

Factors Contributing to Women Trafficking in Malaysia: Perspectives from Policy Maker, Implementers & Non-Governmental Organization

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Abstract

In today's globalized world, almost every country across the world is affected by human trafficking activities where Malaysia is also not excluded. The case involving women trafficking is among the main concern in Malaysia as it poses a great challenge to detect the crime due to its clandestine and complexity in nature. In addition, trafficking in women is a tragic deprivation of human rights mostly in the forms of sexual exploitation and forced labor. It threatens the security and also indirectly affecting the socio-economic condition of the country. The purpose of this paper is to explore on the contributing factors towards women trafficking issue in Malaysia. The study adopts a qualitative research method by using semi-structured in-depth interviews with six key persons from the Ministry of Home Affairs, Royal Malaysia Police and National Human Rights Commission (SUHAKAM). The findings revealed that trafficking in women is an increasing issue in Malaysia. The main factor that influence high number of women being trafficked is migration due to weak border security protection and smuggling. Following that, law enforcement is also another main factor due to various obstacles and challenges that hinders the effectiveness of the implementation process. Other important factors include globalization, profitable business and corruption. This study recommends that more awareness, capacity building, coordination and enhancement in term of policy formulation and enforcement are needed to combat this crime to its roots.

Keywords: Women Trafficking, Globalization, Migration, Profitable Business, Corruption, Law Enforcement, Sexual Exploitation, Forced Labor

Introduction

Human trafficking is a global phenomenon and has been identified as the third world largest profitable organized crime after drugs and weapon trafficking. In the current years, women are mostly vulnerable to become the commodities of global trade especially in sex exploitation. In fact, Malaysia has been characterized as a country of origin, a profitable destination and also a transit country for traffickers to transport their victims due to its strategic location and wide economic opportunities. The Ministry of

Home Affairs (2012) has also reported that the case of sexual exploitation is on top of the list of human trafficking cases in Malaysia with 57.9 per cent followed by forced labor with 26 per cent. In this case, the women are mostly being traded to be exploited especially for the purpose of commercial sex or forced labor. Thus, besides trafficking involving the male victims, trafficking among female victims also received widely attention in the country. This phenomenon is actually a form of threat to Malaysia's national security and also indirectly affecting the socio-economic condition of the country. This issue further complicates due to its complex and hidden in nature which caused it really difficult to be detected and usually being misunderstood by the authority or public people.

In fact, people also often to overlook the seriousness of this issue in a country. The reported number of women trafficking cases is not the only indicator to determine the seriousness of this phenomenon as it is argued that many cases goes unreported. Even one case of women trafficking for sexual exploitation is considered serious due to its extensive impact on the victims, to the country and to the whole nation. Hence, the degree of seriousness of women trafficking in Malaysia and in other countries cannot be undermined as the long term impact of this issue on the country's social development, ethical and cultural practices.

Previously, Malaysia has been internationally critiqued due to the increasing cases of trafficking in persons where the government then established Anti-Trafficking in Persons Act in 2007. It was later amended in 2010 to include Anti-Smuggling of Migrants in the Act which fully becomes Anti Trafficking in Persons and Anti-Smuggling of Migrants Act. The Ministry of Home Affairs also formed a special anti-vice task force known as the Council of Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) as a main coordinating body to navigate the direction for effective implementation of the Act. Besides, the government also has established a National Action Plan against Trafficking in Persons (2010-2015) as a preventive measure with a number of awareness campaigns to strengthen the fight against this issue. Despite of the various so-called holistic efforts since many years ago, the issue of women trafficking in Malaysia is still prolonged until today, hence, questioned the incapability of our government in handling this issue.

Therefore, it is significant to identify the level of seriousness of this issue in Malaysia especially in getting insightful perspectives from the key persons such as from the policy maker, implementers and also non-governmental organization (NGO). This issue needs to be thoroughly reviewed as to lay out the main contributing factors as well as effective solutions before it becomes worst. While there are a number of researches on women trafficking, this paper concerntrates on the seriousness of women trafficking

issue in Malaysia by looking into the factors contributed to it from the perspectives of the policy maker, implementers and NGO which are the important key persons with experience in dealing with this phenomenon particularly in Malaysia. The main objective of this paper is to explore on the five contributing factors which are globalization, migration, profitable business, corruption and weak law enforcement.

Literature Reviews

Malaysia has adopted the same international definition of human trafficking and use it as the main reference for the establishment of its own national act which is the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. According to the United Nations (2000);

“Trafficking in persons shall mean of the recruitment, transportation, transfer, harboring or receipt of persons, by means of the 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs,” (United Nations, 2000, p.2).

In most cases, the victims of women trafficking migrate willingly and legally to Malaysia seeking for a better economic condition. They are promised with good job, payment and accommodation but once they arrived Malaysia, they have been forced to do other job with the element of exploitation (Sheila Devi, 2013). For instance, the women are forced into prostitution after being deceived by the employment agencies. In some cases, they were locked up and died to being abused and starvation which is serious violation of basic human rights.

Trafficking in persons can be both internally or cross-borders. In the case of Malaysia, usually the victims are trafficked from close neighboring countries such as Indonesia, Thailand, Philippines, Vietnam, Cambodia and Burma. Besides, it can also go further to Bangladesh, Columbia, China, Ecuador, Nepal, India, Pakistan, Russia, and Uzbekistan (Malaysia Trafficking Routes, 2007). There where a number of Malaysian women, primarily of Chinese ethnicity, the indigenous groups and rural areas, are trafficked abroad to destinations including Singapore, Hong Kong, France, and the United Kingdom, for commercial sexual exploitation (United States Department of Trafficking in Persons Report, 2009).

As long as there are demand, supply, and profits, the traffickers would be so keen and motivated to commit the crime especially for women. According to Haynes (2008), trafficked victims mostly come from a place where the condition is easier for exploitation such as the existence of structural tensions, either in economic or social for the victim to migrate. He added that it also includes limited education or employment opportunities, unstable family structure and oppression either due to racial, caste or gender. As this paper focuses on factors contributing to women trafficking, the main factors of this issue highlighted by many scholars were discussed in details, which include: globalization, migration, profitable business, corruptions and law enforcement.

Globalization

According to UNODC (2006), the growing aspects of globalization are stimulating and advancing the growth of trafficking in person crime. Thus, globalization is actually facilitating human trafficking which exposed the women towards being more vulnerable to be deceived and becoming the victims. The world becomes interconnected and borderless with the advancement of transportation and communication technology which facilitates traffickers to trade women across borders for the purpose of getting profit. This is also supported by Mameli (2002) and Shelley (2011) where, with the advancement of technology in communication and transportation, it has raised the demand and supply of this service among interested parties. It also facilitates the trafficking in persons as one of the methods by using websites is to promote sexual services and sex tourism.

Malaysia as a growing developing country is currently experiencing a rapid globalization process which trafficking in women is among the negative social impact of globalization in the country. Mameli (2002) further stated that, illegal trafficking for the purpose of forced prostitution in transnational sex industry expanded at the twentieth century as a direct result of globalization which reflects what is happening in Malaysia. Furthermore, Sheila Devi (2013) in her case study research on human trafficking in Malaysia stated, this country also affected by the economic globalization where it becomes an attractive country for perpetrators to traffic women and children in particular for commercial sexual exploitation. Thus, it is obvious that globalization has facilitated the growth of women trafficking in various ways as the purchasing and transaction process become easier due to the advancement of technology as one of the modus operandi to attract and deceived the victims.

Migration

The problem of human trafficking is further worsens with the huge migration phenomenon in Malaysia. It continuously becoming a main agenda of the country as it is home to 4.1 million migrants of whom 2.1 million are legal (Ministry of Finance, 2013) and two million are illegal (Maierbrugger, 2013). Malaysia is known as a developing country due to its growing economic and thus, it managed to attract many migrants mostly from other developed and also less developed nations who are looking for job opportunities abroad. Wan Nur Ibtisam (2014) in her study that Malaysia has a large number of foreign workers which include illegal migrants that may lead towards this phenomenon. This is supported by Newman et al. (2008) where most of the victims are trapped into trafficking because of the promise of better employment at targeted destinations. Traffickers usually take advantage over the women as they are weak, vulnerable and in an insecure condition. Thus, they are easier to become the prey of sexual oppression.

Migration leads to labor trafficking and sex trafficking due to exploitation by deceitful individuals and syndicates (Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants Malaysia, 2010). The main factor that pushes many people to migrate in search of better economic and social opportunities is poverty. The victims of human trafficking are most likely from less developed countries to more developed countries, where people are vulnerable to be trafficked due to poverty, conflict or other conditions (United Nations Office on Drugs and Crime, 2012). Most of them are from Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan and Vietnam. They come in search of greater economic opportunities, but later trapped in forced labor or debt bondage conditions at the hands of their employers, employment agents, or informal recruiters.

Profitable Business

Human trafficking is believed to be one of the most profitable industries in the world. According to Shiela Devi (2013), women trafficking is the second lucrative business after drug trafficking. Besides, human trafficking issue is closely linked with global organized criminal where traffickers have created an international market especially for the trade of commercial sex and cheap labor due to the high demand. Further, human trafficking has become one of the fastest growing illegal activities and is said producing between US\$7 to US\$10 billion a year. This figure continues to rise and it is estimated that globally trafficker's profit values up to US\$32 billion annually, approximately RM110.5 billion (Department of Information Malaysia, 2011). The

demand for young girls and women has caused the increased of women trafficking cases in Malaysia as to fulfill the clients' need. According to Council of Anti-Trafficking in Persons and Anti-Smuggling of migrants (MAPO), there are many prostitution and entertainment centers, and also massage parlor which caused a high demand and influx of young women into the country.

In addition, this is also supported by Kara (2009), that trafficked women are far more profitable as a human female can be used by the customer again and again. Besides, women trafficking involved cross border business which is also a global business which make it very lucrative in the eyes of the traffickers. This is also supported by Wan Nur Ibtisam (2014), where women then also trafficked for the purpose to conceive a baby and then the baby will also being used to be sell to get profit. Thus, it is a chain business in nature which is very profitable to the traffickers.

Corruption

The complexity of the issue is then further worsens by corruptions. It is claimed that human trafficking encourages the practices of corruption. This is also supported by Jones et al. (2007) that corruption enables human traffickers to operate successfully, either through bribes of public officials or collaboration of officials with criminal networks. Van Impe (2000) stated that, the key officials have used their authority to protect or cover up to those involved in criminal activities where their involvement can range from simply ignoring illegal activity or hindering legislation that would counter trafficking (Jones et al., 2007). The human trafficking syndicates are often agreeable to go as far as bribing the officials in order to make their way into Malaysia. In fact, corruption is viewed as a threat to Malaysia's security because it continued to play a role in the phenomenon. In a book published by Tenaganita (2008) entitled 'The Revolving Door', an interview with a Myanmar's refugee victim revealed that some immigration officer handed him and few others to the traffickers at certain border in Malaysia (The Revolving Door, 2008, pp. 74-75). In another case, a study by Sheila Devi (2013) revealed that, in 2009, the US Senate Foreign Relations Committee made a formal report of the involvement by Malaysian Immigration Officials, in trafficking Burmese refugees to the Malaysia-Thai border.

Law Enforcement

On the other hand, in order to combat women trafficking, the existing legal provisions and policy is still inadequate. The main concern is about the implementation or enforcement of the relevant laws and policies—whether the government is able to achieve the outcome that in line with the targeted objective to fight against trafficking effectively. Therefore, translating policy into action poses a great challenge to Malaysia (Wan Nur Ibtisam, 2014). Besides that, United Nations Office on Drugs and Crime (2008) reported that, the policy implementation of human trafficking becomes a problem due to lack of action as according to U.S Department of States (2009), Malaysia's effort is still insufficient in implementing the approach of prevention, protection and prosecution.

Furthermore, in the context of Malaysia, the 2007 Act becomes the primary policy guiding the human trafficking issue. However, there is a possibility of rigidity and insufficient specific cases treatment or inadequate provision and also bureaucracy issues. This may lead to a serious gap between policy goal and real implementation. On the other hand, IOM (2010) commented that Malaysia still have inadequate knowledge, expertise or bureaucratic capacity to fight human trafficking in various aspects which indirectly hinders effective law enforcement process.

Methodology

This paper presents the findings from a qualitative approach through semi-structured in-depth interviews involving six key persons from three main selected agencies. The agencies involved include both governmental and non-governmental which were the Ministry of Home Affairs specifically at the Council of Anti-Trafficking in Persons and Anti-Smuggling of migrants (MAPO), Special Unit (D7) of the Royal Malaysia Police Bukit Aman branch and also the National Human Rights Commission (SUHAKAM). This is to ensure a balance view from government and also the non-governmental perspectives. This research then employed both purposive and snowball sampling techniques which are more suitable with the nature and purpose of the research. The in-depth interviews were conducted with the responsible officers in-charged that comprised of two policy administrators and a legal advisor from MAPO, two enforcement officers from Unit (D7) and a policy advisor from SUHAKAM to generate a direct feedback and information regarding women trafficking issue in Malaysia and also to get an overview about the issue in both general and specific information.

All of the key persons that participated in the interviews are well-equipped with the knowledge and experience regarding women trafficking as they are dealing with the issue either direct or indirectly. In average, all of the interview sessions ended in an hour where it applied the semi-structured questions. The questions focus on the issues related to the phenomenon of women trafficking in Malaysia as to answer the research objectives and then probed into the relevant topics related to the agencies. Findings and discussion of this paper is blended together in a narrative form to further argues about the main factors contributing towards women trafficking in Malaysia.

Findings

The findings of this paper is presented based on the main objective of this study, which aims to explore factors contributing to women trafficking in Malaysia: ‘Globalization’, ‘Migration’, ‘Profitable Business’, ‘Corruption’ and ‘Weak Law Enforcement’. The identity of the six key persons are not revealed as pseudonyms* were used to represent them. During the in-depth interview sessions, when being asked about the contributing factors of women trafficking in Malaysia, all of the six respondents involved in this study revealed and shared various views regarding the contributing factors. However, all of them agreed that all of the five factors are among the main contributing factors towards the discussed issue. The overall findings of this study revealed that trafficking in women is a serious issue in Malaysia where the main factor that influence the high number of women trafficking is migration due to smuggling activity and weak border security protection. Subsequently, weak law enforcement was found as one of the main factors due to various obstacles and challenges in the implementation process. In addition, globalization, profitable business and corruption are also affecting women trafficking issue in Malaysia.

Globalization

The first contributing factors that being investigated is globalization where the responses and the key findings for the factor of ‘globalization’ are listed as below:

* Pseudonyms: Ministry of Home Affairs: MOHA 1; MOHA 2; MOHA 3. Royal Malaysia Police: RMP 1; RMP 2. SUHAKAM: NGO1

I have to say yes. It is a global issue, so definitely. [...] This is the issue that we're still discussing internationally. (Respondent MOHA1, italicize emphasized added)

Okay, it is a transnational crime, so it is a global issue. Since the issue of 'open sky', it facilitates the trafficking syndicate. Because it can be access, recruit via the internet right? Thus, the traffickers will know, for example a Vietnamese trafficker, he or she can access the internet, and will know what kind of demand in Malaysia. (Respondent RMP1, italicize emphasized added)

Yes, it is one of the factors because, trafficking happened because of there is demand. And this is not a country based business only, it will cross international business. [...] The traffickers just need two weeks to know everything about you, just two weeks. From facebook, from direct to direct, just need two weeks to make you as a victim. (Respondent NGO, italicize emphasized added)

Following the above findings, globalization is recognized as one of the main contributing factors towards women trafficking in Malaysia. The key findings derived from this study can be summarized that woman trafficking is a global phenomenon which is considered as a transnational crime. There are high demands for trafficking especially for women and therefore, globalization indirectly facilitates the syndicate to operate especially due to advancement in communication and transportation technology such as the internet that facilitates the recruitment process of the victims.

Migration

The second contributing factors that being investigated towards women trafficking issue in Malaysia is migration. All of the key persons agreed that migration is a major contributing factor towards this issue. Responses and the key findings for the factor of 'migration' are exemplified below:

[...] We've meeting, still trying to find the factors, root causes of irregular migrating, moving from one are to one area. (Respondent MOHA1, italicize emphasized added)

Border of the country is more towards migrants' issue. [...] Migrants smuggling can become trafficking. [...] Yes, migration is one of the factors, so that is the story. (Respondent RMP2, italicize emphasized added)

[...] So, in the context of Malaysia, most of the victims are migrants. [...] Migration is one of the factors. [...] So far, what we know that the victims in Malaysia mostly are migrants. But we don't know what happen to our ladies or our people who are going to the other country, we don't know. (Respondent NGO, italicize emphasized added)

Following the responses, further questions were probed to the key persons on why women migrated to Malaysia, and the responses from the key persons are presented below:

You've to see the descending country, *maybe their economic situation is not as good, the living condition is not that good*, so they come over, sometimes also for, and people have different reasons, *religious, political, cost of living basically, but they want to improve [...]* You see, certain people if the country does not have policy or blueprint on migration, *they are definitely from remote or rural area, they need job. Traffickers or middle man is easy to exploit people like them.* (Respondent MOHA1, italicize emphasized added)

[...] Sometimes what happened was, *disaster at certain countries that caused them to migrate. Sometimes the economy, or politics, can caused them to migrate.* (Respondent MOHA2, italicized emphasize added)

[...] Because basically, people that are being trafficked is actually *with the intention to find job because of poverty in their homeland.* (Respondent MOHA3, italicize emphasized added)

About migration actually, it's either Malaysia becomes the destination. [...] For example, the Rohingya's people, they are *experiencing pressure of ethnic cleansing, so they paid, sell their land, and come to Malaysia. To find job here. Among others, it becomes the transit to Christmas Island.* (Respondent RMP1, italicize emphasized added)

[...] *Looking for a place to improve their life.* (Respondent RMP2, italicize emphasized added)

Migration is one of the factors because you see, most of the countries, I mean who is migrating? *Normally people who are poor, who are in the countries in a war situation or internal war, they are the people who migrate.* So, what happen is, *this poor people normally being deceived because of their vulnerable situation that caused them easier to fall into becoming a trafficking victim.* Traffickers also will take advantage on their situation. (Respondent NGO, italicize emphasized added)

The above findings clearly shows that migration is one of the contributing factors towards women trafficking in Malaysia. Among the reasons of why people are migrating are because of poverty, political condition and for better standard of living which make them vulnerable towards being trafficked. Moreover, the issue of border security and smuggling further complicates the problem of migration.

Profitable Business

The third contributing factor that contributes towards women trafficking issue in Malaysia is profitable business. All of the six respondents involved in this study shared their perspectives on this factor and majority of them agreed that trafficking in women

is a very lucrative and profitable business. Responses and the key findings for the factor of ‘profitable business’ are listed as below:

[...] *High demands from the entertainment centers, massage parlor, brothels.* [...] Among the researches people did, *it involved hundred millions.* (Respondent MOHA1, italicize emphasized added)

Yes it is one of the factors because *trafficking happened because there are demands.* And this is not a country based business only, it will *cross the international business.* And if I’m not mistaken, *normally trafficking will be second or third place in international profit making crime.* It is always gun, drugs and human trafficking. [...] *Because trafficking is a kind of a chain.* For example, women who are into prostitution suddenly pregnant, the baby will be trafficked also. [...] *Basically it is a very very profit making business, so that’s why it is still happening.* (Respondent NGO, italicize emphasized added)

Although, the interviews only covered the surface on the factors, but it is understood that women trafficking is a form of profitable business which involves high demands all over the world as it is an international business and definitely contributed towards the discussed issue. Thus, it can be stated that women trafficking is very profitable with the fact that it can be a chain business of human trafficking. Hence, those are among the key findings for this factor.

Corruption

The fourth contributing factor of women trafficking issue in Malaysia is corruption. For this factor, different perspectives from the key persons involved as they looked into the matter at different levels. Although there are various views, in the end, the respondents agreed that corruption is also among the contributing factors towards the phenomenon. Responses and the key findings for the factor of ‘corruption’ are presented below:

When you said corruption, then that exists everywhere, every country. *I don’t think corruption per se contributed to this problem.* [...] *But I’m sure it happens.* [...] Even if we’ve all honest and good officials, the syndicate will still operate. [...] *But it makes it easier if there are officials or government authority who helped facilitate this kind of thing.* [...] (Respondent MOHA1, italicize emphasized added)

It’s happening at Sungai Dua, Penang [...] even our own officers we will arrest. [...] So, we arrested him under Prevention Criminal Act (POCA). [...] *There are issues of truancy or loose of our border entrance.* [...] *I do not denies that corruption happened there which caused the truancy. They paid to enter. So, it leaked or loosed there.* (Respondent RMP1, italicize emphasized added)

[...] *But recently we caught one of the AKSON's officer for corruption. [...] Sometimes incidence like this involved human error too. They found RM 11, 000 in the bag. [...] But for human trafficking is getting lesser as people are afraid to be involved in corruption.* (Respondent RMP2, italicize emphasized added).

Yeah, definitely. Because you see, I just give another example, [...] In 2010, we did a program at Kelantan, at border, to create awareness on trafficking. At the border with Thailand using boat maybe Sungai Golok. *So, I just paid RM1 to cross the river and went to Thailand. Then we took a bus and at that place got a signed of anti-trafficking but no one check on it [...]* It shows that our borders are weak, people can just simple enter, exit and enter, because Malaysia is a transit country. (Respondent NGO, italicize emphasized added)

Although most of the government officers refused to admit it at first, yet they acknowledged that corruption happens in relation to this issue. Therefore, the findings of this study proves that corruption facilitates the women trafficking syndicates. In fact, corruption mostly happened at the border in an attempt to pass a country's border especially illegally. Besides, there are also the issue of truancy and loose at the border entrance that also facilitates women trafficking syndicates.

Weak Law Enforcement

The fifth contributing factor that being investigated contributing towards women trafficking issue in Malaysia is weak law enforcement. For this factor, different perspectives from the key persons involved as they looked into the matter at different ways. Although there are some contradict views; however, the respondents agreed that more improvement is needed to be done in term of policy implementation and enforcement. Responses and the key findings from all of the three agencies for the factor of 'weak law enforcement' are listed as below:

[...] I agreed that everywhere we go, *there is always room for improvement. Action will be taken when there is report or based on investigation, we have our own units, we have police, immigration, sometimes the joined the operation, or based on agency or individuals. [...]* *We are using all the other countries that give advices, we take that too.* (Respondent MOHA1, italicize emphasized added)

[...] Other than that, we always *refer to our standard operating procedure, our Act, we will review it back. That is why we have amendments. So far, we have two amendments. And recently we make the regulations, to strengthen so that every related agencies such as police, labor department and others will know what they need to do. [...]* *That is why we create the awareness campaign and not just for the public people, but to the enforcement agencies also. That is why we have this council. So, from the council, if there is any decision or directive, all will follow one command only. It is uniform.* (Respondent MOHA2, italicize emphasized added)

It is like this, it is not the law enforcement is weak or insufficient or not strong. When things happened like human trafficking, okay, authorities go to do the raids, arrestments and everything. *But maybe it is not being convicted under Anti-Trafficking Act.* So, at the end of the day because of the evidence and everything, but we still will not let go the perpetrator. (Respondent MOHA3, italicize emphasized added)

Okay we have KPI (indicator), in every raids we put KPI. For example, 2 raids in 1 month. [...] Meaning we want to increase the raids. [...] Secondly in term of law, *the conviction is not enough. We did the report, then we submitted to the Bar Council. Then they look at it and say ouh, this issue is not here.* [...] The case is not being put into concern as on the ground *that not enough elements.* (Respondent RMP1, italicize emphasized added)

Haaa, *that is actually not really because now we put many agencies to guard our border.* The latest, out of the result of that case, now we have a *special unit called AKSON, Agensi Kuatkuasa Sempadan (Border Enforcement Agency).* [...] That one is specifically formed to guard the border. [...] Before this we don't have this kind of specialization. (Respondent RMP2, italicize emphasized added)

[...] *Malaysia law is one of the good law, but the implementation.* [...] But in Malaysia, we only have MAPO, which is at the national level, so we do not know what happened at the bottom level. [...] If the officers do not really know what is trafficking, they will make raids at night club, arrest the women and all that most probably sex workers, but they will categorize them as illegal immigrants, but they are actually trafficking victims, *because of the officers, the front liners do not know what is trafficking victim.* [...] Apart from MAPO, other agencies are not doing anything. *Unless, if suddenly there is a case, then they will start take action, if not nothing happen.* [...] *At Malaysia, a case took too much time,* [...] They have families, so what happened is that is one of the reason they don't want to cooperate with the enforcement agency. [...] Once more as I mentioned, most of the victims are migrants, the care takers at shelter home are Malaysians. *So, there is language barrier.* [...] So, how to communicate? How do you want to know his or her problem? (Respondent NGO, italicize emphasized added)

Further questions were also asked on other legal provisions that are able to cover the cases of human which include woman trafficking crimes. The responses are as follows:

We do not just use Anti-Trafficking only. We've a lot of laws that we used to tackle this issue. (Respondent MOHA1, italicize emphasized added)

[...] We have another law that we will charged. [...] If per se, if it is really under human trafficking, then we will use Anti-Trafficking Act. [...] So far, the law in Malaysia, covered here and there. [...] If we can't charge under TIP Act, *it maybe will be charged under labor act, penal code or immigration act.* [...] So, there is still conviction. [...] If we overlooked to arrest, when the police rescued the victim, they will keep looking for the suspect. (Respondent MOHA3, italicize emphasized added)

On the other hand, more questions were probed on the condition of the case that involving human trafficking to be convicted under certain specific law. The legal advisor officer responded as follow:

[...] In order to prove that a person is really a victim or not, *we have to look at the element that this person is really being exploited, means being deceived, not being paid the salary, or maybe on certain cases being tortured and everything.* But, when a person entered with being deceived at first but when being asked to do the work the person willing to do so, because of life struggle and everything, so, *that will not fall under TIP Act anymore,* it will go to another law. [...] But still there will be punishment. (Respondent MOHA3, italicize emphasized added)

In addition, the policy advisor from SUHAKAM specifically listed on what the government should do in order to tackle this phenomenon which risked women at the most as they are really vulnerable towards being trafficked. Among the suggestions include:

[...] Another one, our officers are not well-trained, so nobody knows about trafficking. [...] *We need to give lots of training on how to identify victims.* The front liners, they are handling first hand with the victims. If they overlooked, the next level would overlooked too. [...] *The implementation and maybe they have to do it drastically because what happen is the mentality,* including our immigration officer or police officer, they have this mentality of most of the victims are migrant workers, so why must I care? Because the victims are not Malaysians. So, *when you have that kind of mindset, it's very difficult to move forward also.* (Respondent NGO, italicized emphasized added).

While discussing on weak law enforcement, respondents mostly relate to their inter-agency cooperation either at national or international level. This is to show that they are working towards combating the issue at a more comprehensive level. Among the feedbacks are listed as follows:

[...] To add to your point, *Malaysia engages with international body likes ILO, IOM,* that we have constant meetings, they go outstation to know different things on trafficking, you know, we have seminars with *Australian Organization* on victim identification or methods on investigation, enforcement, sometimes capacity building with *other enforcement agencies from other countries,* so that's going on behind the scene. (Respondent MOHA1, italicize emphasized added)

[...] So, even in NSO MAPO, *we involving the police, attach their officer here, immigration also.* So, if there is any direct information, we will take immediate action. *Like me, I am from the Bar Council, to consult legally on this case.* I need to make sure if NSO wants to take any action, it must be in line with the acts and another law. (Respondent MOHA3, italicize emphasized added)

Overall findings of this study revealed that the officers from MAPO mostly did not agree that the law implementation and enforcement are weak, yet they believed that there is always room for improvement. The police also gave their perceptions but in the end, it can be concluded that more improvements should be carry out while the officer from SUHAKAM totally believed that the law is good, but the enforcement need more improvement and action taken. The key findings related to weak law enforcement include bureaucracy issue, lack of coordination, lack of awareness and knowledge, lack of training and communication problem due to language barrier.

Dicussion

The overall findings of this study proved that women trafficking in Malaysia is on rising due to many factors. This issue can be considered serious which require a more drastic action rather than reactive implementation. However, due to its hidden in nature, people tend to overlook the seriousness of this issue in the country. The findings of this study revealed that the majority of the key persons agreed that this issue is very serious and must not been taken lightly. Normally, sex exploitation such as towards sex slavery, sexual industry or prostitution mostly involved women which are vulnerable towards such form of exploitation. It is also because of the high demand in the country and also globally—this can be seen at the entertainment centers, massage parlor and also brothels for young women to serve those industries. The logic is, when there is demand, there must be supply and profit. Thus, traffickers will take this advantage to supply these vulnerable women to the most locations with the highest demand. Therefore, this proved the seriousness of this issue in the country. This is a high concern as women are not for sale or for trading. The victims must be protected and prevention action must be taken before it becomes worst. This is then also supported by Sheila Devi (2013) which stated that human trafficking has been constantly victimizing women and children globally.

Globalization

The seriousness of women trafficking issue in the country also being influenced by several factors. From the perspectives of the respondents, globalization is one of the factors that ease the process of the crime. In the recent years, the growing aspects of globalization are stimulating and advancing the growth of trafficking in person crime. Thus, globalization is actually facilitating human trafficking which exposed the women towards being more vulnerable to be deceived and becoming the victims. Firstly, globalization facilitates the trafficking process. The ‘open sky’ and transnational nature

of the crime makes it easier to be accessed for example by using the internet. This is due to the impact of globalization towards advancement in communication technology especially that facilitates the recruitment of victims by just using the internet. The trafficker can easily get the information of targeted victims via social networks such as Facebook. Those are among the modern modus operandi of the perpetrators to get their victims and target countries. This finding is supported by previous study related to this issue where the advancement of technology in communication and transportation has raised the demand and supply of this service among interested parties. It also facilitates the trafficking in persons as one of the methods by using websites is to promote sexual services and sex tourism. Literature review supported that illegal trafficking for the purpose of forced prostitution in transnational sex industry expanded at the twentieth century as a direct result of globalization which reflects what is happening in Malaysia. According to UNODC (2006), the growing aspects of globalization are stimulating and advancing the growth of trafficking in person crime. Similarly, Shelley (2011) stated that the advancement of technology in communication and transportation has raised the demand and supply of this service among interested parties. It also facilitates the trafficking in persons as one of the methods by using websites is to promote sexual services and sex tourism.

Migration

The second contributing factor is migration. This is due to weak border security protection and smuggling activities. The findings of this study discovered that smuggling of migrants can become trafficking and most of the victims of trafficking in Malaysia are migrants which include the women. Malaysia is known as a developing country due to its growing economic and thus, it managed to attract many migrants mostly from other developed and also less developed nations who are looking for job opportunities abroad (Sheila Devi, 2013). Among the key findings are firstly, people migrate because of poverty and their living condition is not good. According to the respondents, most of the migrants come to Malaysia for the search of a better living but then being deceived and forced to do other job such as prostitution by the agent. It is easier for the traffickers to exploit vulnerable people like them as they come from remote and rural area. The same issue also being reported in several previous studies which include from the Ministry of Finance (2013), Maierbrugger (2013) and also Wan Nur Ibtisam (2014) which stated that Malaysia has a large number of foreign workers which include illegal migrants that may lead towards this phenomenon. Traffickers usually take advantage over the women as they are weak, vulnerable and in an insecure condition. Thus, they are easier to become the prey of sexual oppression.

Besides, political situation is another key finding of migration. People fled their countries to Malaysia to seek for protection for example such as the Rohingya refugees. Rohingya's population facing pressure of ethnic cleansing in their country and because of their vulnerability, they are easier to be trafficked as the desperation of their life especially the women. Traffickers usually take advantage over the women as they are weak, vulnerable and in an insecure condition. Thus, they are easier to become the prey of sexual oppression. In fact, various researches also mentioned that political chaos, insecurity, civil conflict, oppression, inadequate social service and education have caused many people to migrate for more comfortable life.

Other migrating reasons that being mentioned by the respondents include religious and disaster factors which being touched only at a surface level. The political, economic and social factors are among the reasons of why people are migrating and indirectly become vulnerable towards being trafficked. However, the policy administrators from MAPO suggested few ways to address migration problems by introducing 'Safer Migration Path' and prevention action through awareness and campaign especially at the entry points of Malaysia such as the airport.

Profitable Business

The third contributing factor is profitable business and mostly respondents totally agreed that woman trafficking is a very lucrative business with billions of profits globally. Moreover, numerous studies such as the Department of Information Malaysia (2011) agreed that human trafficking has become one of the fastest growing illegal activities in the world. Among the key findings of the interviews are firstly, it becomes profitable due to the high demand especially in sexual industries in Malaysia such as entertainment centers, massage parlor and brothels which involved hundred millions profits. The demand for young girls and women has caused the increased of women trafficking cases in Malaysia as to fulfill the clients' need. This is also supported by previous study of women trafficking that trafficked women are far more profitable as a human female can be used by the customer again and again.

Secondly, women trafficking involved cross border business which is also a global business which make it very lucrative in the eyes of the traffickers. But, once again, women are not for sale and this kind of trading should be prevented. It can be said that women then also trafficked for the purpose to conceive a baby and then the baby will also being used to be sell to get profit (Wan Nur Ibtisam, 2014). Thus, it is a chain business in nature which is very profitable to the traffickers. In addition, this is

also supported by Kara (2009), that trafficked women are far more profitable as a human female can be used by the customer again and again.

Corruption

The fourth factor is corruption where it is also contributed towards women trafficking issue in Malaysia. Corruption is facilitating the issue which makes it easier to operate which is also supported by Jones et al. (2007), that corruption enables human traffickers to operate successfully, either through bribes of public officials or collaboration of officials with criminal networks. However, mostly the government officers such as the police department and MAPO refused to comment more on that. They agreed that it is happening but the case is lesser. MAPO said that they are not dealing with that kind of issue and has no prove about it. On the contrary, the policy advisor from SUHAKAM strictly believed that there must be corruption issue among the authorities as this issue is still happening until today despite of the said 'strict' policy implementation and enforcement. Among the key findings from the interview indicates the respondents agreed that there are cases of corruption especially at the border of Malaysia. Somehow, they also said that the cases have decreased due to strict enforcement on corruption issue in Malaysia.

The respondents further provide their experience as there are certain officers that accept bribes in order to let the smuggling or trafficking activities passed acrossed the border easily. Besides that, there are also the issue of truancy at the border as our borders are long and not all are fences. The respondents did not deny that there are corruption issue at the entrypoint to Malaysia. Other than that, despite of the establishment of special unit to guard the border, respondents also agreed that it is difficult to control the border security due to the corruption issue. This also show the element of lack of capacity for the government in preventing the trafficking crime from happening. Thus, more action need to be done and also improvement as women are most being trafficked into Malaysia, and this kind of problem actually easily caused them to be vulnerable and then fall into the hand of the traffickers. In fact, this is also supported by Van Impe (2000) which stated that, the key officials have used their authority to protect or cover up to those involved in criminal activities where their involvement can range from simply ignoring illegal activity or hindering legislation that would counter trafficking (Jones et al. 2007).

Weak Law Enforcement

During the interviews, when the respondents were asked about weak law enforcement, they provide different perspective of views. Typically, the government

agencies are in denial and saying that they are doing their best although they later admitted that there are always rooms for improvement. Nevertheless, the non-governmental agency such as SUHAKAM provides a different view as the respondent believed that the government needs to do more regarding the law enforcement. Both of the police department and MAPO laid out their strategic plan, policy amendment, programs and action to combat human and also woman trafficking issue in Malaysia yet the respondent from SUHAKAM counter argued as there are still many cases of women trafficking being reported in the country which being hampered by other factors such as corruption and loose border control. The respondent further stated that the law is good but the implementation or the enforcement is the main problem.

The problem is that, it is a great challenge for the country to translate the policy into action due to various obstacles and challenges. Firstly is the issue of bureaucracy where based on the discussions with all of the agencies, bureaucracy became the main problem towards inefficient law enforcement as there is a gap between policy adoption and policy outcome. The issue of bureaucracy also being supported by various studies in human trafficking issue. The trafficking in persons' policy implementation continues to be a problem due to the lack of action taken. For example, the procedure of a case took a long time which caused the victims refused to give full cooperation with the authority. Secondly is lack of coordination as this is revealed by the enforcement officer from police department as the police and the court have different understanding about the issue. Thirdly is lack of awareness and knowledge on the part of front liners officers that handling directly with the trafficking victims. They often had mistaken trafficking victims with illegal migrants which also hinders effective law implementation. Fourthly is lack of training specifically on human trafficking cases which also affects the effectiveness of the law enforcement especially during raids, investigation or victim identification. Thus, there is always grey area in this issue that caused it difficult to be addressed or to find solutions. Fifthly, the problem with language barrier that cause communication problem should be addressed immediately as it is hard to extract the right information from the victim if there is communication problem which will also lead to inefficient law enforcement.

On the contrary, the respondents especially from the government agencies stressed out that the government is working hard to combat this issue comprehensively through strengthening the inter-agency cooperation. The issue of weak law enforcement in dealing with trafficking in persons is also supported by various studies such as by Wan Nur Ibtisam (2014), the study revealed that bureaucracy became the main problem towards inefficient law enforcement as there is a gap between policy adoption and policy outcome. On the other hand, United Nations Office on Drugs and Crime (2008) reported that, the trafficking in persons policy implementations continues to be a

problem due to the lack of action taken. This then in line with the condition in Malaysia as it is a great challenge for the country to translate the policy into action due to many conditions.

Conclusion

This study concludes that in order to understand the seriousness of women trafficking issue in Malaysia, there is a need to understand the factors contributing to this issue. The issue of globalization is not precedential which in a long term might leads towards social problems including women trafficking. Due to the advent of globalization, communication and transportation becomes easier as the result of technology advancement. This is supported by Shelley (2011) and Sheila Devi (2013), where, with the advancement of technology in communication and transportation, it has raised the demand and supply of this service among interested parties. Besides, the influx of migration into Malaysia also contributed to the issue as most of the women trafficking victims in the country involving migrants, which migrate due to economic, political or social purposes. In addition, profitable business is also becoming one of the factors that contributed towards this phenomenon. Due to high demands and profit, women continuously fall into the hand of greedy traffickers. Women are not only being sold across the countries, yet their basic human rights also being deprived by irresponsible traffickers. Wan Nur Ibtisam (2014) and Kara (2009) stated that trafficked women are far more profitable as a human female can be used by the customer again and again. Another factors involved is corruption as it further worsens the issue of border security control. This is due to the fact from findings of the study where most of the corruption happened at the border by the officers on duty. Besides, Jones et al. (2007) also stated that corruption enables human traffickers to operate successfully, either through bribes of public officials or collaboration of officials with criminal networks. Last but not least is the issue of weak law enforcement which is continuously being debated in the country. Although the government was able to come out with the 2007 Act, National Strategic Plan and also awareness programs, there are always some issues with the policy implementation or enforcement. There are always loopholes that every agencies need to be concerned about. That is the reason of why inter-agency cooperation together with the civil society need to work together to ensure that the policy is able to be implement effectively and efficiently. Wan Nur Ibtisam (2014) in her study on human trafficking stated that, bureaucracy becomes the main problem towards inefficient law enforcement as there is a gap between policy adoption and policy outcome. Besides, United Nations Office on Drugs and Crime (2008) reported that, the trafficking in persons policy implementations continues to be a problem due to the lack of action taken.

Throughout the previous discussions especially from the different perspectives from policy maker, implementers and non-governmental organization, it is understood that this issue should not be taken lightly. More actions need to be done as it is inefficient to only stay in a comfort zone. In fact, many agencies are focusing on reactive method as they will start taking action only when there is issue arose. Thus, several strategies can be taken into consideration by the government or related agencies which include to increase the awareness, enhance training and knowledge, coordination at all level, capacity building to protect the border and also further effective law enforcement. It is vital to ensure that every preventive action been taken into consideration to combat this issue before it was too late. Every related agencies need to start thinking about the preventive measures which not only about awareness, but need to be proactive and creative in finding new solutions towards this problem. Although the government and its collaborative agencies claimed that more strict and effective actions have been taken nowadays but the question here is to what extend? Even the government was able to come out with the 2007 Act, National Strategic Plan and also few awareness programs, there are always loopholes that every agencies need to be concerned about.

In conclusion, trafficking in women is another tragic human rights issue that should be taken seriously. This phenomenon could be happening to anyone especially people without knowledge or awareness about it. Traffickers have various modus operandi and methods to deceive it victims and becomes their prey. Thus, women need to know on their rights in the exact way to avoid becoming vulnerable towards being trafficked. It is needed to understand how a person can become a trafficking victim because before others, it is the person itself that need to save him or herself first. Thus, that is why awareness is really important as to prevent the crime before its happening. In short, if it is not today, who knows if tomorrow we would become the next victim of women trafficking? Thus, stricter and proactive actions are needed immediately as if it is not today, then when and if it is not us to work together against this crime, then who should do it? In fact, when it comes to humanity, there is no limit either minority population, migrants or local people, all of them have the rights to be protected and it is imperative to highlight in this research paper that woman is not for sale and should not be exploited in any ways.

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