

FOREIGN WORKERS

The Law And Practice In Malaysia

*Ashgar Ali Ali Mohamed
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CLJ Publication

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16.1 | INTRODUCTION

Human trafficking and smuggling of migrants is a global problem. It is a major crime against humanity and a sheer violation of the basic human rights. It involves illegal trade of human beings for commercial purposes such as sexual exploitation, prostitution, slavery, servitude, forced labour or illegal organ removal. People are being bought, sold and are transported, transferred, harboured or received through use of force, coercion or other means for the purpose of exploitation and this problem is faced by most of the third world countries.¹ Further, victims of smuggling are often promised attractive jobs in the destined country. However, on arrival, they find themselves exploited or coerced into forced labour. They are forced to live in sub-human conditions, passports confiscated and are made to work for extremely long hours with menial wages, amongst others.

In order to prevent and combat human trafficking and smuggling of migrants, the United Nations General Assembly had, in 2000, adopted *inter alia* the 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' and the 'Protocol against the Smuggling of Migrants by Land, Sea and Air.' These Protocols were enacted pursuant to the United Nations' Convention against Transnational Organised Crime which came into force on 29 September 2003 and are enforced by the United Nations Office on Drugs and Crime (UNODC).

* This Chapter is contributed by Ashgar Ali Ali Mohamed.

1 In *Bahurudeen Mohamed Yusoff Ghanev v. Public Prosecutor* [2011] MLJU 46, Mohd Amin Firdaus Abdullah, JC observed: 'most of the Third World countries, their mass media report that countries all over the world count drugs trafficking, firearms trafficking, and human trafficking, as common major offences faced by them.'