

Human Trafficking For Sexual Exploitation In Malaysia: Issues And Solutions

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Abstract

This study discusses human trafficking for sexual exploitation in Malaysia. It focuses on issues and solutions that have been undertaken by the Malaysian government in addressing the problem. In addition, this study analyses its implications on human and national securities. This study is based on qualitative research method, through an analysis on both, primary and secondary sources of data. The primary data were derived from interviews with the enforcement officers from Royal Malaysia Police, care and protection officer from Department of Women Development and victims of human trafficking for sexual exploitation at the detention camp (Rumah Perlindungan). The secondary data were gathered through online sources, documents, reports, statistical information from the official agencies, journals, books and newspapers that are related to the study. The findings of the research show that globalization is the platform for human trafficking and sexual exploitation in Malaysia. The constant demand for prostitutes helps to accelerate the ever expanding activity of this crime in Malaysia. The Malaysian government has been undertaking efficient efforts in addressing the issue through legal aspects, enforcement, custody and protection, media and publicity, as well as cooperation with foreign countries, but the problem is difficult to be eradicated completely due to the various obstacles that need to be addressed from time to time.

Keywords: *Human Trafficking, Sexual Exploitation, Human Security, National Security, Issues and Solutions.*

1 Introduction:

Human trafficking is a form of modern day slavery. It is an activity that is illegal under the law and a conventional problem that causes a significant threat to national and human safety. Gutauskas (2009) argues that human trafficking is an activity that is harmful, a threat to human rights and the international community. The human rights and the challenges of human trafficking are serious problems followed by other issues such as migration, organized crime, prostitution, security and health hazards. Most of the victims affected by this problem come from the least developed countries and they have been cheated, deceived or exploited. They become as an international commodity that can generate billions of ringgit. About 80% of the victims are women and children, of which 70% become sexual slaves and sometimes forced to be married (Gutauskas, 2009). The issue of human trafficking is not a new agenda when discussing the aspects of security. It has become a threat that could endanger the security and sovereignty of a country. Human trafficking is one of the rampant crimes across the world. The United Nations (UN) estimates almost 700,000 to 4 million women and children are traded annually. The human trafficking victims include children and infants, who were deceived and forced to indulge in sexual activities or prostitution (Tenaganita, Royal Malaysia Police (RMP/PDRM) and Malaysia Crime Prevention Foundation (MCPF), (2007); Thompson, (2006); Arlacchi, (2000). The number is similar to the statistics

released by the United States (US) Department of States in 2002.

According to Farr (2005), UN statistics show that as many as one million women are trafficked worldwide. Human trafficking, especially the trafficking of women into the sexual industry, is an ever prevailing issue that is of great concern, mainly to the global community. It is estimated that thousands, even millions of women have been trafficked and used as sex slaves and this issue has been the main topic of discussion since the late 1990s (Kelly, (2005); Raymond, Cunha, Siti, Hynes & Santos (2002). Kara (2009) stresses that drug trafficking is carried out to make money, but trafficking of women is more profitable. Unlike drugs, women do not need to be planted, cultivated, distilled, wrapped or packed. Unlike drugs, a woman could also be used repeatedly. Thus, this study aims to identify issues of human trafficking from the aspect of sexual exploitation and the progress made by the government in addressing the problem. In addition, this study analyses the implications of human trafficking on human and national security in Malaysia.

2 The Concept of National and Human Security:

The national security refers to the importance of national interests. The countries are generally considered as a single entity rather than a group of individuals, communities or specific groups or ordinary people (Wolfers, 1962). Zarina (2005) says the country's national security is understood as the survivors of the military threats coming from outside the country's borders. The definition of national security also varies from one country to another. Typically countries underline the core values that should be protected as human rights and parliamentary democracy. If these values are under threat, then national security is also threatened. Ruhanas (2009) states that national security means the purpose and manner a nation defends itself against threats and her ability to sustain the core values of the country. Lipmann (1943) explains that the country is considered safe as long as it is not threatened, need not sacrifice its core values, avoid war and be able to overcome the challenges with a victory in any war. According to Kamarulnizam and Mahmud (1998), the main bases of the Malaysian security are sovereignty, border integrity and survival, political system, sociology, economy and civilization of the country and its people. The existence of these factors would mean there is a threat to the national security of Malaysia. This threat may create a variety of criminal activities and human trafficking in Malaysia. Although issues such as migration, drug trafficking, human trafficking and smuggling, environmental pollution and poverty do not affect the national security directly, in the long run they may have an impact on the survival of the country and some other countries. These issues are global in nature (Mathew, 1989). This issue does not only affect the country but also involves human beings. Thus, the role of the government is to continuously tackle the problem of human trafficking in order to ensure the sovereignty and security of the country.

Discussions on human trafficking also relate to the concept of human security. The goal of this concept puts safety of human life as the primary objective of security policies, whether at national or international levels (Fukuda-Parr and Messineo, 2012). The concept of human security does not define the term as a military threat, but looks from a broader perspective encompassing the elements of non-traditional security such as economy, health and environment as factors that could affect the daily life of every individual (Thomas, 2007; Walt, 1991). Arase (2010) explains that non-traditional security threats involve the non-military issues like piracy, illegal migrants, human trafficking and drug smuggling. According to the Human Development Report by the United Nations Development Programme (UNDP) (1994), human security is the freedom or security from the threat of chronic hunger, disease and oppression, protection from spontaneous disturbances that affect the pattern of daily life either in terms of one's job, at home and in the community. UNDP further argues that the understanding of the concept of security must change from the traditional safety-centric national security to more focused security. In this case, two approaches are taken in elaborating the rights of every individual, namely freedom from fear and freedom from needs. UNDP has identified seven pillars of human security, viz. i) economic security (free from poverty and an assured life), ii) food security (access to available food sources), iii) health security (health and protection

from diseases), iv) environmental safety (safe from pollution and access to a conducive environment), v) personal safety (safe from physical threats such as war), vi) the safety of the community (assurance of the culture and its survival) and vii) political security involving a guarantee of the rights and protection from political pressure (UNDP 1994). If one of these pillars is threatened, then human security is also affected. Referring to the human trafficking for sexual exploitation, this issue clearly threatens human security. Victims of human trafficking are tricked by trafficker, sold and exploited, did not get paid in kind, abused or discriminated against contagious diseases. Buzan, Weaver & DeWilde (1997) explain that the non-military threats are discursive in character because the process of identifying the types of threat are recognized only by the people collectively as dangerous or in other words societies identify existential threats to securitization. This makes the process of identifying non-military threats complicated and unorganized. Haas (1992), referring to the issue, suggests a solution to identify the problem as a threat by using a network of subject matter experts who will share the concept and identify matters related to the threats to help policy makers make decisions.

Human trafficking is an issue that threatens human security. Threats can be seen from the contexts of emotional abuse, physical, sexual, verbal, threatened suicide, exploitation, discrimination, fraud, human rights violations, unpaid wages and wages not commensurate with the services, forced to violate many customers (in the context of this study). Thus, the role of the government is to assist the victims who had been rescued so that human safety is ascertained.

3 Literature Review:

Human trafficking as an illegal business involves many countries of Southeast Asia (Jimenez 2002). Human trafficking is a type of modern day slavery and a transnational crime well-known to be fuelled by globalization (Holmes, 2010; National Asian Pacific American Women's Forum (NAPAWF), 2008; Jones, Engstrom, Hiliard & Diaz, 2007; Dertivionis, 2001). It is an international problem involving critical issues of human rights violations (US Department of state, 2014). Miko & Park (2003) state that trafficking of women for prostitution (sexual exploitation), and forced labour are the fastest growing international crimes which have attracted the global concern. Human trafficking generates a lucrative income with multiple benefits (Frisanick, (2010); Miko & Park, (2003).

Contemporarily, Association of Southeast Asian Nation (ASEAN) has also agreed that security problems extend beyond traditional security issues. The ASEAN Ministerial Meeting on Transnational Crime has identified some of these threats, namely the distribution and trafficking of illegal drugs, human trafficking, smuggling of arms, terrorism and various forms of economic crimes (Ong & Pierre, 2007). Waever, Buzan, Morten & Pierre (1993) and Ullman (1983) state that migration, cross-border crimes, infectious diseases, pollution, poverty, drug trafficking, human trafficking and smuggling and other cross-border issues proved to spark conflicts and threaten national, regional and global security. To fight this global crime, every affected countries has to undertake serious efforts, especially in the establishment or amendment of policies aimed at ameliorating human trafficking in collaboration with other countries (US Department of State, 2000).

Human Trafficking and Smuggling of Migrants

Notwithstanding the difficulties, it is possible to analyse the differences and similarities between human trafficking and smuggling of migrants to clearly making the distinction. Consider the contents of table 1.

Table 1. Differences and similarities between human trafficking and smuggling of migrants

| Feature | Human Trafficking | Smuggling of Migrants |
|---------|-------------------|-----------------------|
|---------|-------------------|-----------------------|

| | | |
|-----------------------------------|--|--|
| Legal definition | Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve consent of a person having control over another person for the purposes of exploitation | Procurement, in order to obtain, directly or indirectly. A financial or other material benefit, of the illegal entry of a person into a state party of, which the person is not a national or permanent resident |
| Instrument/International Law | Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children under UN Convention on Transnational Organized Crime | Protocol against The Smuggling of Migrants By Land, Air and Sea under UN Convention on Transnational Organised Crime Movement for profit. |
| Purpose of the movement | Exploitation of the individual's sexuality exploitation, labour slavery or organ removal for profit | |
| Nature and quality of the consent | Some degree of consent for movement may be present but true consent is nullified by force, coercion, deception, fraud, etc | Consent for movement is clearly present. |
| Nature of the relationship | Victim-exploiter Long-term relationship extending beyond the movement phase (although initial facilitator may be only a link in the chain, there is continuity in the individual's relationship with the traffickers) | Buyer-supplier Short-term relationship that terminates upon completion of the movement |
| Profit element | Major profit source is the exploitation of the individual | Sole profit source is the movement of the individual |
| Violence and intimidation | Characteristic of trafficking and necessary to maintain the victim in the exploitative situations | Incidental to the movement |
| Autonomy and freedom | Severely compromised | Not severely compromised except to the extent necessary for successful movement |
| Geographical dimension | Trafficking can occur internally | Smuggling of migrant |

| | |
|---------------------------------|--|
| or across international borders | must involve the illegal crossing of an international border |
|---------------------------------|--|

Source: Human trafficking course for frontline law enforcement officials, 2009

4 Methodology:

This study is based on qualitative research method, through an analysis on both, primary and secondary sources of data. The primary data were derived from interviews with the enforcement officers from RMP, care and protection officer from Department of Women Development (DWD) and victims of human trafficking for sexual exploitation at the detention camp (Rumah Perlindungan). In this study, the name of the informant involved using the nickname and referring to the agency involved. Their names are not disclosed for confidentiality or security purposes. The secondary data were gathered through online sources, documents, reports, statistical information from the official agencies, journals and books related to the study.

Human Trafficking for Sexual Exploitation in Malaysia

Trafficking is a form of slavery which should be understood as an extension of human slavery that has been in existence in the history of mankind and not something new (Brysk & Choi-Fitzpatrick, 2012). Malaysia is a destination, and to a lesser extent, a source and transit country for women and children subjected to human trafficking, specifically in sexual exploitation and forced labor. The majority of victims trafficking are women and girls from Indonesia, Thailand, Philippines, Cambodia, Vietnam, Burma, People's Republic of China (PRC), India, Nepal and Bangladesh (Azizah, 2015; Suhana & Ali, 2014; Sheila, 2013; Trafficking in Persons (TIP) Report 2012, 22 Januari 2020). Malaysia is classified as a developing country that includes economic growth and political stability, safety and job opportunities. There are the positive factors to lure victims to work in Malaysia. The proof is the high number of foreigners regardless of whether they come through smuggling, legally or illegally, and also through human trafficking.

Figure 1 clearly shows that Malaysia as a destination and transit country using by syndicates for human trafficking for sexual exploitation crimes. Malaysia as a favourite country to generate income for foreigners and also for human trafficking syndicates. Most victims from poor and developing countries willing come to another country or Malaysia because of want to generate income, to get better life and help their families. RMP 1 says:

“However, in some cases, there are also victims who come from developed countries. There come because of money. The power of money, offering by syndicates” (RMP 1, June 12, 2018)



Figure 1. Malaysia as a destination and transit country

Source: Anti Trafficking in Persons Unit (ATIP), RMP, 2018

Trafficking for sexual exploitation is divided into two categories; forced prostitutes and willing prostitutes. At the beginning some victims are not aware that they will become prostitutes. “However, some of them knew they will work as prostitutes and due to the terms and the definition of trafficking, they are categorized as victims because of the exploitation terms such whom are not get paid accordingly, get beatings and so for...”(RMP 1, June 12, 2018).

The Phenomenon of Human Trafficking and Sexual Exploitation

A wide array of factors cause human trafficking and sexual exploitation, including the push and pull factors. The push factors are like poverty, lack of education, unemployment, family problems, persuasion by family or peers, family debt, unstable development, an authoritarian government or regime, and gender discrimination. The pull factors include globalization, the economic stability of a country attracting work

force, lucrative salaries, opportunity for education in the country of destination, geography and culture, and well-organized syndicates and people who seek for better life. However, economy is the main factor for improving their standard of life (Nafisah, 2013; Naro, 2009). RMP 1, RMP 2, DWD 1 agreed with this factors. RMP 2 firm that:

“Yes, pull and push factors, including globalization, ‘fast money’ contribute to this activities..” (RMP 2, October 18, 2018)

DWD 1 agreed with RMP 2 and said:

“Because of fast money.. Easy to get money” (DWD 1, May 8, 2018)

RMP 1 agreed with both, RMP 2 and DWD 1 and adding their opinion thru experience handling human trafficking for sexual exploitation cases:

“Most of them work as prostitutes in their origin country. Some of them, do not know this activities are illegal in Malaysia.. Easy to say, fast money.. Just given services as prostitute then you get easy money lorr.. Difficult to work in Malaysia, it’s easy to be ‘chick’ lorr.. This situation for volunteer victims.. Because in Malaysia, victim’s of prostitute in human trafficking is divided into two categories, willingness and forces” (RMP 1, June 12, 2018)

In addition, the factors of supply and demand are also important. However, the process of human trafficking is difficult to be eradicated (Kara, 2011; Majeed, 2011). The findings thru interview seem to end with the results like RMP 1, RMP 2 and DWD 1. As long as there is demand, the supply will be available. RMP 1 say:

“As long as there is demand and supply, as long as the prostitute is there.. As long as human beings are passionate, there is a demand.. Its too hard to block people lust.. We made many raids and so on related to this crimes.. Unfortunately, people didn’t care and aware.. What they know and want is only ‘chick’.. They want cheap, easy to get and have their taste” (RMP 1, June 12, 2018)

Referring to traffickers roles, the traffickers will try to find suppliers to meet the customers demand. It is said that human trafficking generates revenue many times over and can be used repeatedly. This is a form of business that is 'non-stop' and always has customers for sexual services. Another factor is the new normal. In the study of human trafficking with regards to sex workers, researchers use the new normal to describe its role. The new normal is an activity that was previously unfamiliar or a typical situation that has become standard, usual, or expected. According to Ian Davis (2009), the new normal is a term used in the context of the economy to reflect the market situation, once considered abnormal but due to the change of time, demand, supply, technology and complexity of the phenomenon that was initially considered not normal or abnormal, now has become normal due to market capitalism, which is based on demand and supply. Slavery had existed for long, now it has taken a new form. It is a past crime that has become the new normal through the syndicate of human trafficking operating in difficult, hard conditions to be detected and not eliminated entirely, led by the mafias with an international network which is difficult to detect.

Sex tourism, sex industries or sex-oriented businesses have developed into an industry that is not foreign anymore, and it has been there for hundreds of years. Branding is more tempting by the term "Red Light Districts" which are growing like mushrooms in some countries such as Austria, Belgium, Denmark, Germany, Netherlands, Switzerland, Canada, and Mexico where license is given for legitimate sex industry in those countries. The industry is a source of revenue to the state when tax is imposed on the business premises. While in some countries including Thailand, Philippines, Indonesia, China, Vietnam,

India, Africa, the sex industry is illegal but the industry is considered to be "tolerated and regulated" (Dong Alley, Surabaya). Structurally, the industry has its internal social system that complicates efforts to prevent trafficking of persons, especially those who are vulnerable, namely women and children. Trafficking hinges on the business and profitability. Capitalism has made the business profitable due to the right investor supply and demand, regardless of where the supplies can be obtained, whether voluntarily or under duress. The existence of this industry in the social structure through "underground" has created a difficult barrier to be addressed. The issue of human trafficking, on the other hand, is seen as a new normal that is acceptable in the practice of capitalism to meet the demands of supply and demand without considering the issue of morality. If you prefer sex with a prostitute (in the study of sexual workers) only among certain people, it can be taken up by anyone at any time. The new normal in this study are sex workers, in terms of sexual exploitation through human trafficking crimes spurred by globalization, the cross-border crime is difficult to eradicate as the syndicate is well organized and cunning as well as among those involved are popular figures. However, the involvement of influential figures cannot be proved, because it is well planned, systematic and hidden.

Issues and Solutions for Human Trafficking and Sexual Exploitation

In Malaysia, human trafficking for sexual exploitation is a serious issue. Statistics show the increase in the number of victims who are rescued by the police every year. Table 2 shows the type of exploitation in the interpretation of section 2, Anti-trafficking in persons and anti-smuggling of migrants act 2007 from 28/02/2008 until 31/12/2015. For offences under exploitation, sexual exploitation clearly shows the highest number of 576 cases from 2008 to 2015. During the same period there were 341 cases of labour while none for slavery, servitude and the removal of human organs. For the other offences, the exploitation of the visa had 63 cases, followed by 39 cases of infant exploitation and 26 cases of smuggling of migrants (before the amendment of the ATIP Act). Hence, it clearly shows that the country faces the problem of human trafficking and sexual exploitation. Demand for prostitutes is always there and increases from year to year. This is a threat to national security and human security.

Table 2. Types of Exploitation in the interpretation of Section 2 AAO 2007 from 28/02/2008 until 31/12/2015

| Bil | Offence | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|-------|---|------|------|------|------|------|------|------|------|-------|
| 1 | Exploitation | | | | | | | | | |
| | 1.1 Sex | 17 | 108 | 67 | 52 | 102 | 58 | 105 | 67 | 576 |
| | 1.2 Forced Labour | 0 | 25 | 34 | 46 | 66 | 40 | 80 | 50 | 341 |
| | 1.3 Slavery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 1.4 Servitude | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 1.5 Removal of Organs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2 | Other Offences | | | | | | | | | |
| | 2.1 Offence Under Immigration Act | | | | | | | | | |
| | 2.1.1 Smuggling of Migrants (Before ATIP Amendment) | 0 | 15 | 11 | 0 | 0 | 0 | 0 | 0 | 26 |
| | 2.1.2 Visa Exploitation | 0 | 0 | 0 | 10 | 22 | 2 | 0 | 29 | 63 |
| | 2.2 Selling Babies | 0 | 3 | 20 | 9 | 5 | 0 | 1 | 1 | 39 |
| Total | | 17 | 151 | 132 | 117 | 195 | 100 | 186 | 147 | 1045 |

Source: Anti-Trafficking in Persons and Anti-Smuggling of Migrants Council (MAPO), 2018

Table 3 shows the breakdown of the human trafficking victims rescued from sexual exploitation cases from 2008 until 2015. This table shows that overall, Vietnam reported the highest number of victims (348 victims), followed by Indonesia as 321 victims, and a total of 190 victims in the Philippines. China reported a total of 54 victims. The grand total was 1066 victims. The highest number of victims was in 2012 totalling 194 victims. Statistically, there was a decrease from 167 victims in 2013 to 141 in 2014.

However, in 2015, that number increased to 182 victims. This shows that there is an increase in demand for prostitution and continues to exist. In the past, most of the prostitutes were from Indonesia. Now there are prostitutes from the Philippines and China. In comparison, there is more demand for prostitutes from Vietnam. Why is this happening? Vietnamese citizens are traded in terms of sexual exploitation, knowing that they will work as prostitutes. As one of the enforcement officer said:

“The fee is also low on the customers. For example, for a fee of RM50, services provided are ‘all in’ and ‘extra’. Customers also feel satisfied with the services. Compared with the case of China, they demand, calculative and offer poor quality services” (RMP 1, June 12, 2018)

Table 3. Sexual exploitation cases from 2008-2015

| Bil | Citizenship | Victim's on Protection Order (PO) | | | | | | | | Total |
|-------|-------------|-----------------------------------|------|------|------|------|------|------|------|-------|
| | | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | |
| 1. | Indonesia | 15 | 45 | 61 | 34 | 51 | 46 | 33 | 36 | 321 |
| 2. | Philippines | 1 | 46 | 67 | 4 | 25 | 17 | 15 | 15 | 190 |
| 3. | Thailand | 7 | 18 | 11 | 5 | 17 | 12 | 8 | 21 | 99 |
| 4. | Vietnam | 2 | 18 | 10 | 6 | 58 | 73 | 84 | 97 | 348 |
| 5. | China | 0 | 2 | 7 | 5 | 26 | 7 | 1 | 6 | 54 |
| 6. | India | 4 | 1 | 2 | 2 | 1 | 5 | 0 | 4 | 19 |
| 7. | Malaysia | 0 | 0 | 0 | 4 | 7 | 1 | 0 | 1 | 13 |
| 8. | Kampuchea | 0 | 2 | 1 | 0 | 0 | 4 | 1 | 0 | 8 |
| 9. | Myanmar | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 1 | 6 |
| 10. | Uganda | 0 | 0 | 1 | 0 | 5 | 0 | 0 | 0 | 6 |
| 11. | Bangladesh | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| 12. | Laos | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Total | | 29 | 132 | 160 | 61 | 194 | 167 | 141 | 182 | 1066 |

Source: RMP 2018

Table 4 below is the statistics for cases under Protection Order (PO) in which the total number of cases from 2008 to April 2016 was 1469. The highest number under PO was in 2012, a total of 307 cases, followed by 235 cases in 2013 and in 2010 a total of 210 cases. In mid of 2009, there were 112 cases. The lowest number was in 2008, which accounted to 20 cases. The highest category of cases under the PO was sexual exploitation, a total of 916 cases from 2008 until April 2016. The second highest case was unpaid salaries totalling 361 cases, followed by 83 cases of smuggling of migrants. The forced labour had an average number of cases while the lowest conviction under the PO was the sale of organs. The sale of organs is a rare case in Malaysia compared with sexual exploitation and unpaid wages, which dominated much of the smuggling cases in Malaysia. In fact, most of the sexual exploitation victims who dwell in protected shelters have been deceived, exploited and are victims of human trafficking.

Table 4. Statistical cases under PO

| Protection Order (PO) |
|-----------------------|
|-----------------------|

| BIL | Types of Cases | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | TOT |
|-----|---------------------------|------|------|------|------|------|------|------|------|------|------|
| 1. | Sex Exploitation | 20 | 99 | 100 | 77 | 152 | 14 | 144 | 72 | 111 | 916 |
| 2. | Smuggling of Migrants | 0 | 2 | 11 | 12 | 1 | 6 | 24 | 27 | 0 | 83 |
| 3. | Selling babies syndicates | 0 | 0 | 5 | 3 | 2 | 0 | 0 | 0 | | 10 |
| 4. | Employer Abuse | 0 | 4 | 14 | 5 | 10 | 27 | 3 | 5 | 1 | 69 |
| 5. | Unpaid Salaries | 0 | 7 | 76 | 18 | 142 | 59 | 40 | 4 | 15 | 361 |
| 6. | Forced Begging | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 |
| 7. | Forced Labour | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 13 | 2 | 21 |
| 8. | Sales of Organs | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 10 | | 1 |
| 9. | No Permit | | | | | | | | | 6 | 6 |
| | Total Amount | 20 | 112 | 206 | 115 | 307 | 235 | 217 | 121 | 136 | 1469 |

Source: Rumah Perlindungan 5, Kuala Lumpur, 2018

Referring to the tier ratings that have been determined by the United States, Malaysia is ranked Tier 3 in 2009, followed by tier 2 (watch list) for four consecutive years from 2010 until 2013 and automatically down to tier 3 in 2014 and is ranked tier 2 (watch list) for 2015 until 2016. Malaysia needs a lot of effort, improvement in addressing the issue of human trafficking. United States determined this tier rating based on what was done by Malaysia. However, the question arises why in 2015 Malaysia was up to tier 2 (watch list), when Malaysia did not make any amendments in the Trans-Pacific Partnership Agreement (TPPA) as suggested by the US. Malaysia signed the agreement when the issue (TPPA) was taking place.

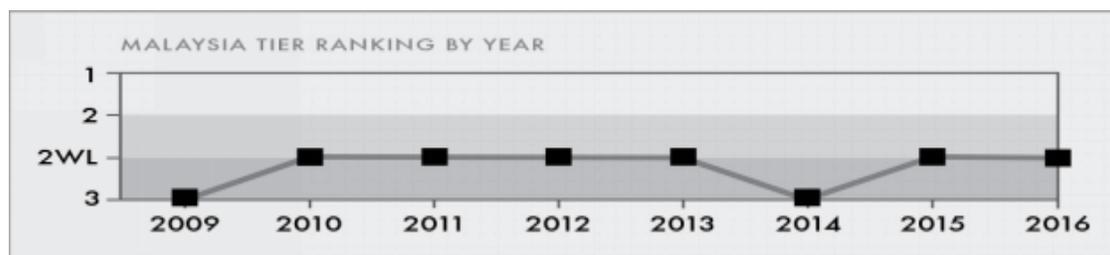


Figure 2. Malaysia's tier ranking from 2009 to 2016

Source: TIPS Reports 2018

According to the statistics, many victims are foreigners. Malaysia as a transit and destination country has to bear the high number of foreigners. Malaysia is a hub for prostitution. Why does this happen? Are there no strong laws in Malaysia? Malaysia has strict laws, but traffickers are not afraid of the law because of the amount of profit, and there are some personnel who are directly involved in assisting this crime. This is an issue that needs to be addressed and eradicated. Below are some of the case studies conducted by the ATIP police in addressing the issue of human trafficking and sexual exploitation. The case studies conducted by the ATIP police clearly show that effective efforts have been made by the government in combating and eradicating human trafficking.

There are two case studies thru interview human trafficking for sexual exploitations victims:

Case 1: Molly (not real name)

Molly was from Indonesia. She was poor and came to Malaysia lawfully in order to improve her standard

of living. Molly's parents advised her to go to a foreign country when they witnessed the neighbours having luxurious life after their family member migrated to Malaysia. The neighbours also told them about the job and the salary. Molly's family did not know that the neighbour was a middleman for human trafficking crime. Based on trust and wanting to improve the family's life and hers, Molly travelled to Malaysia after all documents were prepared by the neighbour. Upon reaching Kuala Lumpur International Airport (KLIA), Molly was welcomed by the 'friends of the neighbour' but she was unaware that she had been sold to them. Molly was placed in a hotel and then the neighbour revealed she had been sold to a pimp to work as a prostitute. For two months, Molly was treated like a 'beast' with no sense of humanity. She was unable to resist but only surrendered herself and indulged in sexual activity. She had become a prostitute and had to serve many customers even when she was tired and unwell. She was often ignored and the pimps tortured her without mercy. At times, Molly was even forced to serve customers during her menstruation. She was compelled to smoke, took alcohol and ecstasy pills. Molly was fortunate after seeing hell for two months in Malaysia, she was finally rescued by the police during the raids. She can no longer wait to go home to see her parents.

Case 2: Nguyen Min (not her real name)

Nguyen Min came from Vietnam. Her poor standard of living and poverty forced her to come to Malaysia to work as a prostitute and to get easy money with this job. From the beginning she knew that she would work as a prostitute. She agreed travel to Malaysia where life is more comfortable. She had an approved tourist visa and may return to Vietnam after the predetermined period. She can visit Malaysia again. Upon arrival at the destination, she was placed in a bungalow under the care of a pimp. The pimp had sex with her before servicing other customers. She had to work in a night club and brought to different locations to service customers. She was watched by a bodyguard. However, she was given wages that was not worth for the services she rendered. She was often beaten by the pimp for not following his orders. She was given pills, drugs, and alcohol. A raid conducted by the police saved her. She is however, under custody now. She regrets she has no longer works for money at the expense of misusing the tourist visa.

With reference to the two case studies, both were victims of human trafficking for sexual exploitation. The woman from Indonesia was unaware that she will work as a prostitute while the Vietnamese victim knew from the beginning. Human trafficking not only involves the sale and purchase but also the element of women exploitation. The main issue is women are trafficked into prostitution and exploited. This indirectly causes major implications for the victims in terms of human security. Human trafficking is one of the major crimes. The economic security clearly pushes them into prostitution which is a dangerous job. The victims undergo trauma in many aspects, or even physical health. Advocates of human security use the slogan 'freedom from fear, freedom from want' (UNDP, 1994), but in real life it is different for the victims (prostitution) of human trafficking. They are not free, insecure and threatened. They have sufficient income, after offering sexual services, for basic expenses and other requirements. However, wages paid for their services are meager, sometimes not worth the services rendered because have to settle debts to the syndicate. So the victims' life is totally unsafe and insecure. Hence, this clearly shows that the victims are not only discriminated, but at the same time their safety are not guaranteed. Victims always live in fear, feel insecure and hope to be paid proper wages. There are also implications of health where they are exposed to infectious diseases, sexually transmitted diseases, bleeding in the vagina, sufferings from physical injury, undergo sexual, emotional and mental problems. Sometimes they await to end their life.

The increasing number of human trafficking victims for sexual exploitation gives threat to national security and human security. The state has been threatened in terms of national sovereignty and national security. The number of cases for human trafficking and sexual exploitation increase every year. Prostitution is illegal, but it has become a widespread industry in Malaysia. Employers bravely have violated the country's laws and regulations. Their activities are endless and are always rising. As long as

there is demand, the supply will be available. In addition, the tier category also gives a negative image of the country. Such countries are considered unsafe to make investments. The country has become a hub for prostitution activities due to unscrupulous people.

In addressing these issues the government has made effective efforts. RMP 2 said:

“Focusing on enforcement, we do a lots such as raids, arrests and strict enforcement of law. It has also organized intelligence cooperation with some foreign countries. The government has also set up a task force at High-Level Committee (HLC) about human trafficking” (RMP 2, October 18, 2018)

RMP 1 agreed with RMP 2. Malaysian government also has made appropriate amendments as suggested by TIP Reports. Malaysia established her own secretariat to handle human trafficking and smuggling of migrants cases. The Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) is led by Ministry of Homes Affairs. In an effort to improve its ranking on US TIP Reports, the Malaysian government has also formulated a National Action Plan on Trafficking in Persons 2010 – 2015 and 2016 – 2020. Malaysia had signed memorandum of understanding (MoU) with other countries in combating and eradicating human trafficking such as the working group on human trafficking and people smuggling (Australia), MoU on Immigration incorporate TIP and people smuggling (United Kingdom), MoU on Immigration incorporate TIP and people smuggling (Netherland), capacity building prosecution and enforcement (United States of America), capacity building shelter homes assessment (IOM-OIM), MoU on TIP (in the pipeline) (Thailand) and MoU on TIP (in the pipeline) (Cambodia). Malaysia has superb relationship with international entities such as International Organization for Migration (IOM), United Nations Inter-Agency Project on Human Trafficking (UNIAP), United Nations High Commissioner of Refugees (UNHCR) and United Nations Office Drugs and Crime (UNODC). Malaysia also constantly participated at the regional and international forums such as ASEAN Ministerial Meeting on Transnational Crime (AMMTC), Senior Officials Meeting on Transnational Crime (SOMTC) and Bali Process (MAPO, 2018).

DWD also do an efforts to eradicate this crime with giving care and protection to victims of human trafficking. DWD 1 said:

“The victims, who have been rescued and identified, are placed at a shelter for a period of time. In the shelters, the victims participate in a variety of activities to enhance their confidence, motivation and are given appropriate protection to assure victims’ safety” (DWD 1, May 8, 2018)

In terms of imparting information, multiple advertisements and campaigns, broadcasting television dramas and movies with the theme of human trafficking, information on the radio, academic forums and other forms of initiatives are carried out, but the problem of human trafficking is still rampant.

5 Suggestions for Improvement:

The Malaysian government has undertaken various efforts in combating and eradicating the issue of human trafficking, but the problem is more widespread with the increasing number of victims and the ranking implications for Malaysia are not good in tier emplacement by the US. The main causes arise from foreign countries. However, Malaysia received the implications and negative images from other countries as a transit and destination country for human trafficking and labelled as a hub of prostitution. Thus, there are some recommendations for improvement to overcome the problem of human trafficking for sexual exploitation.

The Malaysian government should reduce the push and pull factors for supply and demand. This is because as long as these factors exist, the issue of trafficking in persons, especially in terms of sexual

exploitation will not be solved completely. The Malaysian government should also reduce corruption among government officials by imposing appropriate penalties on those involved in corruption. Appropriate punishment to offenders should be imposed. Conducting more frequent raids on premises related is also necessary. There should be cooperation with countries that have most victims of trafficking and have discussions on how to restrict the entry of a relatively high number for the country's security and sovereignty. Awareness campaigns should be continuous and not seasonal. The campaign to prevent prostitutes should also be given. This is because as long as the demand for prostitutes exists, the supply will be provided and there will be no end to this humanitarian crime. The authorities are unable to prosecute the leaders of the syndicate, thus making the problem more difficult to overcome. Furthermore, the cooperation from victims is very difficult to achieve. This is because the victims say, "If I help u (police) and give cooperation to you, when I go back to the village who will help us. We owe the syndicate RM10000. How could we redeem? What about my family's position and guarantee for their safety?" There are also constraints when the victim changes her statement making it complicated to convict the trafficker. In addition, the enforcement officers involved are often slow in handling the case. This is due to the police personnel who are not specially trained in human trafficking cases. Hence, the Malaysian government needs to establish a special unit to focus on human trafficking cases and cooperation from the shelter occupants. In addition, shelters should also be improved and multiplied by zone. The government also needs closer cooperation from various non-governmental organisation (NGOs), both internal and external not only with selected NGOs.

6 Conclusion:

Human trafficking for sexual exploitation is a threat to national security as well as human security. This problem is a universal and there is an urgent need for cooperation from various parties in combating and eradicating this issue. Malaysia has made various efforts, but not succeeded completely. The matter has to be given serious attention from time to time so that the issue affecting universal humanity can be eradicated. The findings of the research show that while globalization may be the platform for human trafficking for sexual exploitation, it is the constant demand for prostitutes that helps to propagate the ever expanding crime in Malaysia. The Malaysian government has been doing efficient and effective efforts in addressing the issue through legal aspects, enforcement, custody and protection, media and publicity, as well as cooperation with foreign countries, but the problem is difficult to be completely eradicated due to the various obstacles that need to be improved from time to time.

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