

## *The Role of Civil Society in Preventing and Combating Human Trafficking*

دور المجتمع المدني في منع ومكافحة الإتجار بالبشر



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### **Abstract:**

Today, the policy of preventing and combating human trafficking no longer depends on the official state agencies alone. Rather, civil society has a clear role in such a task, especially by giving it a legal and pivotal position in this equation, starting with Law 23-04 related to the prevention of human trafficking. Combating it through its second section under the title (Civil Society Intervention). This paper aims to discuss various aspects of the participation of civil society and its role in preventing human trafficking crimes. We shed light on the essential role played by civil society in ensuring the effectiveness of the comprehensive response to combat human trafficking.

**key words** Keywords: prevention policy, role of civil society, Law 23-04, intervention, participation.

ملخص:

سياسة الوقاية من الإتجار بالبشر ومكافحته لم تعد اليوم تعتمد على الأجهزة الرسمية للدولة فقط، بل أصبح للمجتمع المدني دورا جليا في الوقاية من الإتجار بالبشر ومكافحته، خصوصا بإعطائه مركزاً قانونياً ومحورياً في معادلة مكافحة الإتجار بالبشر ابتداء من القانون 04-23 المتعلق بالوقاية من الإتجار بالبشر ومكافحته من خلال القسم الثاني منه تحت عنوان (تدخل المجتمع المدني)، تهدف هذه الورقة إلى مناقشة جوانب مختلفة من مشاركة المجتمع المدني ودوره في الوقاية من جرائم الإتجار بالبشر. ونسلط الضوء على أن المجتمع المدني، يلعب دورا أساسيا في تأمين فعالية الاستجابة الشاملة لمكافحة الإتجار بالبشر.

الكلمات المفتاحية: سياسة الوقاية، دور المجتمع المدني، القانون 04-23، تدخل، مشاركة.

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## **Introduction:**

Civil society is known to be the mirror of society that carries its hopes and pains. It consists of interconnected series of political, economic, social and cultural institutions. The latter are classified, according to each one's nature, into charitable, cooperative societies, development institutions, organizations, research, media, human rights centres and institutions; and bodies for defending the rights and interests of various people. These are the main components that fall under the concept of civil society. The point is that the scope of civil society is limited to non-governmental organizations and institutions whose activities are based on volunteer work; and therefore, it is a society that is largely independent of direct state supervision.

Today, criminal policy no longer depends alone on the official state agencies to prevent and combat human trafficking. However, it has a main role, especially by giving it an affecting position in the Constitutional Amendment of 2020 besides strengthening the role of the civil society associations that were also given special attention through constitutional requirements that recommend the freedom to establish associations in a participatory framework with government side by side with what is emphasized by international standards for preventing and combating human trafficking.

Thus preventing and combating human trafficking can only be carried out in the correct manner by opening the way for those interested in field of human rights amongst associations and civil society organizations. They should be involved to accomplish these tasks through a policy of openness, assistance, and facilitating the means of work mainly since the current circumstances make the Government not in position to retain all the roles and realize all the projects ignoring the role of the civil society institutions.

From this standpoint, the importance of civil society associations lies in the pioneering roles they generally play in the social field, and in preventing and particular in combating human trafficking. This clearly appears through the great role they can play in this regard. So, we wonder, “where is the role of the civil society institutions in preventing and combating human trafficking illustrated?”; and “what is the relationship of the role of the civil society institutions with that of the state and its institutions within the framework of preventing human trafficking? ”.

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In order to answer the problematic, we followed the descriptive and analytical approaches by dividing the subject of this study into two sections as follow:

**The first topic:** Devoting the Civil Society Intervention in Preventing and Combating Human Trafficking.

**The second topic:** Mechanisms for the Civil Society contribution in preventing the crimes of human trafficking and the role of the family.

### **The First Topic**

#### **Devoting Civil Society Intervention in Preventing and Combating Human Trafficking**

The concept of civil society intervention in preventing and combating human trafficking is legally referred to in the articles 08, 09, of the second section entitled “Civil Society Intervention,” of the Law Nbr 23-04 related to preventing and combating human trafficking (**the first requirement**).

The role of civil society may sometimes exceed the role of the government, especially in democratic countries, through its contribution to creating the environment in which the governmental and judicial systems carry out their functions (**the second requirement**).

#### **The First Requirement: Civil Society Participation in Preventing and Combating Human Trafficking**

Article 8 of the Law nbr 23-04 related to the prevention and combating of human trafficking: “Civil society should participate in the preparation and implementation of the national strategy and local action plans for the prevention of human trafficking.”

Article 9: “The State, through its various institutions, encourages the participation of civil society at the national and local levels in the prevention of human trafficking, in particular by:

- Raising awareness of the importance of informing the competent authorities of facts that may constitute human trafficking,
- Participate in preparing educational and awareness-raising programs about the dangers of human trafficking, in cooperation with academic institutions through conducting research and studies in the field of human trafficking,
- Enabling the media and the public to obtain information about human trafficking, taking into account the confidentiality of investigations, the

protection of personal data and private life, the dignity of persons, and the requirements of public order,

- Proposing all measures supposed to support civil society activity in the field of helping victims of human trafficking. Accordingly, we will discuss the types of civil society:

**First: Local Civil Society:** This refers to those institutions or bodies that are concerned with social, economic, cultural, religious, and other issues of a local scope. I.e. , they are active within a narrow and specific geographical framework, such as those acting in villages or neighbouring districts to take care of citizens' concerns, or those that carry out social and recreational activities that include social clubs. Local youth clubs, sports and entertainment associations.<sup>1</sup>

**Second: National Civil Society:** This concerns institutions operating throughout the entire national territory, such as labour associations and unions, professional associations, and civil society organizations that work in the public interest and focus their work on human rights, women's rights, workers' rights, good governance and questioning, democracy, the state of law, and transparency, integrity, election monitoring, civic education, environmental protection or consumer protection.<sup>2</sup>

All countries have faced problems related to human trafficking for the purpose of exploiting them in labour and sex; however, cooperation with civil society organizations is compulsory in all the aspects of tackling the crimes of human trafficking in the modern era, especially through three pivotal methods: weakening traffickers by assisting in their prosecution, protecting victims and by educating citizens.

So that the civil society can function effectively, it needs support and cooperation from the state. The state agencies need to declare their cooperation with civil society and create a framework within which civil society actors can increase the effectiveness of their work on a sustainable basis.

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<sup>1</sup> - Mervat Rishmawi and Tim Morris, A comprehensive overview of civil society in the Arab world, Praxis Paper No. 20, Interac, 2007, pp. 14-15.

<sup>2</sup> - Mervat Rishmawi and Tim Morris, A comprehensive overview of civil society in the Arab world, Praxis Paper No. 20, Interac, 2007, p. 14.

### **The Second Requirement: The Importance of the Role of Civil Society in Preventing Human Trafficking:**

The state is not the only active force in society. Civil society plays a complementary role to that of the government since human trafficking crimes can only be monitored and combated with the combined efforts of the government and civil society. Combating and preventing human trafficking requires cooperation between the governmental agencies and civil society. It is a process that should be undertaken. Everyone, including individuals and civil society organizations such as unions and associations, should participate in it. These associations have become concerned with many aspects of individuals lives in society. They are concerned with human rights, basic freedoms, and combating crime of all kinds. There are a large number of civil society associations working in these fields, including associations established for defence about human rights; others for elderly care, childhood care, women's care. Others are for consumer protection against all types of exploitation and others.

Civil society organizations are a key partner in responding to combating the crime of human trafficking and helping to save hundreds of lives every year, due to their ability to reach and influence different sectors of society. They play an important role in detecting potential victims of the crime related to human trafficking.<sup>1</sup>

Besides, civil society organizations provide victims and other most vulnerable groups with various assistance services, especially providing the required protection and legal assistance like taking criminal justice procedures, raising public awareness of the crime, revealing the root causes, enhancing livelihood opportunities for victims and reintegrating them into the social community again.<sup>2</sup>

In an effort to keep the Algerian legislator abreast of the transformations that the world is witnessing, especially those related to the interest in promoting and protecting human rights by involving civil society organizations in the preparation and implementation of the national strategy and local action plans to

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<sup>1</sup> - The IOM Handbook on Direct Assistance to Victims of Trafficking. p42.

<sup>22</sup> - See ILO, Strengthening action to end forced labour Report IV(I) 2013, p. 19, available at: [http://www.ilo.org/6wcm5p5/groups/public/---ed\\_norm/---.Relconf/documents/meeting\\_document/wcms\\_217752.pdf](http://www.ilo.org/6wcm5p5/groups/public/---ed_norm/---.Relconf/documents/meeting_document/wcms_217752.pdf) on role of CSOs in playing a key role in awareness raising, victim assistance and prevention measures.

prevent human trafficking<sup>1</sup>. Algeria has engaged in this project, and the evidence of this is what is stated in Article and refers to the concept of human trafficking and its forms, referring to the Protocol to Prevent and Punish Trafficking in Persons especially women and children, supplementing the Palermo Convention against Transnational Organized Crime, approved by the General Assembly of the United Nations on 11/15/2000<sup>2</sup>, dated 11/11/2000. It is the legal basis for defining the crime of human trafficking and defining its concept and forms.<sup>3</sup>

In their internal legislation, member states rely on this protocol to determine the provisions of the crime, which Algeria approved with a reservation under Presidential Decree No. 03/714, dated 09/09/2003, Official Gazette, No. 69, issued on 09/12/2003, so it adapted its internal legislation. In accordance with this protocol, it amended the Penal Code by Law 09/01, dated 02/25/2009, amending and supplementing Order No. 66/0156 dated 06/08/1966, containing the Penal Code, Official Gazette, No. 15, issued on 05 /03/2009, because most international agreements that contain procedural issues need internal legislation to implement this international obligation.

We will explain the mechanisms used by civil society organizations to achieve this goal, and we will also explain the factors that help in this.

### **The second topic**

#### **Mechanisms for Civil Society Participation in Preventing the Crime of Human Trafficking and the Role of the Family**

Civil society plays a prominent and pioneering role in preventing and combating human trafficking, due to the importance of the role of associations within the social community. This role begins with the family, as it is the first nucleus of any civil society, and it is its responsibility to take care of raising its children, receiving sound moral principles, and giving them a social upbringing that protects them from the risk of falling victim to the crime of human trafficking (**the first requirement**), and creating the space to detect human trafficking crimes through the mechanisms used by civil society to combat them (**the second requirement**).

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<sup>1</sup> - Article 08 of Law No. 23/04 of May 7, 2023 relating to the prevention and combating of human trafficking.

<sup>2</sup> - Algeria ratified it with reservations under Presidential Decree No. 02-55, dated 02/10/2002, Official Gazette, No. 69, issued on 02/10/2002.

<sup>3</sup> - Gallagher, A, 'Two Cheers for the Trafficking Protocol,' Anti-Trafficking Review, no. 4 (2015), P. 14.

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**The First Requirement:** The role of the family in protecting the child from falling victim to human trafficking

The means of prevention vary from one society to another according to the goals of education and social and cultural upbringing in each family. The relationships between the child and his relatives and family are among the things that contribute to the development of the lifestyle. The primary relationships between the child and his family, especially the mother, are considered one of the most important tools for shaping the individual's social awareness. His development and the formation of his characteristics according to his rank in the family are also affected by his personal characteristics, perhaps the most important of which are: supporting family ties and educating families about giving their children a feeling of safety and reassurance through the warmth of family ties, affection and compassion it gives them.

### First Section: Section One: The Role Of The Family

Enter the content here, Article 10 of Law No. 23/04 of May 7, 2023 relating to the prevention and combating of human trafficking stipulates: **“The family must protect the child and keep him away from all risk factors that may lead to him becoming a victim of human trafficking stipulated in this law.”**

is not necessary to mention the role of the family in general through its basic educational and social functions, in that it is an authority establishing an authentic and cohesive societal structure, as it is an important social institution in the process of socialization that the child receives, as it contributes to building his personality and teaching him various social values. Confirming his identity, originality and culture, and providing him with various experiences during his formative years, after which other social institutions such as schools come at a later stage, as the child's attitudes towards them depend to a large extent on social relations within the family.<sup>1</sup>

An individual may acquire a strong and balanced personality when he grows up in a stable family that is aware of the tasks of education, training and socialization, which prevents this individual from being led into deviant behavior or aspiring to something unrealistic that may lead his life to ruin, such as adopting trading in it as a means to achieve material goals, because Many of the cases that were thwarted by the security authorities suffer from social and family problems resulting from family disintegration or financial need.

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<sup>1</sup> - Mahmoud Hassan, The Family and Its Problems, Dar Al Nahda Al Arabiya, Cairo, 1995, p. 63.

The family is considered the most important social group that contributes to the prevention of crime, in facing the burdens it bears in order to raise its children, protect them from deviance, and prevent crime, as a result of the development of educational guidance theories and their entry into all areas of life, through specialized preventive methods that are based primarily on the importance of understanding internal relationships. The personality within the family from which she comes, as the individual's problems can be viewed as a reflection of one of the following family variables:

- Inability to adapt to the family's goals and philosophy in life,
- Inability to develop and develop certain behavioral patterns to serve family goals, Difficulties in realizing the important role of each family member, which creates conflict between different roles.

### **The Second Section: Family Integration**

There are many motives and reasons behind the crime of human trafficking, and we will mention them: the absence of the family breadwinner, family disintegration, and the absence of parental control.<sup>1</sup>

The role of civil society may sometimes exceed the role of the state, especially in democratic countries, through its contribution to creating the environment in which social systems such as the family carry out their function in shaping child behaviour patterns by developing cooperation programs, the goal of which is to increase the sense of responsibility and develop sound activity.

These programs also pave the way for identifying a child who is feared to become a victim of human trafficking. Family integration is considered one of the most important areas of intervention by civil society associations in protecting children from being trafficked.

### **Absence of the Family Breadwinner:**

There are many reasons that may force children to work to secure a daily income for their families. The father may be imprisoned on some charge, or dead, or missing in war, or sick and unable to move, or a drug user, and other reasons that cannot be enumerated. Which forces the children to work without caring about the nature of the work and how dangerous it is, as his first and last concern is to secure his family's livelihood, which makes him easy prey for human trafficking gangs.

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<sup>1</sup>- Jean Allain (2009): Trafficking in Human Beings: Modern Slavery, Oxford Journals, and European Journal of International Law, Volume 20, and Number 2.



### **Family disintegration:**

A child going out to the street often comes as a result of the family losing its essential functions or a severe communication crisis between the parents and the child. Therefore, the problem lies in the quality of the parents in their role and their pivotal responsibility in caring for their child, as well as the attempt to bring about reconciliation between the two parties and discuss the problems they encountered and work to solve them or Alleviate its severity.

### **Absence of parental control:**

The civil society work program with the family takes on special importance because of its pivotal and fundamental role in raising generations, as it revolves around raising and caring for children, protecting them, guiding them and preparing them, given that the family is the first cell responsible for the dangers and harms that befall the child, because within its confines he receives... Societal values, customs, and outlook on life. The child's lack of adaptation within the family will undoubtedly lead him to lack adaptation outside it. Therefore, it is the duty of parents to their children to raise them well and to entrust them with care and attention, because they are the first thing that is acquired from them, taken from them, and linked to them. Therefore, the first basis for treating the family is the well-being of the spouses.<sup>1</sup>

### **The second requirement: Mechanisms for civil society participation in preventing and combating human trafficking**

We address the mechanisms stipulated in the Law to Prevent and Combat Human Trafficking and what is stipulated in the Protocol to Prevent and Punish Trafficking in Persons, Especially Women and Children, supplementing the Palermo Convention on Combating Transnational Organized Crime.

**1- Participation in the preparation and implementation of the national strategy and local action plans to prevent human trafficking:** Involving citizens in implementing political decisions allows for transparency in public work, improves the quality of political discussions, and evaluates the quality of

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<sup>1</sup> - Islamic law's treatment of the problems of juvenile delinquency, Research Papers of the Seventh Scientific Symposium, published by the Arab Center for Security Studies and Training, 1986, p. 238.

public facilities and services without complacency, thus contributing directly to achieving the public interest.<sup>1</sup>

In order to add more transparency, civil society plays an important role in combating and preventing corruption, through the participation of government bodies in decision-making, as well as the involvement of citizens in the management of public affairs and playing a fundamental role in selecting priority projects for them and rationalizing public spending in achieving them. Involving them in assuming responsibility, and then enabling them to closely review information related to the budget and know how public funds are spent.

**2- Raising awareness of the importance of informing the competent authorities about human trafficking crimes:** Awareness is considered an essential link in the programs to prevent and combat human trafficking adopted by civil society associations, so that they carry out campaigns to raise awareness and explain the dangers of human trafficking crimes and their devastating effects on society, and carry out media activities that contribute to intolerance of the persons involved. In committing human trafficking crimes, these campaigns should be directed to benefit the groups of society in general and the youth groups in particular through the media and communication, and through educational and educational programs that warn of these dangers and identify their causes and their bad and destructive effects, and practice methods of social awareness and sensitization of the dangers of human trafficking within the framework of methods The aim is to prevent its crimes, alert society to the reality of its consequences and the necessity of staying away from actions and behaviors that lead to it, and protect the public from falling into crimes related to it.

In view of the third paragraph of the text Article 09 of Law 23-04 related to the prevention and combating of human trafficking, civil society is called upon to prepare educational, pedagogical and sensitization programs on the dangers of human trafficking, and civil society plays a major role in exercising regular awareness of the public, by taking the following methods:

- Accurate awareness-raising of segments of society according to specially prepared studies and plans that review the manifestations of corruption and the areas where crimes related to it are widespread.

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<sup>1</sup> - Berrabeh Abd el Madjid, Participatory Democracy, Proceedings of the National Forum on the Subject of Good Governance Indicators and Their Applications, April 6 and 7, 2011, special issue, p. 107

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- Creating a culture that is anti-trafficking and promotes the values of integrity and transparency in all sectors of society, especially among the uneducated class, which needs to raise levels of awareness and expand areas of awareness towards them as much as possible, to facilitate their involvement in the policy of preventing corruption and combating the behaviors that lead to it.
- Providing scientific, cultural and social rehabilitation for segments of society in which criminals are common.
- Educating the public about the penal laws related to corruption crimes and disseminating them widely.
- Contributing to the preparation of research and studies by prominent academic institutions on the causes and motives that lead to the commission of human trafficking crimes, and working to inform the competent authorities in the country of their facts.

### **3- Enabling access to information related to human trafficking:**

Civil society organizations are considered channels for citizens' participation in economic and social activities, and thanks to them they contribute by organizing themselves in the form of associations, in order to enjoy the greatest amount of power in order to influence public policies, with the aim of achieving balances within society, by imposing a set of restrictions and controls. On the absolute authority of management.<sup>1</sup>

In order to prevent and address human trafficking crimes, civil society organizations as well as the media must obtain, publish and disseminate information related to human trafficking crimes, and enable them to do so. The role of these means is very important in exposing practices related to human trafficking, and this is a sensitive and dangerous responsibility that is no less important. On the responsibility of the legislative, executive and judicial bodies in preventing and combating human trafficking, and sometimes even the role of the media in combating the phenomenon of human trafficking takes on a greater social dimension as it has a broader impact and a direct and clear popular and public dimension, which is directly reflected in its effects on the local scene and in all its dimensions, but it should be noted To take into account the confidentiality of investigations and respect for private life when publishing this information, and to take into account the rights or reputations of others, and in this regard, the state must ensure that effective access to information is facilitated.

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<sup>1</sup> - Haddad Mohamed, Participation and the Citizen's Right to the Media, Proceedings of the National Forum on the Subject of Good Governance Indicators and Their Applications, April 6 and 7, 2011, special issue, p. 67.

**4- Mechanism for direct recourse to the judiciary:** The Algerian legislator has granted legal status to national associations accredited and active in the field of human rights, especially vulnerable groups (children's rights, women's rights, people with special needs) through a direct legal mechanism to resort to the judiciary and file a complaint against persons suspected of involvement in crimes. Human trafficking, and enabling it to act as a civil party in the crime of human trafficking against those who caused it before justice<sup>1</sup>, and not be satisfied with their secondary role in raising awareness of the occurrence of these crimes, because judicial oversight is a decisive factor in combating human trafficking crimes, and unlike preventive methods, they come after the crime has been committed, so It deters people from committing such acts, and also provides guarantees to civil society in the event of reporting human trafficking crimes.

**Conclusion:**

To sum up, civil society today has begun to influence the functioning of Algerian society as a whole, as it imposes itself as a central and decisive driver of human development, and this applies to civil society associations as an actor and a tangible contributor to spreading and defending the culture of human rights. Perhaps these are the sincere actions that the associations have begun to undertake. Through its interventions in areas that the government was unable to address, which made those interested describe the work of civil society as the fifth authority after the press and media.

Thus, recruiting volunteer and academically trained human energies within the framework of civil society associations interested in protecting human rights will undoubtedly lead to reducing, not eliminating, the number of those threatened with trafficking. Law No. 23.04 in Algeria is an important step in combating the phenomenon of human trafficking and protecting human rights in society. This law included a number of topics, including: defining the role of civil society in preventing human trafficking.

In general, it can be said that despite the efforts made by civil society organizations to protect people from being trafficked, their work remains non-existent, and their interactions are characterized by seasonality and lack of continuity.

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<sup>1</sup> - Article 39 of Law 23-04 on the Prevention and Combat of Human Trafficking.

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Through this study, we reached a set of results and recommendations, the most important of which are:

### **First: the results**

Protecting people from trafficking crimes cannot be done properly except by opening the door to those interested In the human rights field, from associations and civil society organizations in order to involve them in accomplishing these tasks through The policy of openness, assistance, and facilitating the means of work, without apprehension or caution, especially since the current circumstances do not allow the state to maintain all the roles and build all the projects, ignoring the role of civil society associations. Accordingly:

- 1- What the Algerian legislator did well was when he issued a special law to combat human trafficking crimes in order to prevent, suppress, and punish them before they penetrate society and turn from an exceptional, rarely occurring crime into a typical crime that is difficult to suppress and treat.
- 2- The Algerian legislator succeeded in ratifying the Trafficking in Persons Protocol of 2000, and harmonized national legislation with ratified international agreements and treaties, including those related to the prohibition of crimes of trafficking in persons.
- 3- Furthermore, the Algerian legislator managed to create a specialized body to combat human trafficking crimes, which is the National Committee for the Prevention and Combating of Human Trafficking, similar to the bodies created in most Arab countries, charged with taking the necessary measures to prevent human trafficking.
- 4- The object of protection in human trafficking crimes is human beings, that is, the human being, specifically his human dignity, whether man or woman, child or elderly, and the practical reality indicates that it is particularly focused on fragile and vulnerable groups, namely women, children, and workers in particular.

### **Second: Recommendations**

Based on the previous results, we recommend the following:

- 1- Activating the role of civil society in preventing the crime of human trafficking, by seeking to establish human rights associations charged with combating this crime,
- 2- Most civil society associations concerned with human rights suffer from a number of difficulties, most notably financial support. Therefore, the state is called upon to fund these associations, but in return it must play its supervisory

role in order to track the activities, initiatives, and actions carried out by these associations.

3- Directing audio, visual and written media to sensitize and educate people about human trafficking, as well as including material on this crime in school curricula to raise awareness among children because they are more vulnerable to this crime.

4- Enabling trafficking victims to claim compensation,

5- Providing legal assistance to victims, whether at the level of providing legal advice or at the level of legally representing them before the judiciary,

6- The need for security agencies to coordinate with civil society organizations to combat crimes of human trafficking,

7- Develop awareness and preventive programs that limit women, men and children falling into the grip of human traffickers.

8- Participate in preparing scientific, theoretical, field and practical university research and studies.

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- 3- See ILO, Strengthening action to end forced labour Report IV(I) 2013, p. 19, available at: [http://www.ilo.org/6wcm5p5/groups/public/---ed\\_norm/---Relconf/documents/meeting\\_document/wcms\\_217752.pdf](http://www.ilo.org/6wcm5p5/groups/public/---ed_norm/---Relconf/documents/meeting_document/wcms_217752.pdf) on role of CSOs in playing a key role in awareness raising, victim assistance and prevention measures.
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