Criminal protection of victims of human trafficking

Study in Bahraini and comparative "legislation"

A Thesis Submitted in Partial Fulfillment of the Requirements for the Ph.D Degree in Public Law

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Abstract

In the highlight of the promulgation of the Anti-Trafficking in Persons Law No. 1 of 2008, and the issuance of the organizing decisions of the committees formed by it, there was an urgent need to state the elements (e.g. mens rea, actus reus) of the human trafficking crime in order to identify the purpose behind committing it, in addition to achieve the proper law implementation, as well as for the sake of protecting the targeted groups, especially since there is little research has been conducted prior to this in the scope of field of the substantive aspect of the crime of human trafficking.

Therefore, it is necessary to define this crime, in order to identify its elements and the aim of the law incriminating it, applying it correctly in reality. As well as to state the similarities between them and other similar crimes and distinguish between them. After defining it, the elements need to be identified since it may contain several criminal acts that can be considered as an independent crime if committed on its own without the other acts. The legislator has adopted the Palermo protocols but did not provide a specific definition which requires research in defining the crime based on language and convention, or courts’ verdicts, which is also applicable to the resulting outcomes of such crimes.

The research conducted required to look into the matter of attempting the crime of human trafficking, in addition to criminal liability in determining the original contributors and accomplices. The liability of the legal person who commits the crime through the people who are in charge, indicating whether the punishments imposed are sufficient enough to combat the crime of trafficking in persons.

The research as well has required some search into the procedural scope, by indicating the criminal protection of victims, national efforts to combat the crime, the procedural gathering of evidences and proofs, investigation and interrogation process, and finally trial by discussing the Bahraini legislation and law to combat human trafficking.