Human Trafficking In OIC Countries

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Abstract

Human Trafficking is banned by the United Nations (UN) to avoid transportation of human for unethical and illegal activities. Unfortunately, almost every country in the world is being affected by this trade. Bitter reality is that billion dollars of international trade are yearly made by human trafficking. It is mainly happening due to weak economic conditions, unemployment and lack of opportunities of survival for common people in poor countries and thus the flux of human trafficking is from underdeveloped to developed countries. Organization of Islamic Cooperation (OIC), being the 2nd largest international organization after UN, also emphasized in its charter to cope with the human trafficking issues but hasn't yet succeeded to handle the issue. One important reason is that the countries in OIC are under developed and have tumultuous internal law and order situation. In this article various factors contributing in human trafficking particularly, in OIC member states are discussed. It is found that most of the OIC member states in Middle East and Central Asia are facing trafficking for sexual as well as labour exploitation. It is suggested that member states of OIC can minimize the human trafficking by making proper education policies, poverty focused development strategies, monitoring of employer and third parties that recruit the worker, anti-trafficking law and inter- country investigation policies.

Keywords

Human Trafficking, Forced Labour, Abuse, Slavery

Human beings have been involved in various corrupt practices against fellow humans since the beginning. In the past, humans were

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forcefully enslaved by the ones who were mighty and powerful among them; exploited as unpaid labour; denied of any rights; weak humans were maltreated and even if they died, their masters were not charged. In the modern era, with the evolution of human rights and society, it has become almost impossible to perpetuate the practice of ancient slavery traditions and abuse. But since we, the humans, have an amazing capability to be innovative; the olden vice of slavery was morphed into an organized crime of human trafficking, in which humans are traded for the purpose of forced labour, human organ transplant and sexual slavery. Although the word trafficking may imply the movement of a person, physical movement of the victim is not a requisite (Belles, 2012). UN defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by 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 another person, for the purpose of exploitation.

Human trafficking is a crime against the person as it violates victim's rights through compulsion and because of their commercial exploitation. As per United Nations Office of Drugs and Crime almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims (United Nations Office on Drugs and Crime [UNODC], n.d.b).

The crime against human beings in form of migrant smuggling affects almost every country on the planet. It undermines the integrity of countries and communities, and costs thousands of people their lives every year. The definition of people/migrant smuggling as per UNODC is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national (Migrant Smuggling, n.d.).

According to the International Labour Organization (ILO), forced labour alone (one component of human trafficking) generates an estimated $150 billion in profits per annum. In 2008, it was estimated that nearly 2.5 million people from 127 different countries were being trafficked into 137 countries around the globe (UNODC, 2009). A large

boost has also been observed in last few years and it is estimated that in 2012, forced labour generated annual profits of US$ 150 billion in which US$ 99 billion, came from sexual exploitation, whereas US$ 51 billion resulted from forced economic exploitation (International Labour Organization, 2014). Human trafficking is second largest and fastest growing criminal enterprise in the world (Belles, 2012).

When we analyse the statistics of global human trafficking it is evident that countries of origin are less developed or are poor countries of the world and the destination countries are the developed or richer (Kangaspunta, 2006). Thus it can be easily established that the factors like bad economic conditions, unemployment and lack of opportunities for survival, in such countries, for individuals to take desperate measures resulting in their victimization and exploitation by the traffickers. The gulf between the rich and poor has increased due to prevailing economic system with hardly any mechanism to limit accumulation of wealth. The corporate culture emerged from capitalism treats human labour/services as commodity to make profit out of it. The collaboration of corporate sector and media has generated a wave of consumerism and materialism. This race to riches puts people on risk of being exploited and become prey to the traffickers. This situation amplifies in the poor economies where there are less opportunities and greater potential of abuse and manipulation. ILO in its report (2014) describes, "Millions of people are trafficked while they search for decent jobs, are held in debt bondage or in slavery-like conditions, and are trapped by poverty and discrimination".

Other reasons which make the environment conducive for human trafficking involve the social injustices, insecurity and increasing demand for prostitution in the world. Furthermore increased global integration has expanded the boundaries of markets, making them "free" for all kinds of products. The free-market economy also has allured, attracted and encouraged international criminal gangs‟ involvement in illicit, although lucrative, activities, including human trafficking. From the market perspective, a trafficked person is looked upon as a "product". As such, the product needs to be malleable to "accept" or work under exploitative conditions that give employers a competitive advantage

(Demand Side of Human Trafficking in Asia, 2006). Different tactics are used and different offers are made to trafficked persons including jobs in developed countries, employment or even marriages. Some of the trafficked persons actually know what kind of work they will be doing, but are not informed about the circumstances and the fact that they often have to use up all their earnings repaying an acquired "debt" to the traffickers (Blokhuis, 2008).

The Organization of Islamic Cooperation (OIC) is the second largest inter-governmental organization, after the United Nations, having 57 member states from four continents. OIC Charter defines one of the objectives of organization as "To cooperate in combating terrorism in all its forms and manifestations, organized crime, illicit drug trafficking, corruption, money laundering and human trafficking" (Organization of Islamic Cooperation, 2014). Contrary to the resolve of OIC the ground reality of human rights in the member states is appalling. Most countries of the Organization are under developed except Indonesia, Turkey, Saudi Arabia and Malaysia which have progressive economies. The internal law and order situation in the middle-east region is tumultuous. Iraq, Libya, Syria and Yemen are in turmoil. Africa is the world's poorest and most underdeveloped continent. Poverty, illiteracy, malnutrition and inadequate water supply and sanitation, as well as poor health, affect a large proportion of the population. The political instability, internal disputes, unemployment, absence of legislation and law enforcement against human trafficking has contributed to the upsurge of this crime.

According to United States Department of State report (2011) The International Organization of Migration (IOM) and an Indonesian NGO estimated that "43 to 50 percent – or some 3 to 4.5 million – of Indonesia's expatriate workforce are victims of conditions indicative of trafficking". Most of the Indonesia migrant workers come across the forced labour in comparatively developed Asian countries. In Human Trafficking report (Human Trafficking: Indonesia, n.d.a) it is estimated that between 69 to 75 percent of all overseas Indonesian workers are female. Many of them are victims of rape and the number of reported cases is on rise.

Boys in Pakistan and Bangladesh, as young as four years old, continue to be abducted or taken on false pretences to work as camel jockeys in the Middle East. To many families, the traffickers‟ offer of work appears like prospect of bright future for their children. However, most of the children face torture by traffickers and their employers, deprived of food or subjected to physical harm like sexual abuse. Using children as jockeys in camel racing is a serious threat to their lives and health where they can face both injuries and death. The children's separation from their families and their transportation to a country where the people, culture and usually the language are completely unknown means that the children are normally unable to report incidents of abuse (Kaye, 2003). Apart from children, women are the main target of the traffickers who use them for sexual abuse and prostitution in the home country or abroad. According to a GAATW (Global Alliance against Traffic in Women) and UN ESCAP (United Nations Economic and Social Commission for Asia and Pacific) estimate, 300,000 Bangladeshi women have been trafficked to India. (The Demand Side of Human Trafficking in Asia, 2006). After decades of war and sanctions, much of Iraqi infrastructure has been destroyed. It is now busy in repairing it and therefore, the demand for cheap labour by foreign investors there has increased the incidence of trafficking, exploitation and abandonment of labour migrants. Whereas problems of internal displacement and cross-border trafficking of Iraqi women and girls for sexual exploitation is well known (Smith, 2012).

Central Asian states have important geographic location. These are bridge between Russia, China, South Asia and the Caucasus. Despite immense amount of natural resources in form of mineral and others, the living conditions are on decline in these states. Destination of these states‟ trafficking are common across sexual and labour exploitation in some Middle Eastern counties as well as South Korea, whereas others are primarily sexual exploitation (Turkey, Greece, Western Europe) or labour exploitation (Kazakhstan, Russia) (Kelly, 2005). Due to presence of precious metals resources; mining is under expansion in African region. For example, in the last few years, gold mining in Senegal is expanding. It is due to both the influx of foreign capital, and the arrival of many migrants from the sub region. It has resulted in

increase of influx of migrants from Mali, Guinea, Gambia, Ghana, Burkina Faso, Togo and Nigeria looking for work. The conditions of mining in these areas are poor as well as the government services are also absent which poses serious risks of their exploitation and abuse. There are reports of children being forced for labour in gold mines (Daffé, 2012).

Women from many countries including Central Asian, Middle Eastern and North African countries have been reportedly trafficked to the U.A.E where they have faced involuntary servitude, commercial and sexual exploitation (Wölte, 2004).

Another face of human trafficking is the organ transplant; another atrocious, yet thriving business. According to data provided by the Global Observatory on Donation and Transplantation, almost 100,000 patients worldwide receive a solid organ transplant every year (Caplan, Domínguez-Gil, Matesanz, & Prior, 2009). The prime cause is organ shortage which allows organ transplant manipulation. The serious consequence of the shortage of organs is trafficking in organs, tissues and cells (OTC) is the most terrible form of trafficking for the purpose of organ removal (Trafficking in Human Beings, 2013).

Apart from the aforementioned challenges, the humanitarian crisis, like internally displaced people and war and violence affected refugees in the neighbouring countries in some of OIC member states, allow the traffickers to exploit the situation. The refugee crisis has given rise to severe human trafficking especially the Syrian refugees have become victims and this calamity needs attention and has to be dealt on upfront (Gibson, 2016). As per reports on the Syrian refugees in Europe it has been discovered that around 10,000 children disappeared after arriving in Europe. Many are feared to have fallen into the hands of organized trafficking syndicates (Townsend, 2016).

Lack of comprehensive training of the police, border control and security forces, immigration officials and other relevant agencies of the government provide opportunities to traffickers to carry on their business in one way or the other.

In these circumstances, proactive steps are needed to deal with the issue of human trafficking. United Nations Convention against Transnational Organized Crime, and the Protocol Thereto to Prevent, Suppress and Punish Trafficking in Person (United Nations Office on Drugs and Crime, Vienna International Ctr, & Austria 2004) is an important tool and guideline. The Preamble states,

> Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons.

To change the prevailing situation it was believed to supplement the United Nations Convention against Transnational Organized Crime (2004) which is an international instrument for prevention and suppression of human trafficking.

All OIC member states except Bangladesh, Brunei-Darussalam, Iran, Maldives, Pakistan, Palestine, Somalia and Yemen have signed and ratified the UN convention (UN General Assembly, 2000). As per UN convention each state party is responsible for the legislation to establish criminal offences defined in the convention protocol. Since the nature of the criminal offences defined in the convention are transnational, it also encourages States to enter into bilateral or multilateral agreements with other states to prevent, combat and curb the organized crimes, especially human trafficking. A careful analysis of the UN convention reveals that despite the initial commitment by the member states, the UN convention was unable to control trafficking effectively due to the following reasons:

The protocol entrusted each state with the responsibility to devise the legal framework and enforce laws to prevent and suppress trafficking in accordance to the UN convention and the states follow their own priority suiting to their internal dynamics, the political paradigm of the world shifted in the start of 21st century due to war on terror and socio-political unrest in middle east that affected the resolute to combat human trafficking rather it created more favourable environment for the traffickers, almost all of the States signed and ratified the convention have opted out of the Para 2 of the Article 15 which is about dispute

resolution and arbitration, (United Nations Office on Drugs and Crime, 2000).

The encouraging outcome of the UN convention is that legislation against trafficking is in progress for example the Prevention and Control of Human Trafficking Ordinance of Pakistan (2002), the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003/2005 of Nigeria (Kigbu & Hassan, 2015), the Anti-Trafficking in Persons Act, Malaysia (2007), The Eradication of the Criminal Act of Trafficking in Persons, Indonesia[1] and The prevention and suppression of Human Trafficking Act, Bangladesh[2] to name a few.

As both "demand" and "supply" factors influence the nature and end results of trafficking, the states must try to understand and address the underlying dynamics of both of these subsets of factors in order to address and eliminate trafficking of children and women for labour and sexual exploitation. Addressing only the "supply" factors or the "demand" factors alone will not be an effective strategy in combating human trafficking. "Demand" that exists in the minds of the consumers for certain products and services should not be equated with "demand for products and services produced by trafficked persons". Only where there is explicit "demand" for certain types of services that require specific types of persons, for example, young girls/boys and virgins, that should be seen as "demand-lead" trafficking. The "demand" from mind of consumers for different products and services may not be completely regulated, but it should be the state's responsibility to make sure that the employers and third parties cannot bring in the trafficked persons for producing those products and services. The consumers/clients who manifest direct demand for such services that can only be produced/delivered by a trafficked person, should be heavily penalized. Similarly, the third parties and employers who hire or facilitate such hiring and exploitation should be punished.

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[1] The eradication of the criminal act of trafficking in persons. *Law Of The Republic Of Indonesia,* Number 21 (2007)

[2] The prevention and suppression of human trafficking Act, 2012, Bengladesh. Act No. 3 (2012)

The existing legal frameworks in many countries are either inadequate or the laws are antiquated and are in urgent need of reforms. A comprehensive anti-trafficking laws are needed by all countries to prosecute traffickers/exploitative employers and third parties who facilitate trafficking through official or private services systems. As the underlying dynamics and end results of trafficking have significantly changed in the recent past, each country should carefully review its relevant laws, identify their loopholes and inadequacies in dealing with modern forms of trafficking for labour exploitation in addition to trafficking for sexual exploitation, and should make necessary legal reforms in line with the international instruments to combat human trafficking.

More specifically, trafficking for "labour exploitation" should be included where anti- trafficking legal frameworks mostly refer only to trafficking for sexual exploitation. All countries should consider increase in penalties associated with trafficking of children and women. In addition to necessary legal reforms, the respective governments must take necessary proactive steps towards effective enforcement of those laws. In order to curb forced labour states should develop appropriate mechanism to monitor and control the employers and third parties that determine the fate and exploitation of the victims of trafficking at the points of destination. At the moment most of the anti- trafficking interventions are geared towards addressing the supply side of trafficking and the processes involved in this crime.

Poverty is one of the major factors contributing towards human trafficking. For long term solution ever, states have to adopt poverty focused development strategies. They should design and implement programs for generating livelihood for the poor and vulnerable, particularly in the disadvantaged areas where children and women are mostly recruited by the traffickers, employers and their agents for exploitative employment. Geographical mobility may help desperate and hapless people find alternative options for living and thus state should carefully facilitate such migration. Thus legal migration should be simplified by minimizing bureaucratic requirements.

Conclusion and Recommendations

The main causes for the human trafficking include poverty, illiteracy, unemployment, political instability, social injustice, absence of legislation against human trafficking and demand of trafficked persons from traffickers. A collective and multidimensional approach is required to combat the crime of human trafficking which includes legislation, interstate coordination and enforcement of anti-trafficking laws. Member states of OIC are worst affected by the phenomenon of human trafficking. The root causes of human trafficking could be eliminated by strategic approach of non- discrimination principle in promoting basic economic, social and cultural rights, denial of which results in human trafficking. An effective inter-agency coordination mechanism should be established for victim identification, investigation, extradition in cases of cross border trafficking, and prosecution.

To better deal with the challenge of human trafficking:

- A three step approach should be adopted: Statute against trafficking in persons, training and implementation of law.
- Education and labour policies in each country should aim at providing quality education and access to facilities that enable all to have decent standard of work in the areas that suit individuals' interest and capacity so that the young people do not have to consider migration as the first option for livelihood.
- All states should form community surveillance groups to monitor the use of children and women in exploitative working conditions, particularly in commercial sex work and domestic labour.
- States should sign bilateral and multilateral Memorandum of Understanding (MOU) to facilitate inter-country investigation, extradition and prosecution with regard to cross border trafficking as encouraged by UN convention.
- Cross border migration of children that involves risk of trafficking, should be discouraged by providing adequate information about the risks of such migration.
- In case of domestic labour and workers of other informal sectors, the state authorities should devise and administer a standard contract

form which defines, work responsibilities, work hours, holidays, wages, medical facilities, and compensation for injuries.

- States should also create provisions for receiving complaints from the victims of forced labour and other types of exploitation In addition to cross border trafficking, the countries must recognize internal trafficking for labour and sexual exploitation and should do the needful to address such internal trafficking.
- Along with traffickers, individuals who are found to buy sex from children and sex establishment that recruit children should be prosecuted in order to discourage the whole process.
- Print, Electronic and Social media should be employed to spread awareness and educate masses about the different forms of trafficking and how to avoid being victim of traffickers.
- OIC being the second largest organization in the world, can play a pivotal role as coordinating body between its member states and overseeing body for effective implementation of laws to curtail trafficking.
- OIC should constitute a committee against trafficking which will provide assistance to member states to counter human trafficking through legislation and capacity building of governments. Support of the states which have already formulated laws against trafficking should be sought to facilitate and implement the counter trafficking measures.
- OIC should help and coordinate member states to ensure that all law enforcement officials who deal with trafficking cases receive comprehensive human rights training specifically on trafficking issues.
- OIC should actively and effectively undertake the responsibility of dispute resolution and arbitration between the member states as the crime we are dealing with is transnational in nature. OIC has to demonstrate its impartiality to win the trust of member states.

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