

THE SERIOUSNESS OF WOMEN TRAFFICKING IN MALAYSIA: PERSPECTIVES FROM POLICY MAKER AND IMPLEMENTERS

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ABSTRACT

In the recent years, Malaysia has been recognized globally as a destination, transit yet to a certain extends, a source country for women trafficking syndicates. A high demand for women in the sexual industry has caused them to be vulnerable and easily fall into the hand of greedy traffickers. In addition, the Ministry of Home Affairs also reported that the case of sexual exploitation is on top of the list of human trafficking crime in the country. This paper presents the seriousness of women trafficking in the context of Malaysia by highlighting on the five main contributing factors which are globalization, migration, profitable business, corruption and weak law enforcement. Due to its hidden in nature, people tend to overlook the seriousness of this issue in the country. This study then 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 a serious issue in Malaysia with migration as the main factor due to weak border security protection and smuggling activities. Following that, law enforcement is also another grave concern of this issue for various obstacles and challenges in 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, sexual exploitation, migration, border security.

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 recent 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) 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. This phenomenon is actually a form of threat to Malaysia's national security and also a tragic deprivation of human rights especially among women. 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 general people. In fact, people also tend to overlook the seriousness of this issue in the country. The reported number of women trafficking cases is not the only indicator to determine the seriousness of this issue as it is argued that many cases goes unreported. Even one case of women trafficking for sexual exploitation is considered serious due to its 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 that, the government also has established a National Action Plan against Trafficking in Persons (2010-2015) as a preventive measure to strengthen the fight against 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 and the implementers. 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 concentrates on the seriousness of women trafficking issue in Malaysia by looking into the factors contributed to it from the perspectives of the policy maker and implementers 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.

Human Trafficking In Malaysia

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 arriving 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 also some 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.

Globalization is a complex phenomenon that covers the features of political, social, economic, trade, technological and cultural. In today's world, the moving aspects of the advent of globalization are stimulating and advancing the growth of trafficking in person crime (UNODC, 2006). Thus, women tend to be vulnerable as they become the victims of the rapid globalization and modernization process. 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. Shelley (2010) further argued that, the advancement of communication technology such as the internet facilitated trafficking in person to buy and sell women by just a mouse-click. Because of the mobility of people across the borders become easier, this also facilitates traffickers to trade women to be exploited as the method for the trafficking becomes easier. 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. In short, 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. Thus, the process of globalization allows trafficking in human to become easier and faster in many ways.

Migration is another major problem that contributed towards the issue of women trafficking in Malaysia. This is due to the fact where Malaysia is a host to 4.1 million migrants where 2.1 million are legal (Ministry of Finance, 2013) and two million are illegal (Maierbrugger, 2013). It is also globally known as a developing country due to its growing economic and thus, it managed to attract many migrants mostly from other developed and less developed nations who are looking for job opportunities abroad. According to the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants Malaysia (2010), migration leads to labor trafficking and sex trafficking due to exploitation by deceitful individuals and syndicates. 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). In fact, the syndicate also provides passports, flight tickets and other travelling documents to make they seem real and trustable. This is then supported by Newman et al. (2008) that, most of the victims are trapped into human trafficking because of the assurance for better employment and better social facilities in the targeted destinations.

Apart from globalization and migration, the reason behind continuous rise of women trafficking is the profit. Human trafficking is believed to be one of the most profitable industries in the world that generates billions of dollars. It is also reported as the second lucrative business after drug trafficking (Sheila Devi, 2013). Besides that, she also added that human trafficking is closely linked towards 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. According to the Council of Anti-Trafficking in Persons and Anti-Smuggling of migrants (MAPO), there are so many prostitution and entertainment centers, and also massage parlor which caused a high demand and influx of young women in Malaysia. In addition, a study made by Kara (2009) also stated that, women

trafficking are far more profitable than drug trafficking as a human female can be used by the customer again and again. Moreover, based on the official statistics report from the Ministry of Home Affairs (2012), the cases involving sexual abuse or exploitation ranked the highest list of human trafficking crime in Malaysia with 57.9 per cent followed by forced labor with 26.0 per cent.

The complexity of the issue is then further worsens by corruptions. It is claimed that human trafficking encourages the practice of corruption. Corruption enables human traffickers to operate successfully either through bribes of public officials or collaboration of officials with criminal networks (Jones et al. 2007). 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.

On the other hand, in order to combat women trafficking, formulating legal provisions and policy only is still not enough. The main concern here 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 then may lead towards a serious gap between policy goal and real implementation. On the other hand, IOM (2010) commented that Malaysia still does not have adequate 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. Qualitative method facilitates in collecting reliable and valid data related to this research. It also allows the study of the phenomenon in natural setting in order to understand various issues based on the reality situation (Denzin & Lincoln, 2005). In fact, qualitative method also effective in identifying intangible factors such as social norms, socioeconomic status, gender roles, ethnicity, and religion; where the role in the research issue may not be readily apparent (Mack et al., 2005). This research employed both purposive and snowball sampling techniques which are more suitable with the nature and purpose of the research. Creswell (2007) stated that in purposive sampling, the sites of the study were selected as they can purposefully inform an understanding of the research problem and central issue of the study. It is also the most appropriate strategy as due to the requirement for a sample to be able to get high quality of data (Merriam, 2009). In addition, snowball sampling also effective in the data collection for this study as to approach one respondent in order to ask the respondent to introduce to another respondent that related to this issue. Snowball sampling is often used to search 'hidden populations', which is groups that are not easily accessible through other sampling strategies (Mack et al., 2005).

Besides that, this study adopted a few series of in-depth interview as its research instrument which involves asking informants some open-ended questions and probing whenever necessary to obtain data considered beneficial and needed for this research. The data collected are deeper, richer and multi-faceted which provides better understanding on the discussed issue. Thus, three agencies involved in the interviews 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 of Anti-Trafficking in Persons and Anti-Smuggling of Migrants (D7) of the Royal Malaysia Police Bukit Aman branch and also the National Human Rights Commission (SUHAKAM). 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, the interview sessions ended in an hour where it applied the semi-structured interviews with open-ended and less structured questions. A set of questions given were asked to the respondents which focuses on the issues related to the phenomenon of women trafficking in Malaysia.

The analysis process for this qualitative research begins by preparing the data and identifying the constellation of words written or also recorded and transcribed based on the in-depth interviews that answering the research questions. This study identifies the themes and also finds the key findings that answering the research questions and objectives from the transcribed interviews and also from the official documents that being suggested by the respondents during the interview sessions. Findings and discussion of this paper is blended together in a narrative form to further argue about the seriousness of women trafficking in Malaysia.

Findings

The key findings of this paper is presented based on the key themes focused on in this study which are the five contributing factors that influenced the seriousness of women trafficking issue in Malaysia; 'Globalization', 'Migration', 'Profitable Business', 'Corruption' and 'Weak Law Enforcement'. For the purpose of protecting the identity of the six key persons, pseudonyms were used to represent them where three key persons from Ministry of Home Affairs: [MOHA 1; MOHA 2;

MOHA3]; two key persons from Royal Malaysia Police: [RMP 1; RMP 2]; and one key person from SUHAKAM: [NGO1]. During the in-depth interview sessions, the respondents were asked about their perception on the level of seriousness of women trafficking issue in Malaysia. Further, the respondents were asked about the contributing factors of women trafficking in Malaysia, all of the six respondents involved in this study shared various views. Notably, all of them agreed that the five factors are among the contributing factors towards the discussed issue. Besides, after analyzing the whole discussion, it 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. Following that, law enforcement is also another main factor 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.

The Level Of Seriousness Of Women Trafficking Issue In Malaysia

The findings of this study revealed that almost all key persons who involved in this study agreed that the issue of women trafficking issue in Malaysia is quite serious. Among the reasons given by the respondents include: women were mostly rescued, mostly exploited and high demand for trafficking, especially for sex trade. As exemplified below:

If according to the statistics, *women trafficking happen the most and women are the most that being rescued* (Respondent MOHA2, Italicized emphasized added).

[...] So, yes. *It is true that women are the most involved in sex trafficking.* [...] Why women? *Because they are the most to be exploited.* [...] Okay, *the reason of its seriousness is because of the demand in here.* There are *high demands from entertainment centers, massage parlor, brothels and all of those kind of places.* [...] It is surely *woman trafficking is the highest.* [...] Yes, there are labor trafficking cases but with a lesser case. [...] *So, it is true that women victims are the most that being rescued.* [...] *So, yes. It is a serious case in Malaysia* (Respondent RMP1, Italicized emphasized added).

The findings revealed the level of seriousness of women trafficking issue in Malaysia, from the perspectives of policy maker and implementers who deal with this issue directly and indirectly.

Globalization

To delve more into the issue, the respondents shared their perspectives on the factors that contributed towards the seriousness of this crime. 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:

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, italicized 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 NGO1, italicized emphasized added).

The conversation on the factor of globalization only revolved around the surface but it can be understand that globalization is among the contributing factors towards this phenomenon. The key findings derived from this factor can be summarized as woman trafficking is a global phenomenon which is a transnational crime. There are high demands for it especially for women and globalization somehow facilitates the syndicate to operate smoothly 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 them agreed that migration is a major contributing factor towards this issue. Responses and the key findings for the factor of 'migration' are listed as below:

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, italicized emphasized added)

Most of the time at Malaysia [...] *It starts with smuggling then becoming a trafficked victim.* [...] You still get issue on trafficking but it's actually *smuggling first, basically they are smuggling this people, but when arrived here, the victims had to do other job.* Usually like that. (Respondent MOHA1, italicized emphasized added)

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, italicized 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 emphasized added)

People need to understand that smuggling can be from land or from the sea. Then how long is Malaysia's border? *If we put the whole citizens of Malaysia at the border, it does not guarantee the problem will be solved.* (Respondent MOHA2, Italicized 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 NGO1, italicized emphasized added)

Therefore, it can be summarized as among the key findings include migration is a contributing factor towards the issue and in fact, 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 factors that being investigated is profitable business. All of the six respondents involved in this study shared their perspectives on this factor and mostly agreed that trafficking in women is a very lucrative and profitable business.

[...] *High demands from the entertainment centers, massage parlor, brothels. [...]* Among the researches people did, *it involved hundred millions.* (Respondent MOHA1, italicized 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 NGO1, italicized emphasized added)

Thus, 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. It is a 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 factors that being investigated contributing towards women trafficking issue in Malaysia is corruption. For this factor, different perspectives from the key persons involved as they looked into the matter at a different level. Although there are various views, in the end, the respondents agreed that corruption is also among the contributing factors towards the phenomenon.

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, italicized emphasized added)

It's happening at Sungai Dua, Penang. A lorry brought 20 Rohingya's migrant, arrived at one place, the police made a roadblock, brought back RM 20, 000, and the lorry was let go. [...] 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, italicized emphasized added)

[...] *But recently we caught one of the Border Enforcement Agency's (AKSEM) 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, italicized 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 NGO1, italicized emphasized added)

Although mostly the government officers refused to admit it at first, yet they acknowledged that corruption happens in relation to this issue. Therefore, among the key findings where it is true that corruption facilitates the 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 trunacy and loose at the border entrance that also facilitates women trafficking syndicates.

Weak Law Enforcement

The fifth contributing factors that being investigated contributing towards women trafficking issue in Malaysia is weak law enforcement. Although there are some contradict views, in the end, the respondents agreed that more improvement is needed to be done in term of policy implementation and enforcement.

[...] 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, italicized 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, italicized 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 NGO1, italicized 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 NGO1, italicized emphasized added)

There are a lot that have been discussed on weak law enforcement where the key findings include weak law enforcement, bureaucracy, lack of coordination, lack of awareness and knowledge, lack of training and communication problem due to language barrier.

Discussion

Throughout the entire in-depth interviews process, the discussions and sharing sessions proved that woman trafficking is currently occurring in Malaysia where the numbers of cases are increasing due to several factors. This shows that this issue is at a serious level which needs 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. In this study, majority of the key persons totally 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. Among the key findings of why it is at a serious level from the respondents is firstly because of the women is mostly being rescued. The legal advisor further stated that this is due to the nature of the crime. Secondly, it is because of they are easier to be deceived as women are more vulnerable towards being trafficked as sex commodity. This means that there are most exploited then men and children which contributed towards the seriousness of the case. Thirdly is because of the high demand in the country and also globally. The police inspector explained that, there are an increasing in demands for instance from 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, it is obvious that due to the facts that women are the most that being rescued, this proved that the level of its seriousness in this country is really in concern and must not been taken lightly 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 the Ministry of Home Affairs (2012) that, the issue of women trafficking in Malaysia is really at a serious level as to compare with men and children. Besides that, the case of trafficking in persons highlight as ninety-six per cent of the victims that are females and almost half are children which is also in line with the findings of this research. Sheila Devi (2013) then stated where human trafficking has been constantly victimizing women and children globally.

The seriousness of women trafficking issue in the country also being influenced by several factors. From the perspectives of the respondents, it is obvious that migration is the main contributing factor due to weak border security protection and smuggling activities. This is because according to them, smuggling of migrants can become trafficking and most of the victims of trafficking in Malaysia are migrants which mostly among women. The problem of human and women trafficking is particularly significant in Malaysia with its high number of migrants in the country. 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) 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.

Following that, law enforcement is also another grave concern of this issue for various obstacles and challenges in the implementation process. During the interviews, when the respondents were asked about weak law enforcement, they provide different perspective of views. 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. Moreover, 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.

Besides that, globalization is another factor that eases the process of the crime as according to the respondents. 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 policy advisor from SUHAKAM stated that, 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. Besides, this statement is also 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. Secondly, is because of the high global demand especially in sexual industries as it is an international business which not just based in a country but across borders. Literature review also 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. In fact, this is also supported by 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.

Other important factor is trafficking in women where it is a profitable business. All respondents totally agreed that woman trafficking is a very lucrative business with billions of profits globally although they also discussed about it just on the surface. 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.

Last but not least where corruption is also causing this issue to become worst. 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 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 entryptpoint 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).

Conclusion

It can be concluded that in order to understand the seriousness of women trafficking issue in Malaysia, there are also some contributing factors that further complicates the problem. 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 then is also supported by 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. Besides that, 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. According to Sheila Devi (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.

Instead of migration, as mentioned before, 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. This is also supported by Wan Nur Ibtisam (2014) and Kara (2009) 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.

On top of all that, 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. That is the reason why inter-agency cooperation together with the civil society need to work together to ensure that the policy is able

to be implemented effectively and efficiently. Despite of few amendments being done on the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (2007), it still does not guarantee effective enforcement of the law by the key persons as they need capacity building in terms of more trainings, knowledge and integrity about the issue especially to the related officers and also officers at every levels. The awareness programs also need to be enhanced and be taken seriously as it is one of the preventive actions that will bridge the gap between policy implementation and the enforcement process.

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.

References

- Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act, of 2007, 670 (2010).
- Council for Anti-Trafficking in Persons. (2010). *National Action Plan against Trafficking in Persons (2010-2015)*.
- Cresswell, J. W. (2007). *Qualitative inquiry & research design: Choosing among five approaches (2nd ed.)*. Thousand Oaks: Sage Publications.
- Denzin, N. K. and Lincoln, Y. S. (2005). *The Sage Handbook of Qualitative Research (3rd ed.)*. Thousand Oaks: Sage Publications.
- Department of Information. (2011). *Human trafficking and smuggling of migrants*. Kuala Lumpur: Department of Information.
- Haynes, D.F. (2008). *Human trafficking and migration*. In A. Bullard (Ed.), *Human rights in crisis* (pp.111-128), Hampshire: Ashgate Publishing Limited.
- Ibtisam, W. N., R. N., & Cheong, K. C. (2014). *Human Trafficking in Malaysia: Bureaucratic Challenges in Policy Implementation*. Sage Publication, 1-18. Retrieved March 4, 2016, from aas.sagepub.com.
- International Organisation for Migration (IOM). (2010). *An assessment of Malaysia's shelters for trafficking victims*. Kuala Lumpur: IOM.
- Jones, Loring; Engstrom, David W.; Hilliard, Tricia; and Diaz, Mariel (2007) "Globalization and Human Trafficking," *The Journal of Sociology & Social Welfare*: Vol. 34: Iss. 2, Article 8. Available at: <http://scholarworks.wmich.edu/jssw/vol34/iss2/8>
- Kara, S. (2009). *Sex trafficking: Inside the business of modern slavery*: Columbia University Press. Martin, P. P. (April 24, 21012).
- Mack, N., Woodsong, C., MacQueen, K.M., Guest, G., Namey, E., 2005. *Qualitative Research Methods: A Data Collector's Field Guide*. FLI
- Maierbrugger, A. (2013, August 28). *Malaysia to hunt down 500,000 illegal foreigners*. Investvine. Retrieved from <http://investvine.com/malaysia-to-hunt-50000-illegal-foreigners/>
- Malaysia Trafficking Routes available at <http://www.protectionproject.org/wp-content/uploads/2010/09/Malaysia.pdf>
- Merriam, S. B. (2009). *Qualitative research: A guide to design and implementation*. San Francisco, CA: Jossey-Bass.
- Ministry of Home Affairs. (2012). *Data on human trafficking in Malaysia*. Putrajaya: MOHA.
- Ministry of Finance. (2013). *Economic Report 2013/2014*. Kuala Lumpur: Percetakan Nasional Malaysia Berhad.
- Newman, E., & Cameron, S. (2008). *Introduction: Understanding human trafficking, Trafficking in humans: Social, cultural and political dimensions*. New York: United Nations University Press.
- Shelley, L. (2010). *Human trafficking: A global perspective*: Cambridge University Press
- Sheila Devi (2013), *Human Trafficking in Malaysia: Trends and Challenges*. Proceedings of the Global Conference on Business, Economics and Social Sciences. pg. 161 – 172
- Trafficking in Persons Report (2009) Department of State. Unites States of America. Available from: <http://www.state.gov/j/tip/rls/tiprpt/>.
- United Nation Convention Against Transnational Organized Crime: Annex II, Section Article 3, p.42 – 43, 2000.
- United Nations. (2000). Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime. Retrieved from http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
- United Nations Office on Drugs and Crime [UNODC]. (2006). *Trafficking in persons: Global patterns*. Retrieved December 14, 2006, from http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf
- United Nations Office on Drugs and Crimes. *An Introduction to Human Trafficking: Vulnerability, Impact and Action*. (Vienna, 2008).
- United Nations Office on Drugs and Crime. (2012). *Global report on trafficking in persons 2012*. Vienna, Austria: Author.
- Van Impe, K. (2000). *People for sale: The need for a multidisciplinary approach towards human trafficking* International Migration Review. 38(3), 118-131.