

Human trafficking case study in Bangladesh and Malaysia

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Abstract

Human Trafficking is a global problem that puts a country's security at risk. Human Trafficking is regarded as a grave breach of human security. Poverty, globalization, and economic differences between countries are all thought to be factors that contribute to human trafficking. Slavery in the modern world is referred to as Human Trafficking. It poses a severe threat to many people's human rights and dignity every year. Human trafficking poses several security risks to a state and its citizens and the country's political, economic, and social progress. Despite this, it remains the least recognized transnational crime, with significant gaps in both statistics on the problem's prevalence and governments' ability to effectively handle it in their various countries, because of the involuntary method in which trafficked victims are recruited, trapped, transferred, and then subjected to the exploitation and abuses involved in the crime. Human Trafficking is a major human rights violation.

Keywords

Human Trafficking, Security, human rights violation and Women.

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I. Introduction

Human Trafficking is a global problem that puts a country's security at risk. Human Trafficking is regarded as a grave breach of human security. Poverty, globalization, and economic differences between countries are all thought to be factors that contribute to human trafficking. It is a severe phenomenon; many individuals are victims of human trafficking, primarily women and children, each year. Human trafficking has been steadily increasing over the last few decades. Human trafficking has prompted actors and non-actors at the international and national levels to take critical roles in combating this crime as global security concerns have grown. Human trafficking poses several security risks to a state and its citizens and the country's political, economic, and social progress. Despite this, it remains the least recognized transnational crime, with significant gaps in both statistics on the problem's prevalence and governments' ability to effectively handle it in their various countries, because of the involuntary method in which trafficked victims are recruited, trapped, transferred, and then subjected to the exploitation and abuses involved in the crime. Human Trafficking is an illicit secret movement and a human rights violation. This paper will highlight the trends of human trafficking and discuss the reason from Bangladesh and Malaysia perspectives.

Definition of Human Trafficking

Human Trafficking is a term that has come to refer to a wide range of human rights violations and crimes that involve the recruitment, movement, and sale of persons into exploitative situations.¹ Trafficking in persons should be understood as a series of activities and results that span numerous stages, from the supply of people vulnerable to exploitation and injury to the movement process to the demand for the trafficked person's service or labour.²

Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), defines trafficking in human beings as follows: 'Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, using the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude

¹ Revisiting the Human Trafficking Paradigm: The Bangladesh Experience Part I: Trafficking of Adults, 2004 International Organization for Migration (IOM), Geneva, Switzerland: IOM. Available at: http://www.childtrafficking.com/Docs/iom_2004_trafficking_paradigma_bangladesh_4.pdf

² *ibid*

or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used.⁷

In Bangladesh, according to section 3 of the Prevention and Suppression of Human Trafficking Act, 2012, human trafficking shall mean:

(1) the selling, buying, recruitment, receipt, transportation, transfer, or harbouring of any person for sexual exploitation, labour exploitation or any other form of exploitation or oppression, whether in or outside of Bangladesh, using:

(a) threats or use of force or other forms of coercion; or

(b) abduction, fraud or deception, or of the abuse of any person's socio-economic, environmental or other types of vulnerability; or

(c) the giving or receiving of payments or benefits to achieve a person's consent having control over another person.

(2) If the victim of the trafficking offence is a child, it shall be immaterial whether any of the means mentioned in (a) to (c) of subsection (1) is used or not.

Explanation.- For this section, if any person induces or assists any other person through deception and for bad intention to move, migrate or emigrate for work or service, either inside or outside of the territory of Bangladesh. However, he knows that such person would be put into exploitative labour conditions similar to practices of servitude or forced labour or any other form of exploitation or oppression as mentioned in subsection (15) of section 2, such act of the person shall be included as an act within the meaning of "human trafficking" as defined in subsection 1.

Human trafficking victims are accommodated or forced to remain at locations prior to, during, and after their exploitation or in between periods of abuse. Brothels, private residences, factories, farms, and fishing vessels are possible places. They are dangerous, inhumane, and criminals connected in the trafficking network.³ Human trafficking has now established itself as a low-risk, high-reward crime syndicate. Human trading is one of the most lucrative illicit activities.

Reasons for human trafficking

Human Trafficking is a complicated issue that is frequently impacted or caused by social, economic, cultural and other factors. The main reasons for human trafficking may vary from one country to another, but it usually preys on vulnerable people. Human trafficking can occur everywhere, as long as there are vulnerable conditions in the environment. People in vulnerable and unstable situations are looking for a way out and may fall prey to human traffickers in their desperation. The human trafficking process involves a series of events, actors, and causes. Human trafficking can be seen in various ways, including moral, legal, or organized crime, migration, labour, gender, poverty and development, human rights, and public health issues. Some of the reasons that drive human trading are discussed below in brief.

Poverty, a search for a better life or natural disasters

Human trafficking and migrant smuggling are global and pervasive crimes that profit from exploiting men, women, and children. People who are helpless, desperate or simply seeking a better life are exploited by the organized network or individuals behind these lucrative crimes. ⁴Poverty, social unfairness and discrimination are the most commonly known issues in the trafficking process. Traffickers lie, offer jobs or marriage abroad, and recruit their victims. Captors take control once they arrive in another state or territory. People fleeing their homeland due to economic hardship, natural disasters, violence or political instability are easily targeted by traffickers.

Economic Purpose

Smugglers choose to smuggle women and children for economic reasons. Trafficking is a massive business, especially when it comes to trafficked people rather than their transportation. ⁵Human trafficking has become one of the booming industries. Human trafficking attracts criminal gangs because of its large profits and low penalty nature.⁶ Traffickers, transporters, trafficking facilitators also including shelter providers, members of criminal gangs, corrupt government or security personnel, and trafficked victims' employers all gain profit from transporting and passing over trafficked individuals to brothels, sweatshops and other places.

³ <https://www.unodc.org/unodc/en/human-trafficking/Webstories2021/harbouring-explained.html>

⁴ <https://www.unodc.org/unodc/en/human-trafficking/index.html>

⁵ Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, Asian Development Bank, Canada: Agriteam Canada Consulting Ltd., July. Available at: http://www.childtrafficking.com/Docs/adb_2002__trafficking_bangl.pdf

⁶ Dasgupta, A. (2003). Bangladesh: Dream and Hunger Drive Trafficking into India.

Women and children are the primary targets.

Women and children are significantly more prone to human trafficking than men in some communities due to their devaluation. Women and children are made more vulnerable by traditional attitudes and practices, early marriage, and lack of birth registration. The vast number of women trafficking is mainly caused by gender inequality and the feminisation of poverty. Women were disproportionately excluded from development prospects due to deep-seated discrimination and low status in developing countries or societies. They are more affected by poverty than men because they have fewer assets such as skills, education, or resources to help them escape, and the frequency of poverty is higher for women, putting them at more significant risk of being trafficked.⁷ They are also targeted because of the sex trafficking need for women. The majority of human trafficking for sexual exploitation are women and girls.

Low-cost labour is in high demand.

Human Trafficking is generally exploited in the service industry, particularly in restaurants and kitchens. In addition, there is a demand for low cost domestic and agricultural work. Employees are frequently promised a secure work environment and a consistent salary, only to discover that they are paid less than minimum wage and are overworked. Human trafficking victims can rarely defend themselves and have few options; therefore, business owners who engage in this type of criminal activity continue to do it.

Push and pull factor

Push and pull factor is a common term for human trafficking in some countries. While push factors cause victims to walk on the street where they are vulnerable to human trafficking and create a trafficking-like environment, pull factors often make untrue promises and create an exploitative situation in the end. On a micro level, the desire to flee from economic problems and an abusive home situation, a dysfunctional family or stepparents, gender discrimination and social exclusion, social acceptance of child labour, early marriages, and all other factors contribute to people being trafficked, either voluntarily or forcibly. On the other side, traffickers' false promises of jobs or marriage, the idea of a better life in the city with safe work, and the fantasy of running away from home all act as pull factors luring victims into modern slavery. Pull factors encourage young people or individuals already living in dangerous situations to seek more desirable or supporting life options than they feel are available in their communities.

War

Orphans and street children are particularly vulnerable to human trafficking due to war. Their family have either died or are in the midst of a conflict, making children rearing a more complex situation. Armed conflicts can result in large-scale population displacement.⁸

Human trafficking cases are tough to identify

There are some challenges in identifying human trafficking victims because they are sometimes hidden or traumatised. Traumatized individuals are less likely to provide information to investigators, either because they are afraid of confronting law enforcement or because they are too distressed to answer. Human trafficking victims also contribute to the crime's covert character. Both traffickers and consumers are well aware of the significant risk of engaging in unlawful conduct and will go to great lengths to conceal any illegal activity.⁹ The impacts of globalisation, trade and migration strategies, conflicts and ecological disasters, employment, the rise of the sex industry and sex tourism, demand for exploitable labour in strict or criminal working sectors and development tempted risks can put into the wave of trafficking circumstances that arise vulnerabilities.

Bangladesh perspective

Bangladesh is one of the most known countries for human trafficking. Teenage girls, widows, maidservants, women abandoned by their spouses, floating women and children, slum residents, female garments workers, and youngsters from underprivileged families are the main targets of smugglers. Sexual exploitation, forced labour, and bonded labour are the most common forms of Trafficking in Bangladesh, both within the country and outside. The majority of trafficked women were forced into prostitution. In Bangladesh, there have been reports of organ trafficking. Furthermore, some people are driven into pornography or forced

⁷Combating trafficking (fn 5)

⁸ <https://www.unodc.org/documents/human-trafficking/>

⁹ Michelle S, (2016), The Atlantic, US State Department, Urban Institute, International Labour Organization, Restaurant Opportunities Centers United, UNICEF, National Human Trafficking Resource Center, Huffington Post, The Department of Homeland Security, Equality Now.

beggary due to abuse, threats of violence, or the use of drugs.¹⁰ Boys from Bangladesh are kidnapped or taken to the Middle East on false pretences to work as camel jockeys. Many Bangladeshi migrant workers are victims of recruiting agencies who recruited for work overseas with fraudulent job offers and then exploited in conditions of forced labour, debt bondage or illegal excessive recruitment fees.¹¹

Recruiting agents are occasionally involved in the recruitment and transportation of people who have been trafficked. The victims of human trafficking are primarily from Dhaka, Bangladesh's capital, and the country's thirty border areas. The majority of the children are from Dhaka, the country's most densely populated area, with substantial slum dwellers and more people entering daily from the villages in search of better livelihoods.¹² Trafficking is carried out in Bangladesh by well-organised regional gangs with ties to various law enforcement authorities.¹³ Agents, smugglers, and traffickers have a close relationship, with all agents having solid relations with several law enforcement authorities. To escape identification and prosecution, traffickers use Bangladesh's wide borders to transport the women, typically utilising large criminal networks and deceptive tactics. External trafficking is facilitated by the broad and porous borders between Bangladesh and India and between Bangladesh and Myanmar. Official exit and entry procedures are rarely followed, and there is no legislation explicitly addressing cross-border trafficking. Border restrictions are inadequate, and documentation requirements are lenient, allowing human traffickers to move people across borders freely.¹⁴

Bangladesh's law and order situation are not at a satisfactory level. The present laws against human trafficking are poorly enforced. Despite legislation aimed at extending such protection, many of the most vulnerable are unaware of it or unable to obtain it. Only a small number of cases of trafficking are registered with the police compared to the number of women and girls recognised as missing.¹⁵ The severity of human Trafficking in Bangladesh is due to several variables. The government and many other NGOs are actively striving to reduce the severity of the crime of human trafficking, and the enactment of the Prevention and Suppression of Human Trafficking Act, 2012 is one of the most important outcomes of the government's actions.

Malaysia perspective

Human Trafficking is a multi-faceted problem with many stakeholders. It is a worldwide issue that affects almost every country, including Malaysia. Some of the factors contributing to human trafficking issues in Malaysia include its central location in Southeast Asia, its vast borders, economic prosperity, poverty, illiteracy, economic crises, domestic and regional conflicts, political instability, displacement, and global financial issues.¹⁶ The rapid economic growth of Malaysia since the 1970s has necessitated a large number of workers for diverse sectors such as industries, plantations, and services, which has led to the decision to make Malaysia a destination country. Human trafficking difficulties arose as a result of this requirement for a workforce. Sexual exploitation, the sale of babies, and slavery are all examples of human trafficking among foreigners.¹⁷ According to several studies, most Filipino women trafficked into Sabah work in the informal services sector, specifically in the sex industry. However, there was no local crime involved in Filipino women being trafficked into Sabah.¹⁸ The establishment of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Council (MAPO), the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM 2007), the National Anti-Trafficking in Persons Action Plan (2010-2015), Malaysia's negotiations with foreign nations, enforcement, prosecution, and protection are all notable efforts in combating human trafficking crimes.

¹⁰Dasgupta (fn 6)

¹¹Country Narratives, Trafficking in Persons Report, 2010, Office to Monitor and Combat Trafficking In Persons, US Department of State, available at <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

¹²The counter-trafficking framework report: Bangladesh perspective, 2004, Ministry of Women and Children Affairs of the Government of Bangladesh, Dhaka: MWCA, February.

¹³ A Human Rights Report on Trafficking of Persons, Especially Women and Children, 2002, the Protection Project 2002, available at <http://www.protectionproject.org/wp-content/uploads/2010/09/Bangladesh2.pdf>

¹⁴Alam R, (2005), Brothel-based Sex Workers in Bangladesh: Living Conditions and Socio-Economic Status, Terre De Hommes Italy Foundation.

¹⁵Combating trafficking (fn5)

¹⁶Yang, E. (2016). Human Trafficking in South East Asia and Economic Empowerment.

¹⁷ Mohd Zinin, M. B. (2010). Jenayah dan isu pemerdagangan orang di kalangan warga asing.

¹⁸Wong, D., & Saat, G. (2002). Trafficking of Filipino women to Malaysia: Examining the experiences and perspectives of victims, governmental and NGO experts. *Crime, law and Social Change*, 52(5), 457.

II. Conclusion And Recommendation

Human Trafficking is one of the world's most serious crimes, foremost only to arms and drug trafficking. It is one of the extremely fast crime syndicates due to its low risk and high-profit potential. The most heinous aspect of this problem is that it disproportionately affects women and children compared to men, who are also victims of human trafficking. Human Trafficking is gradually becoming a serious threat to human rights and security. Because human trafficking is a national and international security problem, it necessitates a tremendous deal of attention and action.

Recommendation for combating human trafficking:

They prioritised promoting social, economic, and political stability and the decreased rate of migration caused by extreme poverty and trafficking supply sources. In order to achieve these aims, policies should promote both economic growth and social inclusion.

- Taking initiatives to strengthen social protection and provide employment opportunities for everyone.
- Increasing work chances for women by supporting small and medium-sized company opportunities (SMEs).
- Increasing children's educational and vocational options and improving school attendance, particularly among girls and minorities.
- Discrimination against minorities in all forms need to be addressed. It develops livelihood possibilities that include primary education, reading, communication, and other skills and reduces entrepreneurship hurdles.
- Promoting gender awareness in order to avoid violence against women.
- Assuring that policies are in place to ensure that all people have equal access to and control economic and financial resources.

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