection for children. Moreover, the importance of international cooperation in combating child sexual exploitation should not be overlooked through setting up specialized units and training programs⁽¹⁶⁾.

(11) The Report of Saudi Arabia on the Optional Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2016, P. 30.

(12) The Global Report on Trafficking in Persons issued by the United Nations Office on Drugs and Crime in 2012.

(13) Al-Badayneh, Diab (2013), Human Trafficking: Causes and Consequences, Arab Journal of Security Studies and Training, Riyadh, No. 57, p.9.

(14) Article 2 of the Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, issued by the United Nations General Assembly on 25 May 2000

(15) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Human Rights Council, twenty-fifth session on 23 December 2013, p.6.

(16) Recommendations of the International Conference against Child Sexual Exploitation, held in Vienna in 1999.

1.2.2 Forced labor:

Forced labor shall mean 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⁽¹⁷⁾.

Accordingly, forced child Labor is defined as compulsory labor of children in involuntary agricultural or industrial jobs, whether hard or dangerous, that threaten their physical, mental and moral health, such as in the construction and manufacturing industries, in mines, or for criminal work or forced domestic service, by force and coercion, at the lowest remuneration⁽¹⁸⁾. Forced Labor practices also include children being forced to beg for the benefit of traffickers, and children with disabilities and physical deformities are often exploited to solicit the philanthropists and benefactors⁽¹⁹⁾.

Forced labor includes not only work performed by children below the minimum age to do so, but also includes bonded labor, which may result from having a debtor undertake the provision of his personal services or the services of those under his control in order to secure a debt. The child thus provides his services in this situation in return for a debt owed by his guardian under exploitative conditions, long working hours, low wages and no days off⁽²⁰⁾.

The causes of forced labor are manifold, ranging from chronic poverty, demand for cheap labor, unemployment, global and national economic crises, lack of basic services, denial of access to employment, education and health care. As a result, people are forced to work in exploitative conditions and exposed to bonded labor.

1.2.3 Trafficking in organs:

Trafficking in organs is growing rapidly by criminal groups specializing in trafficking child organs or tissues to be used as human parts. The child's organs are removed and sold as merchandise for

(17) Article 2 of the International Labor Organization Convention Concerning Forced Labor, 1930.

(18) For example, according to the International Labor Organization (ILO), 15.5 million children, mostly girls, are working in domestic service, many of them are exploited in Labor, working long hours without rest, and suffering violence and abuse.

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, p6.

(19) Training Manual to Fight Trafficking in Children for Labor, Sexual and Other Forms of Exploitation (2009), International Labor Organization, Geneva, P. 17.

Arabic reference: Ali, Yaqoub Ali Janqi (2013), The Economic and Social Dimension in Combating Human Trafficking: Concepts and Trends, The Third Doha Forum for Combating Human Trafficking, under the slogan (Contemporary Trends to Combat Human Trafficking), Doha, January 22-23, 2013, p.4.

(20)Bales, Kevin (2005), Understanding Global Slavery, University of California.

obtaining financial profits, with a high risk that he will die during such operations or live his life amid suffering⁽²¹⁾.

This constitutes a grave violation of human rights, in particular the right to life and integrity of the body.

This crime takes on several methods, perhaps most notably: abducting children, removing some of their organs such as the eyes and kidneys, and preserving their lives, or abducting them, especially the homeless, the disabled and the insane, killing them and selling their organs for large sums⁽²²⁾.

1.2.4 Compulsory conscription:

Trafficking in children is not limited to sexual exploitation for prostitution, pornography, forced labor in farms, factories and mines or forced domestic services, but also through recruitment into armed conflicts.

Compulsory conscription is the recruitment of children under the age of 18 into the army or armed groups. The child may be used to participate actively in armed operations, to engage in activities related to combat, such as mine detection, espionage and guarding, or to force them to perform direct support functions for the armed forces, such as carrying supplies to the front lines⁽²³⁾.

Thus, children are recruited not only for those bearing arms in regular or irregular armed forces, but also for all those accompanying armed groups, such as scouts, messengers and porters. Girls are also recruited for forced marriage or sexual purposes.

No distinction is made between children recruited by force and coercion, by using threats, intimidation and abduction, or conscripted voluntarily by exploiting their economic, social, cultural and political circumstances.

Children most likely to be recruited are those who are deprived of their families, displaced from their homes, prevented from gaining access to education, or who live in combat zones. Children may join armed groups as the only way to ensure daily food, survival and sustenance, as well as the possibility for children to join armed groups in pursuit of retaliation and revenge, in reaction to their abuse and ill-treatment, including torture, forced displacement and exile.

(21) Ali, Yaqoub Ali Janqi (2013), The Economic and Social Dimension in Combating Human Trafficking: Concepts and Trends, The Third Doha Forum for Combating Human Trafficking, under the slogan (Contemporary Trends to Combat Human Trafficking), Doha, January 22-23, 2013, p.4.

(22) Salim, Tariq Abdel-Wahhab (2005), International cooperation in the field of confronting the phenomenon of trafficking in human organs, a research presented in the symposium on combating trafficking in persons and human organs held at Naif Arab University for Security Sciences, Riyadh, p.227.

(23) Report: Child Soldiers (2008), Coalition To Stop The Use Of Child Soldiers, P. 375.

To sum up, whether coercive or voluntary child recruitment is used in armed conflicts, the result is the same, and the consequences for sustainable security, peace and development are also the same.

1.3- Impacts of child trafficking:

Trafficking in children possesses negative and serious implications covering the various political, economic, social, health and psychological spheres, which will be discussed successively:

1.3.1 Political impact of child trafficking:

Child trafficking relates fundamentally to the violation of human rights, as trafficked children are deprived of a wide range of rights that should enable them to enjoy a happy life. Consequently, child trafficking is a grave violation of their rights as human beings and as children.

Children are supposed to enjoy all human rights, without any distinction or discrimination on the basis of color, sex, religion, origin, property or parentage. These rights include the rights to life, liberty, housing and movement, access to social and health services and freedom from torture and servitude⁽²⁴⁾.

Therefore, the child must enjoy the rights set out in the Convention on the Rights of the Child, such as the right to remain with his or her family, the right to education and play, and the right to be protected from sexual violence, ill-treatment and other forms of violence and abuse, as well as child labor and its related risks to his health and safety.

Furthermore, trafficking offences, usually committed by organized criminal groups, make significant illegal profits. They are also no longer purely national crimes, but this criminal phenomenon has become often a trans boundary crime. Therefore, no State can combat it individually, but its elimination requires a high level of bilateral and multilateral cooperation and coordination, including information gathering and investigations in states of origin, destination and transit.

1.3.2 Economic impact of child trafficking:

Tax evasion by illicit operators is one of the most significant negative effects of child trafficking.

Traffickers do not declare their real incomes, while those with legitimate incomes pay unavoidable taxes. Thus, such activities distort the apparent tax base and the hidden tax base, and contribute to unsound economic habits, like tax evasion, by increasing the demand for such suspicious investments.

Moreover, trafficking disrupts the economic growth rates of society and undermines economic development by subverting economic development plans, depriving states of the manpower necessary for

(24) The Universal Declaration of Human Rights in 1948, issued by the United Nations General Assembly on December 10, 1948.

establishing the economic and social entity, and placing additional burdens on states to provide social and health care for trafficking victims⁽²⁵⁾.

1.3.3. Social impact of child trafficking:

Disrupted social values due to the abuse of human rights through violation of human values and dignity may be among the main social consequences of trafficking in children. This disruption of social values will result in undermining the social development process; the spread of undesirable social phenomena, such as buggery, sexual harassment, rape, drug addiction and an increase in committing suicide by children to escape the harsh reality of their life that make them feel less valued and less likely to continue life⁽²⁶⁾.

Besides, child trafficking may produce children at risk of criminality, due to their involvement in criminal gangs and dangerous societal behaviors⁽²⁷⁾.

1.3.4. Health and psychological impacts of child trafficking:

Trafficked children are exposed to the consequences of ill-treatment, namely, the extreme forms of violence and abuse such as rape, beatings, detention, torture and mutilation, both by the traffickers and by clients⁽²⁸⁾. Moreover, most trafficked children suffer from physical injuries such as fractures, burns, lacerations, internal organ injuries, impaired mental development and disability. Further, some forms of child trafficking (especially sexual exploitation) may lead to the transmission and spread of sexually transmitted diseases, such as HIV, with trafficked girls potentially at risk of illegal and unwanted pregnancies⁽²⁹⁾.

(25) Abdul-Hamid, Abdel-Hafez Abdel-Hadi (2005), The Economic and Social Effects of the Phenomenon of Trafficking in Persons, Symposium on Combating Trafficking in Persons and Human Organs, Naif Arab University for Security Sciences, Riyadh, p.378.

(26) The results of an adolescent sample study examining the effect of being sexually abused on contemplating, threatening, or planning suicide showed a threefold increase in abused girls compared to unabused girls and a tenfold increase in abused boys compared to non-sexually abused children.

Martin, Graham (2004), Sexual Abuse and Suicidality: Gender Differences in a Large Community Sample of Adolescents, Child Abuse & Neglect, 28(2004), p.491.

(27) Abdul-Hamid, Abdel-Hafez Abdel-Hadi (2005), The Economic and Social Effects of the Phenomenon of Trafficking in Persons, Symposium on Combating Trafficking in Persons and Human Organs, Naif Arab University for Security Sciences, Riyadh, p. 380.

(28) Al-Marzouq, Khaled (2005), The crime of trafficking in women and children in Islamic law and international law, Naif Arab University for Security Sciences, Riyadh, p. 56.

(29) Zaghail, Ahmed Suleiman (1999), Trafficking in Women and Children, Symposium on New Criminal Phenomena and Ways to Combat them, which was held in Tunis from June 28 to 30, 1999 AD., Publications of the Naif Arab University for Security Sciences, Riyadh, p.4

Undoubtedly, the violent acts associated with child trafficking cause deep psychological injury to their victims and lead to impaired mental health, exposing them to problems of lack of self-confidence, mistrust towards the other, hatred, anxiety, depression, isolations, feelings of shame, a desire for revenge and an inability to integrate and cope⁽³⁰⁾. It is therefore impossible to ignore the health and psychological damage caused to children by trafficking.

2- Legal Basis for the Prohibition of Child Trafficking

International conventions and domestic laws for the prohibition of child trafficking are the basis for the legal standards for the prevention of this crime. Therefore, international efforts will be addressed first, and then national ones.

2.1- International instruments on Child Anti-trafficking:

Combating human trafficking in general has been the subject of much attention in international conventions and charters. However, since the phenomenon of trafficking in children has become a problem for all societies, it is necessary to put an end to it, to combat all its commercial forms, such as violence, exploitation, transfer of organs, recruitment into armed conflict, etc., to ensure the protection of the victims of such operations and to facilitate their recovery and reintegration.

International efforts to combat trafficking in persons and then child trafficking will therefore be addressed in this chapter.

2.1.1. International conventions on human trafficking:

There is a number of international conventions and covenants dealing with trafficking in persons. These instruments criminalize and prohibit human trafficking and impose an obligation on states parties to punish the perpetrators of such crimes and to amend their national legislation to bring it into line with the international treaties they have ratified.

The 1948 Universal Declaration of Human Rights provides that no one shall be held in slavery or servitude, that slavery and the slave trade are prohibited in all their forms, that everyone has the right to just conditions of work and to equal pay for equal work without any discrimination, and that everyone has the right to reasonable working hours⁽³¹⁾.

One of the first conventions against trafficking in persons was the 1949 Convention for the Suppression of the Traffic in Human Beings and of the Exploitation of the Prostitution of Others, which made it a crime for any person to solicit, mislead or exploit a person for the purpose of prostitution, even

(30) Abdul-Hamid, Abdel-Hafez Abdel-Hadi (2005), The Economic and Social Effects of the Phenomenon of Trafficking in Persons, Symposium on Combating Trafficking in Persons and Human Organs, Naif Arab University for Security Sciences, Riyadh, p.379.

(31) Articles 14, 23, 24 of the Universal Declaration of Human Rights.

with that person's consent⁽³²⁾. This convention followed a series of relevant international conventions, such as the International Agreement for the suppression of the White Slave Traffic of 1904, the 1921 International Convention for the Suppression of the Traffic in Women and Children and the 19930 Convention Concerning Forced or Compulsory Labor of the International Labor Organization.

In 1956, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery was adopted. This convention calls on state parties to take all legislative and other measures with a view to abolishing or abandoning the practices of debt bondage and serfdom gradually and as soon as possible⁽³³⁾.

This Convention also includes those practices and customs 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 or any other person; or for the husband, his family or his tribe to grant the right to transfer his wife to another person in exchange for payment or consideration; or delivery by one or both parents or a guardian of a child, for or without consideration, with a view to the exploitation of the child or his or her labor⁽³⁴⁾.

Further, this Convention dealt with the slave trade, stipulating that the removal of slaves from one country to another by any means, or the attempt or participation in such transfer, constituted a criminal offence under the laws of state parties to the Convention, and that those found guilty of such an offence should be punished very severely⁽³⁵⁾.

The 1966 International Covenant on Civil and Political Rights also provided that slavery and servitude are prohibited and that no one shall be subjected to compulsory and forced labor⁽³⁶⁾. In addition,

(32) Article 1 of the Convention for the Suppression of the Traffic in Human Beings and of the Exploitation of the Prostitution of Others issued by the United Nations General Assembly on December 2, 1949.

(33) Under article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted by the Economic and Social Council of the United Nations on 30 April 1956, debt bondage means the state or situation resulting from a pledge by a debtor of his personal services or those of a person under his control in order to secure a debt. Serfdom: the status of a person who is bound by custom, law or agreement to live and work on land belonging to another person, and to render services to such person, whether for reward or not, and is not free to change his status.

(34) Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

(35) Article 3 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

(36) Article 8 of the International Covenant on Civil and Political Rights, issued by the United Nations General Assembly on December 16, 1966.

the International Covenant on Economic, Social and Cultural Rights guarantees the right of everyone to just and favorable conditions of work⁽³⁷⁾.

United Nations Millennium Declaration marking the world's second millennium 2000, adopted unanimously by the heads of state, noted the need to intensify efforts to combat transnational crime in all its dimensions, including human trafficking and smuggling⁽³⁸⁾.

Finally, the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in 2000, defines organized crime as a crime committed by three or more persons, existing for a period of time, acting in concert, with the aim of committing offences established in accordance with the Convention, for the purpose of obtaining, directly or indirectly, a financial or other material benefit⁽³⁹⁾.

Extrapolating from the above definition, human trafficking may be considered one of the most important activities within the scope of organized crime.

2.1.2. International conventions on child trafficking:

The 1990 Convention on the Rights of the Child, which provides for the highest level of care for children, affirms a number of rights. One of the most important rights that it has brought in relation to our study is the right of the child to legal protection from all forms of exploitation, violence, physical and mental abuse, and ill-treatment, including sexual abuse⁽⁴⁰⁾. It also prohibits the unlawful removal and non-return of children⁽⁴¹⁾.

Besides, it sets out the right of the child to be protected from economic exploitation and from performing work that is likely to be hazardous, to interfere with the his or her education or to be harmful to his or her health or physical, mental, spiritual, moral or social development⁽⁴²⁾. States are required to protect children from all forms of sexual exploitation, including inducing children to use sex stimulants, engaging them in prostitution or illicit sexual practices, or in pornography, according to this Convention⁽⁴³⁾. The Convention also prohibits child abduction, sale or trafficking⁽⁴⁴⁾.

(37) Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.

(38) Article 9 of the United Nations Millennium Declaration marking the world's second millennium 2000, issued on September 8, 2000.

(39) Article 2 of the United Nations Convention against Transnational Organized Crime, issued by the United Nations General Assembly on 15 November 2000.

(40) Article 19 of the Convention on the Rights of the Child.

(41) Article 11 of the Convention on the Rights of the Child.

(42) Article 32 of the Convention on the Rights of the Child.

(43) Article 34 of the Convention on the Rights of the Child.

(44) Article 35 of the Convention on the Rights of the Child.

Furthermore, the Convention obligates states to take legislative, administrative, social and educational measures to guarantee these rights, in particular by establishing a minimum age for work, establishing a system of working hours and conditions and imposing penalties and sanctions to ensure respect for measures taken in this area.

In addition, the 2002 Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which prohibits the sale of children, child prostitution and child pornography, calls for measures to be taken by states⁽⁴⁵⁾. These measures include national legislation for the offences contained in the Protocol, the establishment of penalties appropriate to their horrific nature, the extradition of offenders and the protection of the privacy of children and respect for their status during the judicial proceedings⁽⁴⁶⁾.

In the same context, the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children paid particular attention to the prevention of child trafficking, the protection, support and assistance of its victims as well as respect for their full human rights, and the strengthening of cooperation among state parties to achieve these objectives⁽⁴⁷⁾.

The Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor addresses the seriousness of child Labor in areas it describes as "the worst forms of child Labor." Such forms include slavery, child trafficking, debt bondage, forced labor, prostitution, forced recruitment of children for use in armed conflict, child labor in illicit activities, in particular the production and trafficking of drugs, as well as work likely to harm the health, safety or moral conduct of children⁽⁴⁸⁾. It also imposes a range of appropriate measures on states by preventing the involvement of children in such areas and by providing direct assistance to rid them of the worst forms of labor and to rehabilitate and reintegrate them in society⁽⁴⁹⁾.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict also demands all states parties to take all feasible measures to ensure that

(45) Article 1 of the Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.

(46) Article 3 of the Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000.

(47) Article 2 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, issued by the United Nations General Assembly on 15 November 2000.

(48) Article 3 of the Convention on the Prohibition of the Worst Forms of Child Labor and Immediate Action for its Elimination, issued by the General Conference of the International Labor Organization on June 17, 1999.

(49) Article 7 of the Convention on the Prohibition of the Worst Forms of Child Labor and Immediate Action for its Elimination.

members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities⁽⁵⁰⁾.

It also prohibits all armed groups distinct from the armed forces of a state party to the Protocol from recruiting or using persons under the age of 18 years in hostilities⁽⁵¹⁾.

From all these international conventions, we note the strong desire of the countries worldwide to create an integrated infrastructure capable of combating and eliminating the crimes of child trafficking and of dealing with the victims with a view to their rehabilitation and reintegration into society.

2.2- Child Anti-Trafficking in Saudi Laws:

The Saudi authorities have taken a number of measures to ensure the protection of children from international and domestic trafficking in the conviction that the crime of child trafficking is a serious crime, because it affects its victims and due to the negative consequences, it causes among members of society.

2.2.1. The Kingdom's international efforts:

The Kingdom of Saudi Arabia is an active party to international efforts to protect children from trafficking, given the gravity of this crime in all its forms and methods and because it is convinced of the importance of serious and constructive international cooperation among states.

The Kingdom has ratified several international conventions and protocols to combat the crime of trafficking in children, notably the Convention on the Rights of the Child⁽⁵²⁾, and its Optional Protocol of 2000 on the sale of children, child prostitution and child pornography.

The Kingdom also ratified the International Convention against Transnational Organized Crime of 2000 and its two supplementary Protocols to prevent, suppress and punish trafficking in persons, especially women and children, and to combat the smuggling of migrants by land, sea and air.

In addition, the Kingdom ratified the ILO Convention Concerning Forced or Compulsory Labor, 1930, as well as the Abolition of Forced Labor Convention, 1957 and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999.

2.2.2. The Kingdom's regulatory efforts:

The Saudi authorities have adopted a series of regulations and laws on combating the crime of trafficking in children that are in line with the tolerant provisions of the Islamic sharia and the obligations set out in the relevant international conventions. These regulations and laws include the adoption of all measures to ensure the criminalization and prosecution of the perpetrators of child trafficking and the

(50) Article 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, issued by the United Nations General Assembly on May 25, 2000.

(51) Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

(52) The Convention on the Rights of the Child was ratified by Royal Decree No. (M / 7) dated 4/16/1416 AH.

provision of assistance and protection to the victims of such crimes .The relevant laws will be explained in turn.

2.2.2.1. Anti-Trafficking in Persons Law:

This Law prohibits trafficking in persons in any form, including coercion, threats, fraud, deception, abduction, influence peddling, abuse of power and abuse of a position of vulnerability, for the purpose of sexual abuse, forced service, beggary, slavery, servitude or slavery-like practices, removal of organs or medical experimentation⁽⁵³⁾.

It should be noted that the Saudi Anti-Trafficking in Persons Law is characterized by the fact that it singles out beggary and medical experimentation as forms of human trafficking.

Moreover, the Law established a penalty for the crime of trafficking in persons as imprisonment for a term not exceeding 15 years or a fine not exceeding one million Saudi riyals, or both⁽⁵⁴⁾.

In a context related to the subject of our study, the Law, in Article 4, has increased the penalty for human trafficking offences if the offence is accompanied by specific situations, including the abuse of victim's vulnerability, such as the victim is a child, even if the perpetrator was unaware of that⁽⁵⁵⁾. The fact that trafficker takes advantage of a young-aged victim's vulnerability, by the ease of committing the crime, because the weak victim lacks experience, awareness and the ability to resist the process of buying or selling him or her, and by using little force, threat or deception, is an aggravating circumstance for human trafficking offences .In addition, the Law does not consider the consent of the victim, his guardian or the person responsible for his or her education to be a ground for authorizing the act of trafficking in him or her, in view of the fact that the offence is linked to a social right⁽⁵⁶⁾.

2.2.2.2 Child Protection Law:

Convinced of the importance of child welfare, the Saudi regulators issued the Child Protection Law in 2014, which considers a number of acts to be tantamount to abuse or neglect of children, such as interruption in their education, ill-treatment and harassment. It also prohibits the sexual or material exploitation of children or their involvement in criminal activities, such as the production of narcotic drugs or psychotropic substances⁽⁵⁷⁾.

It further prohibits employing children before the age of 15, placing them in any work that is detrimental to their safety or physical or psychological health, forcing them to beg, or using them in criminal or military actions or in armed conflict⁽⁵⁸⁾.

(53) Article 2 of the Saudi Anti-Trafficking in Persons Law issued by Royal Decree No. (M / 40) in 2009.

(54) Article Three of the Anti-Trafficking in Persons Law.

(55) The third paragraph of Article 4 of the Anti-Trafficking in Persons Law.

(56) Article 5 of the Anti-Trafficking in Persons Law.

(57) Articles 2, 3 and 4 of the Saudi Child Protection Law under Royal Decree No. (M / 14) dated 2/3/1436 AH.

(58) Articles 9, 10 and 11 of the Child Protection Law.

The Law states that health, education and psychosocial programs should be developed by all relevant bodies to ensure the rehabilitation of abused or neglected children⁽⁵⁹⁾.

The Law also stipulates that the Bureau of Investigation and Public Prosecution is empowered to investigate the offences listed in the Law and then to institute proceedings before the competent court to determine the appropriate penalties for the offenders⁽⁶⁰⁾. However, the Law, like the Anti-Trafficking in Persons Law, does not specify the penalties for anyone who violates its provisions. Rather, it leaves it up to the criminal court hearing the dispute to decide on the appropriate penalty. It is desirable that the regulators provide for a specific penalty, not the judge's discretion.

2.2.2.3. Law of Protection from Abuse and its regulations

This Law is a mainstay in the protection of children from all forms of abuse and indirectly prevents trafficking offences.

This Law also criminalizes all forms of abuse to which persons may be subjected within the family environment⁽⁶¹⁾. These abuses include physical abuse, which results in bodily harm resulting from the abuse of a child's body or psychological abuse in any form of abusive dealing or conduct aimed at undermining the child's dignity or the moral rights guaranteed by Islamic Sharia or the rule of law. Sexual abuse, according to this Law, is a crime in which a child is subjected to any unlawful act, speech or sexual exploitation⁽⁶²⁾.

2.2.2.4. Saudi Labor Law

Section X of the Saudi Labor Law of 1389 A.H., contains provisions relating to the employment of minors. Section X prohibits children from being employed at an early age, i.e. before they reach the age of 13, and prohibits persons over the age of 13 from being forced to perform arduous work or to be exploited in hazardous occupations or jobs that are harmful to their health, safety or morals. It also limits the child working hours of no more than six hours, and they are not employed at night or overtime⁽⁶³⁾.

2.2.2.5. Anti-Cyber Crime Law

The 2007 Anti-Cyber Crime Law imposes a penalty of up to 5 years' imprisonment and/or a fine of up to 3 million riyals on anyone producing anything likely to harm public order, religious values or

(59) Article 22 of the Child Protection Law.

(60) Article 24 of the Child Protection Law.

(61) The Law stipulates that the abuser and the abused person have a family relationship, or have a relationship of guardianship, authority, responsibility, tutorship, surety, maintenance or dependency.

(62) Article 1 of the executive regulations of the Law of Protection from Abuse issued by Ministerial Resolution No. (43047) dated 5/8/1435.

(63) Articles: 161, 162, 163, 164 of the Saudi Labor Law issued by Royal Decree No. (M / 51) on 9/25/1426.

public morals. It also criminalizes those who establish Internet sites with a view to trafficking in human beings create pornographic networks or disseminate and promote activities against public morals⁽⁶⁴⁾.

The Law has increased the abovementioned punishment to at least half of the upper limit for those who use information techniques to deceive or exploit children⁽⁶⁵⁾.

2.3- Bodies involved in combating child trafficking:

Believing in the need to establish legal structures capable of prosecuting crimes of trafficking in children, Cabinet Decision No. 244 of 13 July 2009 established the Permanent National Committee under the Saudi Human Rights Commission, in partnership with relevant ministries, such as the Interior, Foreign Affairs, Justice, Labor, Information and Social Affairs. This committee is charged with investigating cases of trafficking in persons, monitoring the situation of victims, ensuring that they are not revictimized and taking measures to prevent and combat trafficking in persons⁽⁶⁶⁾.

The Committee has contributed significantly to training, awareness-raising, or guidance in the area of its work, helping to deal with a large number of cases referred to it. In addition, it, with the help of Saudi courts in various regions, has been able to redress a number of children affected by cases of child trafficking, including forced labor, and the illegal importation or transfer of children into the country, who are then forced to work as beggars or they are sexually exploited.

It should be noted that, in cooperation with the 41 child protection centers throughout the Kingdom, the Saudi Human Rights Commission accommodates victims of trafficking within the protection committees of these centres, which provide financial assistance to victims in addition to social, psychological, legal, educational and training services⁽⁶⁷⁾.

In addition, Law of Protection from Abuse and its regulations call for providing shelters for victims of abuse. It also demands concerned bodies to provide abused cases with opportunities for their moral, psychological, social and health recovery in a manner that respects their dignity and provides them with protection and support with a view to their rehabilitation, support and assistance in their integration and adaptation into society⁽⁶⁸⁾.

(64) Article 6 of the Saudi Anti-Cyber Crime Law issued by Royal Decree No. (M / 17) dated 3/8/1428 AH.

(65) Article 8 of the Saudi Anti-Cyber Crime Law.

(66) Saudi Cabinet Resolution No. 244 dated 7/20/1430 AH.

(67) The National Family Safety Program website on the following link: <http://nfsp.org.sa>

(68) Article 2 of the executive regulations of the Law of Protection from Abuse.

2.4- Certain court rulings on child trafficking:

In comparison to the population of Saudi Arabia, there are relatively few cases of child trafficking. According to statistics released by the Saudi Ministry of Justice in 2012, out of a total of 18,918 criminal cases, only 72 cases involved trafficking in persons⁽⁶⁹⁾.

The competent courts have recently handed down a series of rulings on cases of trafficking in children, who were exploited by traffickers to beg in public places such as shopping malls and traffic lights to obtain material gain in their favor, and on sexual exploitation and forced labor. For example, there were some cases of underage girls who were illegally brought from abroad and forced to perform domestic service, without giving them their financial rights, as well as cases where underage daughters were abused and coerced by their parents to marry elders, for financial reasons, such as debt settlement, or gaining a high bride price⁽⁷⁰⁾. For example, Jazan Criminal Court issued a judgment in the case of the abduction of a Yemeni child by the leader of a criminal gang specializing in smuggling Yemeni children into Saudi Arabia. The perpetrator was sentenced to one year in prison and eighty lashes of the whip on the basis of the evidence presented to the court⁽⁷¹⁾. In addition, the Criminal Court in Khobar governorate sentenced a person accused of trafficking a 4-year-old child to one year's imprisonment and deportation, because the perpetrator took advantage of the child's vulnerability and young age and used him to beg in a mosque, claiming to be his son⁽⁷²⁾.

3- Conclusion

Awareness of the importance of combating the crime of trafficking in children is growing, especially the many forms of abuse to which children can be subjected and the grave consequences of such trafficking. Child trafficking is also a flagrant violation of the rights of the child in all divine religions and contravenes international conventions, norms, constitutions and national laws.

Moreover, it poses a criminal problem that has become a source of concern to the world and a threat to international and domestic security and stability, since it deprives society of the benefit of the investment of its vital and important human resources.

(69) The website of the Saudi Ministry of Justice at the following electronic link:

http://www.moj.gov.sa/ar-sa/Pages/News_Details.aspx?News=591

(70) Report on the human rights situation in the Kingdom of Saudi Arabia issued by the Saudi Human Rights Commission in 2012, p. 59.

(71) An article published in Al-Balad magazine entitled "The Saudi judiciary takes justice for Yemeni juvenile Mustafa from a human trafficker in Saudi Arabia", published on 19 October 2014. Retrieved from:

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(72) An article published in Al-Hayat magazine entitled (The issuance of 72 judgments in human trafficking cases) on October 21, 2014. Retrieved from:

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Hence, confronting this criminal phenomenon depends heavily on eliminating its underlying causes, such as poverty, gender discrimination, family disintegration and poor or non-existent educational opportunities, and requires improving the situation of children, ensuring their safe and peaceful upbringing and education, and making them aware of their rights so that they are not vulnerable to trafficking.

This legal study on combating the crime of international and domestic trafficking in children have concluded with a set of conclusions and recommendations, which are as follows:

3.1. Findings:

- 1- Trafficking in children, in all its forms and modalities, has serious negative political, economic, social and health impacts and repercussions for trafficked children and society as a whole.
- 2- The growing crime of child trafficking has forced the international community to make greater efforts to address and reduce this phenomenon through the conclusion of several international conventions and covenants to counter and combat this phenomenon.
- 3- The Saudi authorities are committed to protecting children from trafficking by joining international efforts to combat trafficking in children, enacting regulations to prevent and deter such crimes and striving to balance the punishment of perpetrators on the one hand and the protection of the rights and interests of victims on the other.

3.2. Recommendations:

- 1- Continued development of international and national strategic plans to combat child trafficking at both the preventive and the curative levels.
- 2- Strengthening education and awareness-raising programs among the members of society on the risks and consequences of child trafficking, through the preventive role of the media as well as educational and religious bodies.
- 3- Organizing training programs for all persons involved in dealing with cases of child trafficking, including social workers, doctors, police officers and judges.
- 4- Training government officials in mechanisms to combat child trafficking and establishing bodies and mechanisms for the rehabilitation, support and social integration of children.
- 5- Enhancing cooperation and coordination among states to prevent and suppress child trafficking, especially with regard to the provision of intelligence on persons suspected of trafficking, investigations, extradition and other forms of international judicial cooperation to prosecute and punish the offenders.

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