

Human Trafficking and Money Laundering

Nargis Sultana

Corresponding Author: Nargis Sultana

Abstract: Human trafficking is a structured delinquency that trespasses a person's right to live with independence and pride. The enormity of the multi-layered crimes under the umbrella term of 'human trafficking' is truly shocking. Often analogized with modern day slavery, these crimes are carried out both within and beyond national boundaries. Human traffickers never repute their victims as humans, rather as commodities to trade, which is the ultimate dilapidation for any human being. Therefore, trafficking of human beings is both the cause and consequence of serious violations of human rights in a wide scale. Ironically, even in this modern age, whole humanity is being regularly haunted by this dreadful sin. Human trafficking has become such a pivotal issue that every nation in the world is concerned about the security of its own nationals. Though covert in nature, human trafficking has become the second most profitable business after drug dealings. Money laundering is also associated with human trafficking. In the context of trafficking, those who take money from prospective migrants are called money launderers. The proceeds from crime like human trafficking often become the target of investigation and seizure. To shield ill-gotten gains from suspicion and protect them from seizure, criminals must conceal their existence or, alternatively, make them look legitimate.

Key Words: human trafficking, money laundering, victims, illegal, crime

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I. INTRODUCTION

The main reason why people get involved in criminal activities and especially in organized criminal activities is the opportunity to make a quick and large profit. Criminals, however, are not just interested in securing large profits but also in the possibility to use this money, to enjoy the fruits of the criminal activity. Using the proceeds from such an activity exposes criminals to a risk of being identified and linked to the crime which generated the cash resources. Therefore, criminals prioritize laundering the "dirty money", i.e. trying to conceal the actual criminal origin of the funds and making them appear as having accrued from legitimate activities. Money laundering thus becomes an integral part of the criminal activities generating cash resources. Criminal organizations' in the separate countries specialize in a variety of criminal activities which are particularly widespread and generate enormous profits. For Bangladesh, human trafficking, especially for the purpose of sexual exploitation, is precisely one such crime. This type of trafficking has become a social and criminal phenomenon in this country. Entering this criminal activity does not require large advance investments from the criminals but guarantees large profits which, in conjunction with the social and economic situation in the country.

Statistics show that around 8 lac people around the world fall victim of cross-border trafficking each year, of whom 80% is female. At domestic level, this percentage is more alarming. In case of domestic trafficking, the victims are mostly forced to work in brick kilns and shrimp industries as a part of debt bondage. In Bangladesh, human trafficking is now considered as one of the major challenges towards national development and human rights protection. A recent study by the Asian Development Bank reveals that around 5,000-10,000 people are being illegally transited to other countries from Bangladesh every year. Very recently, more than 130 victims have been rescued from human traffickers in a single province of Thailand of whom the majority were Bangladeshis.

Objectives of the study

The main objective of the study is to present the scenario of money laundering in Bangladesh along with its relation with human trafficking.

Methodology of the study

Data have been collected from secondary sources.

II. LITERATURE REVIEW

Several works on human trafficking in Bangladesh have been done involving the current scenario, preventive measures, human trafficking and drug dealings etc. But no significant work has been done on the relationship between human trafficking and money laundering. In my paper, I have focused on this issue.

Human Trafficking means

Human trafficking represents the recruitment, transport, receipt and harboring of people for the purpose of exploiting their labor. Globally, it is estimated that there are today about 21 million men, women and children entrapped in this form of modern-day slavery, with about half in Asia alone, according to International Labor Organization.

- Involves the use of force or coercion and the exploitation of victims.
- Includes, but is not limited to, involuntary servitude, forced labor, debt bondage, peonage and sexual exploitation.
- Anyone can be a victim regardless of origin, sex, age or legal status.
- There is no need for a person to cross a border to be trafficked; individuals can be trafficked within the borders of a country.

How Human Trafficking Works

Stages of Human Trafficking generally include:

Recruitment or Abduction: Traffickers obtain their victims through deception or force. For instance, traffickers may recruit victims through the use of kidnapping, false marriages, or advertisements offering employment or study abroad. Individuals from countries and geographic areas that have been affected by economic hardship, armed conflicts or natural disasters are particularly vulnerable to these tactics.

Transportation: After being collected, victims are transported to locations where they are exploited or sold to other traffickers. Victims may originate from abroad or within the country and may be transported by air, sea and/or land domestically or internationally.

Exploitation: During this stage, traffickers profit from exploiting victims through forced labor, sexual exploitation, involuntary participation in crimes or other activity. Businesses in the service and manual labor industries (e.g., massage parlors, restaurants, farms, construction companies, domestic services) have been frequently used to exploit trafficked individuals. In contrast to the one-time illicit proceeds of human smuggling, this final phase of human trafficking may generate ongoing criminal proceeds.

Major reasons behind this enhanced rate of trafficking

- **Geographical location:** It is easier for the traffickers to use Bangladesh-India border to get access to the villages close to national borders. They mainly use 16 South-Western districts for this crime. Marine route of the Bay of Bengal is also being frequently used for human trafficking in the countries of Malaysia and Thailand.
- **Loose or sometimes intentional lack of observation:** Negligence or lack of observation on the border patrolling often aids the perpetrators to enter our country easily. Both people from inside and outside of the border are often found involved in this illicit transportation.
- **Economic vulnerability:** When poor people living in rural areas are offered lucrative jobs, they grasp these offers desperately. Failing to detect the frauds, these victims get transported through illegal migration process. Sometimes victims are kidnapped without any offers for money as well. In most cases, these transferring processes end up in the most agonizing form of human rights violation.
- **Impassiveness of the authority:** In some regions the criminals are encouraged to continue because of impassive authorities. In most cases, proper steps are not taken to prevent the offences unless a large number of trafficking takes place in a noticeably short time span. In September 3, 2011 the daily Prothom Alo revealed that around 200 people sold their kidneys due to extreme poverty, although it is strictly prohibited under Section 9 of the Bangladesh Organ Transplant Act, 1999. This information only unveils the fact that such predicament is not possible without at least a little aid from government officials.

Actors in Human Trafficking for the Purpose of Sexual Exploitation

- **Loners:** a prostitute or a couple moving independently, touring various countries. One person works, having limited access to territories;
- **Independent pimp:** one pimp arranges for 2-5 girls (relatives in some cases) to transfer to foreign countries and work there. Access to lucrative segments of the foreign market is difficult;
- **Partners:** groups of pimps running stables of several girls each, who work together. A network of channels for access to foreign markets. There may be a distinct leader among the pimps, or an independent pimp may hire people to help him. The groups consist of 2 to 8 pimps with stables of 1 to 7 girls each;

• **Organizations’:** large entities with a multi-tier hierarchical structure and a clear distribution of functions. Commonly involved in another criminal activity as well apart from human trafficking. Consist of numerous members, as well as pimps with stables of girls who work for them. Try to control the above-mentioned actors and to force them to work form them or to extort money from them. In some cases, over 100 prostitutes work for or report to such organizations’. They have sustained international contacts, built in the course of years, which ensure them access to the most lucrative market segments and protection and support for those linked with them.

Money Laundering

As per stipulations contained in Section 2 (V) of the Money Laundering Prevention Act, 2012 (Act No.05 of 2012) in Bangladesh “Money Laundering” means:

- knowingly moving, converting, or transferring proceeds of crime or property involved in an offence for the following purposes:-(1) concealing or disguising the illicit nature, source, location, ownership or control of the proceeds of crime; or (2) assisting any person involved in the commission of the predicate offence to evade the legal consequences of such offence;
- smuggling money or property earned through legal or illegal means to a foreign country;
- knowingly transferring or remitting the proceeds of crime to a foreign country or remitting or bringing them into Bangladesh from a foreign country with the intention of hiding or disguising its illegal source; or
- concluding or attempting to conclude financial transactions in such a manner so as to reporting requirement under this Act may be avoided;
- converting or moving or transferring property with the intention to instigate or assist for committing a predicate offence;
- acquiring, possessing or using any property, knowing that such property is the proceeds of a predicate offence;
- performing such activities so as to the illegal source of the proceeds of crime may be concealed or disguised;
- participating in, associating with, conspiring, attempting, abetting, instigate or counsel to commit any offences mentioned above;

Reasons of Money Laundering

Criminals engage in money laundering for three main reasons:

- First, money represents the lifeblood of the organization that engages in criminal conduct for financial gain because it covers operating expenses, replenishes inventories, purchases the services of corrupt officials to escape detection and further the interests of the illegal enterprise, and pays for an extravagant lifestyle. To spend money in these ways, criminals must make the money they derived illegally appear legitimate.
- Second, a trail of money from an offense to criminals can become incriminating evidence. Criminals must obscure or hide the source of their wealth or alternatively disguise ownership or control to ensure that illicit proceeds are not used to prosecute them.

Stages of Money Laundering

There is no single method of laundering money. Methods can range from the purchase and resale of a luxury item (e.g. a house, car or jewelry) to passing money through a complex international web of legitimate businesses and 'shell' companies (i.e. those companies that primarily exist only as named legal entities without any trading or business activities). There are a number of crimes where the initial proceeds usually take the form of cash that needs to enter the financial system by some means. Bribery, extortion, robbery and street level purchases of drugs are almost always made with cash. This has a need to enter the financial system by some means so that it can be converted into a form which can be more easily transformed, concealed or transported. The methods of achieving this are limited only by the ingenuity of the launderer and these methods have become increasingly sophisticated. Despite the variety of methods employed, the laundering is not a single act but a process accomplished in 3 basic stages which may comprise numerous transactions by the launderer that could alert a financial institution to criminal activity –

- *Placement* - the physical disposal of the initial proceeds derived from illegal activity.
- *Layering* - separating illicit proceeds from their source by creating complex layers of financial transactions designed to disguise the audit trail and provide anonymity.
- *Integration* - the provision of apparent legitimacy to wealth derived criminally. If the layering process has succeeded, integration schemes place the laundered proceeds back into the economy in such a way that they re-enter the financial system appearing as normal business funds.

The scenario of money laundering and human trafficking in Bangladesh

Money laundering associated with crime, corruption, and financing of terrorist activities requires strong preventive and punitive responses. These activities are serious threats to the rule of law and good governance. For a developing country like Bangladesh, they also pose major costs for development in terms of lost revenues, misused public funds, and inward remittances diverted away in hawala or hundi transactions. In Bangladesh, money laundering is known as 'hundi'.

The Anti-Human Trafficking Special Committee of police headquarters has found that those involved in money laundering in Bangladesh, Myanmar, Thailand and Malaysia are also playing a key role in human trafficking, which marked an alarming increase on sea routes recently.

According to a report, a total of 3,793 people were rescued from Cox's Bazar and Chittagong in the last five years while 276 cases were lodged against 1,589 people. The cases, however, did not proceed as the majority of the victims are poor and are scared about continuing legal proceedings against the traffickers. trafficking increases at an alarming rate between November and April as the sea largely remains calm in that period.

Both internal and cross-border trafficking exist in Bangladesh. In the case of internal trafficking, women and children are often taken away from their homes on false promises of a better life with good employment or by using various other criminal acts and means by the traffickers who sell them to brothels. It is mainly people from rural areas with minimal survival options and those who suffer the worst from discriminatory sociocultural practices who are lured or deceived with promises of a better life and more lucrative job opportunities in cities. At the cross-border level, victims are transported and transferred to destinations further away such as India, Pakistan and Middle Eastern countries, by using illegal acts and processes which culminate in the most corrosive forms of human rights violations and a life of unspeakable agony and torture.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, Iraq, Lebanon, and Malaysia for work, usually under legal and contractual terms. Most Bangladeshis seeking overseas employment through legal channels rely on the 700 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) which are legally permitted to charge workers up to \$1,235 -- and often charge more unlawfully -- for placing workers in low-skilled jobs that usually pay between \$100 and \$150 per month. Such fees have been reported by the ILO to contribute to the placement of some of these workers in debt bondage or forced labor once overseas. NGOs report that many Bangladeshi migrant laborers are victims of recruitment fraud, including fraudulent representation of the terms of employment; such victimization often results in situations of labor trafficking. Women typically work as domestic servants; some find themselves in situations of forced labor or debt bondage when faced with restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently trafficked into commercial sexual exploitation. Bangladeshi adults are also trafficked internally for commercial sexual exploitation, domestic servitude, and bonded labor.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant efforts, therefore, Bangladesh is placed on Tier 2 Watch List. The practice of allowing labor recruiters to charge outbound migrants up to \$1,235, the equivalent of ten months' salary in some Gulf state destinations, may contribute to forced labor and debt bondage, as the ILO has concluded that such high recruitment costs increase workers' vulnerability to forced labor.

Main Schemes for Money Laundering from Human Trafficking for the Purpose of Sexual Exploitation

Money laundering schemes come in many different types, the limit probably being only criminals' ingenuity and the avenues open to them to launder the proceeds from their criminal activity. For example, A highly placed trafficker makes arrangements with a wellknown athlete with whom he has a close relationship to remit to him a large sum of money from the destination country. The trafficker consolidates the money earned by the prostitutes so as to collect a larger amount. Thereafter, he delivers the money to the athlete, who deposits it into a bank account of his own in the destination country. Besides this, a loan agreement for the same amount as the sum delivered in advance is concluded between the athlete and the trafficker. Apart from serving as a supporting document for the transaction to be presented to the bank, the agreement enables the trafficker to legitimise the money he holds. The athlete transfers the money deposited to an account of the trafficker. As a result of these transactions, the trafficker repatriates the money earned by the prostitutes and makes it appear as if this money has been borrowed.

Another method of repatriating the prostitutes' earnings is purchasing various goods in the destination country, which are then imported and sold. In the study, this stands out as one of the most

commonly used methods. In the specific cases, traffickers purchase used and new cars, trailers, yachts, heavy-duty trucks, construction machinery, wearing apparel, jewelry, watches, perfumery, etc. Quite often the pimps own retail establishments where the imported merchandise is sold. These are car dealerships, boutiques, outlets, jewelry stores etc.

When traffickers use this scheme, they try to sell the goods as quickly as possible so as to recover the money invested in the goods, as well as make room for new merchandise from the future exploitation of the prostitutes. To achieve these goals, the retail establishments used by the traffickers very often sell branded goods far cheaper than the normal economic operators, which undermines the competitive environment. For example, there are cases in which traffickers purchase new cars in the destination countries, import them into Bulgaria and sell them at a price lower than the price at which the authorized dealer for the country sells the respective make.

Human Trafficking Victims Sold Into Slavery

- Babies in China: \$7,800
- Babies in Indonesia: \$160 to \$250
- Children in Ghana: \$50 to parent, then \$300 to trafficker
- Children in India: \$45, versus \$350 for buffalo
- Children in Mali: \$600 for child soldier
- Children in Thailand: \$25 typical price to “rent” a child beggar
- Children in the United Kingdom: \$25,000
- Girl in India: \$24
- Girls from Romania: \$3,000 to \$6,000
- Girls in Bangladesh: \$250
- Girls in Kenya: \$600 for Girls between the age of 10 to 15
- Girls from Mozambique: \$2
- Person in Canada: \$4,879 paid by pimp to trafficker
- Roma Child Bride: \$270,000
- Teenage girls in Iraq: \$5,000 for Virgins, \$2,500 for Non-Virgins
- Teenage girls in Ontario, Canada: \$5,989 for a girl from Quebec
- Virgin Child in Cambodia: \$500 to \$800
- Virgin Girl in Medellin, Colombia: \$2,600 in online auction
- Women from North Korea (by age): \$1,066 (20s), \$761 (30s), \$457 (40s)
- Women from Vietnam to China: \$11,800 to purchase wife

BANGLADESH (TIER 2 Watch List) [Extracted from U.S. State Dept Trafficking in Persons Report, June 2009]

Awareness In Bangladesh regarding Human Trafficking

Bangladesh, along with its regional partners, is trying to address the issue. But because of the complex and covert nature of this crime, it has been hard to keep track of and prevent its repetitive occurrence. Still, steps are being taken to stop human trafficking from both inside and cross border in Bangladesh.

To address the cases of trafficking specifically, a new law has been introduced namely the Human Trafficking Deterrence and Suppression Act 2012. This law prohibits all kinds of forceful transition of any human being in both immigration and emigration level as a punishable offence. Punishments under the act are different depending on the severity of the crime. It also made provisions to form a tribunal for speedy trials which are to be resolved within 180 working days. Another important feature of this act is that it allows repatriation as well as rehabilitation of the victims basing on their nationality.

Recently, Bangladesh has been placed as Tier-2 country by Trafficking in Person Report 2014. Tier placement is a system introduced by the US State Department’s Office to Monitor and Combat Trafficking in Persons. Their job is to rank governments based on their perceived efforts to acknowledge and combat human trafficking. Being in Tier-2 means Bangladesh is making significant efforts to comply with the necessary standards to resist human trafficking.

A state may not be able to fully provide a person with his right to education; he may have to compromise with his accommodation or the way he lives. We cannot but bitterly accept that this is more or less true in all developing countries like ours. But the last thing any person deserves is being stripped off of his dignity as a human being and live an inhumane life.

This is not just the state’s duty to secure the dignity of its people. It is important to remember that it is a duty of everyone to contribute to save the victims and stay very aware so that human trafficking can be prevented. We should not take it lightly or shrug it off as another ‘casual civic duty’. Because this is what we

owe to this underprivileged, vulnerable people who are prone to victimization. And we owe it not just as a citizen but as a human being to another human.

BANGLADESH: Tier 2

Bangladesh is primarily a source, and, to a lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. Some Bangladeshi men and women who migrate willingly to work in the Middle East, East Africa, South and Southeast Asia, Europe, and the United States subsequently face conditions indicative of forced labor. Before their departure, many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) and illegally by unlicensed sub-agents; this places some migrant workers at risk of debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job and conditions, but then change the job, employer, conditions, or salary after arrival. Women who migrate for domestic work are particularly vulnerable to abuse. Some women and children are subjected to commercial sexual exploitation and forced labor in India and Pakistan. Some NGOs allege instances of officials on both sides of the India-Bangladesh border allowing human traffickers to operate. Within the country, some children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the terms of employment. Street children are sometimes coerced into criminality or forced to beg; begging ringmasters sometimes maim children to increase their earnings. In some instances, children are sold into a form of bondage by their parents, while others are induced into labor through fraud and physical coercion, including in the domestic fish processing industry, or exploited in prostitution. According to an international expert on debt bondage, Bangladeshi families and Indian migrant workers are subjected to bonded labor in some of Bangladesh's brick kilns, some kiln owners sell bonded females into prostitution, purportedly to recoup the families' debts, and some Bangladeshi families are subjected to debt bondage in shrimp farming. Some ethnic Indian families are forced to work in the tea industry in the northeastern part of the country. The Burmese Rohingya community in Bangladesh is especially vulnerable to human trafficking.

The Government of Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to prepare, but did not finalize, the implementing rules for the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) during the year. The government lacked a formal mechanism to refer trafficking victims to protective services; authorities rescued 2,621 victims and placed nine in government-operated shelters. The government continued to fund nine multipurpose shelters, drop-in centers, and safe homes for victims, including victims of trafficking. While the government reached a labor export agreement with Saudi Arabia requiring employers to pay certain recruitment costs, legal recruitment fees continued to be extremely high.

Prevention Of Bangladesh Government

The objectives of National Strategy for Preventing Money Laundering and Combating Financial of Terrorism for the year of 2015-17 is to set a comprehensive medium term goal and action agenda in strengthening the capacity of all stakeholders in implementing the provisions of the relevant UN Conventions.

A total of 15 ministries, divisions and state agencies are going to implement 140 actions under 11 strategies outlined in the ongoing mutual evaluation assessment of Asian Pacific Group (APG) on Bangladesh.

The strategy consists of eleven strategies against eleven specific strategic objectives along with expected outcomes, challenges, actions needed, timeframe, budget, supporting legal instruments and responsible agencies to implement the strategies.

Under the strategy, the government will update national money laundering and terrorist financing risk assessment regularly and introducing risk based approach of monitoring and supervision of all reporting organizations. The implementing agencies will identify corruption induced money laundering considering corruption as a high risk. As per the strategy, border control mechanism will be modernized to prevent smuggling of gold and drugs, human trafficking, other transnational organized crimes and their financing. The agencies will take measures to discourage illicit fund transfer by returning the assets transferred abroad and/or recovering the tax evaded thereon.

III. CONCLUSION

The key reasons why people are trafficked in Bangladesh—Poverty, social exclusion, gender-based discrimination, widespread illiteracy, lack of awareness and poor governance are the key factors contributing to trafficking in persons in Bangladesh.

Much remains to be done. Three Ps: Protection, Prosecution, and Prevention are key in prosecuting money laundering and human trafficking. This is a great approach. The most powerful P of them is Prevention. My slogan as it refers to fraud but holds true to every crime is that Prevention is better than detection and or

investigation. Prevention means education through awareness programs involving the community as a whole and an outreach campaign to educate vulnerable targets of greedy criminals.

IV. RECOMMENDATIONS

- Integrate anti-labor trafficking objectives into national anti-trafficking policies and programs;
- Significantly increase criminal prosecutions and punishments for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor;
- Continue to investigate and prosecute government officials who may be suspected of complicity in trafficking;
- Provide protection services for adult male trafficking victims and victims of forced labor.
- A heart cannot beat without blood. Any legal regime on anti-human trafficking that complies with minimum human rights standards supplies blood to the heart of the efforts on combating human trafficking. Enactment of good laws is not enough; it has to be enforced vigorously.
- Finalize, adopt, and disseminate the implementing rules for the PSHTA, and train government officials on its implementation;
- Take steps to eliminate all recruitment fees charged by licensed labor recruiters, and enforce violations with criminal sanctions;
- Increase prosecutions and convictions, particularly of labor trafficking, while strictly respecting due process;
- Establish standard operating procedures for the referral of victims to protection services;
- Thoroughly investigate credible allegations of government complicity in trafficking and prosecute offenders who are complicit;
- Enhance the training provided to officials, including law enforcement, labor inspectors, and immigration officers, on methods to proactively identify trafficking cases and refer victims to protection services; expand the support services available to victims within Bangladesh and at Bangladesh's embassies abroad;
- Use the PSHTA to prosecute fraudulent labor recruiters; improve quality of pre-departure trainings, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Bangladesh; and
- Accede to the 2000 UN TIP Protocol.

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