Constitutional Law and Human Rights in Malaysia
Topical Issues and Perspectives

Editor
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SWEET & MAXWELL ASIA
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Chapter Twenty Six

Slavery and Human Trafficking: Constitutional Provisions and Domestic and International Laws

Khairil Azmin Mokhtar

26.1 INTRODUCTION

Slavery and forced labour have been accepted to be against humanity globally. These practices are expressly prohibited by the Federal Constitution in Malaysia. Although, the prohibition of human trafficking is not expressly mentioned in the Constitution, it could be regarded as one of the most heinous crime according to the letter, intent and spirit of the Constitution. This is related to the fact that human trafficking is much associated with modern day slavery and therefore is against the ideology of the Malaysian nation and acceptable norms of international community.

Trafficking in persons is a multi-faceted crime which is much associated with exploitation especially but not exclusively of vulnerable people namely women and children. These are the two categories of people that must be protected at all times including war. However human trafficker and organised criminal syndicate targeted them due to their vulnerability. Exploitations of the victims include sexual exploitation in the sex tourism industry; labour exploitation in the domestic service; and the agricultural industry and in construction. Children may be exploited as beggars in the street, recruited to sift through garbage or to smuggle drugs. Women and young girls may be exploited through fraudulent marriages, and children may be bought and sold for adoption. Human organs of the most vulnerable are also trafficked.

Various laws and many initiatives have been made by the authority to suppress human trafficking. This chapter outlines the relationship between slavery and human trafficking, and identifies laws in Malaysia and relevant international treaties and conventions which have been used and made for the purpose of suppressing slavery and human trafficking.