

Trafficking of Women and Children in Southeast Asia: Focus on Malaysia

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Abstract. *Trafficking in women and children for forced prostitution is one of the fastest growing transnational criminal activities in the world today. This illegal activity is considered the third largest source of profit for transnational organized crime, after drugs and weapons, generating billions of dollars annually. Although many countries are concerned about the problem, we know that not one of them has made much progress in stopping this trafficking in women and children. This paper presents the preliminary results obtained from an empirical study of the problem in Malaysia. Specifically, the study seeks to reveal the magnitude of the problem in Malaysia, and to determine the major sources and destinations of the women and children who are being trafficked. In addition, the efforts of the Malaysian government to curb the problem are being studied. The paper suggests that we should look at the problem from the perspective of the "human security" concept, which puts the security and well being of the individuals of a country as a top priority, and thereby strengthens the country as a whole, including its security as a state.*

Keywords: forced prostitution; globalization; trafficking; transnational organized crime; non-state actors; organized crime; Malaysia.

1. Introduction

It is common knowledge now that the world is increasingly becoming a "global village." It is a global village in the sense that it has made people of different nationalities, ethnic groups, and cultures closer than ever before, and different countries are more interdependent than ever before. Thanks to advances in technology, we are witnessing the rapid increase of cross-border and trans-oceanic transportation, communications--and both legal and illegal trade. If Marco Polo were alive today, perhaps he would not stay in China for 17 years, as history records he did in the years of the late 13th century. Rather, he might have breakfast in Venice, lunch in Dubai, tea in

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Bangkok and dinner in Beijing, all in one day. How the role of time and space in our lives has changed, due to technological achievements!

The rapid improvement of communication and transportation, for instance, has brought many benefits, helping to connect the most remote areas with the outside world. Nevertheless, these improvements have also had some negative effects—some of which are proving to have disastrous consequences. One such consequence is the increase in human trafficking, the transport of people against their will, for illegal purposes.

A common problem is that most of the general public, as well as many members of government and law enforcement in the countries involved, do not fully understand the issues surrounding trafficking. Education is needed to help them see the differences between “trafficking” and “smuggling,” an important distinction that is blurred by language and history. In this paper we use “smuggling” to refer to a situation in which a migrant has agreed—and perhaps has paid—to be secretly, and/or illegally, transported from one country, or other defined territory, into another. Such persons generally go their own way once they arrive at their destination, not being held under the control of any other person or group. “Trafficking,” on the other hand, involves coercion or deception of the persons being transported, and an ongoing control and exploitation of the victims after they arrive at the destination. Victims may be taken from one place to another within the same state or country, or may be transported to another country, but in any case they are manipulated and exploited for profit by organized crime syndicates or by other criminal elements.¹ With trafficking, human beings are treated simply as another commodity, along with illegal weapons and drugs, from which profit can be made easily.

As defined more precisely by the United Nations (UN), trafficking of human beings is:

“... 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 [another person’s] 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 includes... prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”²

The UN General Assembly has defined human trafficking to include "the illicit and clandestine movement of persons across national and international borders ... with [the] end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profits of recruiters, traffickers, crime syndicates..."³ This published statement by the world's major international institution documents its recognition and concern regarding human trafficking.

This paper is the first report from a research project begun in September 2003. It will continue until March 2005. The Faculty of Humanities and Social Sciences, Universiti Kebangsaan Malaysia (UKM) has sponsored it. The project seeks to investigate and explain the phenomenon of trafficking in Southeast Asia, especially trafficking in women and children, and its relation to the national security of Malaysia, one of the major "host," or "receiving," countries. The primary objectives of the paper are (1) to identify the "sending" or "source" countries--the countries from which trafficked victims originate; (2) to determine the major trafficking routes into Malaysia; (3) to identify the traffickers and their methods of trafficking; and (4) to consider innovative responses that might be more effective to deal with the problem. The United States government, in statistics published in 2002, estimated that the largest number of victims of trafficking—about 225,000—comes from Southeast Asia, and another 150,000 are from the countries of South Asia.⁴ These numbers are likely to have increased during the two years since then. Currently, each of the 11 sovereign states of Southeast Asia has served at once as a source of trafficked people, as an area through which trafficked persons are transported, and as a destination for those who are trafficked.

Certainly this is a problem that should be considered a threat to all of humanity. Especially we should be concerned about the children and teens--anyone under 18—who are trafficked and forced into slave-like conditions. They are sold into the sex industry; sent to other countries to be adopted illegally; used as beggars and to carry out criminal activities; and forced to serve as laborers, servants and even as soldiers. In short, they are forced into situations that endanger the health, safety, and morals of the children, and severely limit their freedom and ability to have life and work choices as adults.

We know that Principle Nine of the UN's "Geneva Declaration of Rights of the Child," has clearly stipulated: "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the

subject of traffic, in any form."⁵ This is an international expression of the belief that children represent the continuity of the human race--our collective future--and for that reason they should always be protected rather than abused and exploited.

The rest of this paper is divided into six major sections, after the introduction. The *first section* discusses the general concept of security in Southeast Asia--highlighting an approach that is as yet fairly new to the countries of this region, but which is essential to dealing with the problems of trafficking. The *second section* of the paper discusses in some detail how transnational organized crime (TOC) carries out general trafficking activities in the Southeast Asia region, focusing especially on how these trafficking activities enhance the power of TOC, making them capable of endangering not only the survival of the sovereign state as an entity, but--just as important--how their activities threaten the survival of the individual human beings within the state. The *third section* explains the research methodology used for this study. It discusses the kind of data being collected, and how it is being gathered. The *fourth section* presents the preliminary findings, providing an overview of trafficking, particularly of women and children, as it is seen in Malaysia. It is followed by the *fifth section*, which discusses how Malaysian governmental and nongovernmental organizations have so far addressed the problem, and then ends by the *sixth section* with some possible new approaches for dealing this problem of trafficking and its effect on the general security of Malaysia and of the overall region of Southeast Asia.

2. The Concept of Security in Southeast Asia

Security is of course an important concept in any state, in as much as it is essential for the state's very existence as a sovereign entity. In its simplest definition, security means safety, freedom from danger and risk, and defense against threat. Typically, it is held that states always seek security--for various reasons, but mainly to defend national boundaries against real or imagined threats.⁶ The countries of Southeast Asia are not unlike other countries, in that their definition of security puts the highest priority on the protection of their borders from immediate attacks, such as aggression from an external military force. From an international relations perspective, it would be accurate to say that states in Southeast Asia generally define their national security in traditional ways. This means that problems will be defined as security threats only if they endanger the existence of the state or the physical existence of the country. Even with this limited definition, it is

assumed that threats can appear in any form, at any time, and thus military preparedness is a high priority.

However, by the mid 1980s, we can see that Southeast Asia had begun to adopt an expanded "comprehensive" concept of security. In this concept, perceived threats to a country's security do not necessarily come in a military form or from a source outside the country's physical boundaries. Rather, threats can be nonmilitary in nature, such as certain transnational activities--illicit drug trafficking and abuse, human trafficking, weapons trafficking, extortion, counterfeiting, money laundering, and other such criminal activities. Threats can also arise from internal turmoil--communal strife, ethnic conflicts, and other economic and social conditions within a country. Furthermore, threats that originate in or impact on one country can also have a spillover impact on other countries.⁷

Thus, with the comprehensive security concept, the components of national security include such things as political stability, strong economic development, and social harmony. Conversely, if any entity, circumstance, or condition has the potential to negatively impact any one or more of those elements within a country, it also can negatively impact the security of the state as a whole.

However, even with this broadened concept of security, what constitutes a threat to a nation's security does not lend itself to a "one-size-fits-all" definition. What is defined as a threat by Myanmar, for instance, is not necessarily seen as a threat in Malaysia, and vice-versa. Such lack of consensus about what constitutes a security threat actually may have given rise to, or at least exacerbated, many of the nontraditional and transnational security issues that are currently of concern in the region of Southeast Asia. Certainly, disagreement about what constitutes a threat is a major factor complicating efforts to deal with problems such as human trafficking--problems which are transnational in nature and thus require transnational attention.

Another flaw in the approach to comprehensive security in the Southeast Asia region is that the primary entity to be protected is still usually seen as the state--which is often interpreted to mean simply the protection of the ruling regime, rather than protection of the well-being of the people, or of the country's cultural identity, or of the country's standing in the international community, etc. One reason that such an emphasis on protection of the ruling regime is likely to be problematic is that some regimes may pursue a policy of discrimination toward certain minority ethnic groups, under the guise of

“protecting state security.” In the long run, history has shown that such policies actually tend to undermine the security of the state, as the case of Saddam Hussein regime, former Iraq’s President, in Iraq. The regime sought to secure itself against opposition by employing repressive tactics against its own people. Imprisonment, exile or execution of internal enemies to reduce threats for reasons attributed to national security is common.

Increasingly, however, contributions from international organizations, scholars and other like-minded non-state actors, have brought attention to the problems engendered by the growing interdependence among countries in our world. Those problems, along with the more recently expanded definition of security, have helped to shift security emphasis from the protection of the state only, to include also the protection of the people within that state.

The idea of viewing the people of a state as a major referent object of security started even during the era of the Cold War, but it was not until the UN published its *Human Development Report 1994*, in which the concept of what was called “human security” was presented and defined, that the idea began to receive wide attention. The UN endorsement of the concept has played an important role, eventually causing many states to examine their perception of security threats, and to reevaluate their overall idea of security, as well as their own particular situation in regard to security.

The UN defined human security as, “First, safety from such chronic threats as hunger, disease and repression. Second, as protection from sudden and hurtful disruption in the pattern of daily life, whether in homes, in jobs or communities.”⁸ In addition, they also listed numerous conditions or situations that have the potential to become a threat to human security on a broad scale—such as famine, ethnic conflict, terrorism, pollution, and illicit drug trafficking, to name just a few. This definition proposed that human security is concerned with quality of life rather than being mainly concerned with weapons and defense against outside forces. In other words, human security gives priority to people first. This shift in focus from the state to its people is crucial to our understanding the complexity of the trafficking issue in the Southeast Asia region and in the larger world.

3. Transnational Organized Crime and Trafficking in Southeast Asia

For many years Southeast Asia has been known as a center of maritime trade. Today, the region has added human beings to the list of

commodities bought and sold there. Most of us would agree that this illicit activity is degrading to the human race, and should be considered a source of shame for our countries, our cultures, and our region.

Transnational Organized Crime (TOC) violates human rights,⁹ regardless of the gender, age, background, nationality, or other characteristics of the persons affected by trafficking. The profits of organized crime are gained by exploiting people who are vulnerable, poor and weak, to begin with. For instance, every year millions of children are being trafficked illegally into and out of Southeast Asia--being coerced and exploited in a variety of ways that are associated with organized crime. Upon reaching their destination, trafficked people become "uninvited guests" in a country. With no official documents, they are vulnerable in many ways. Not having the power to protect themselves, these and other trafficking victims need others to act on their behalf. Some action to help them obviously can be taken within the host country, but it is clear that no one state has the power to be effective in taking action to root out the source of the problem.

Organized crime was not considered to be a threat to a nation's security as long as security was defined in the traditional way, assuming that threats come from outside the borders of a state and are focused on doing damage to the state itself. Organized crime also tended to be associated with certain ethnic groups--the Italian Mafia, the Japanese Yakuza, the Colombian Drug Cartels, and so on. In fact, only a few years ago what is today called "organized crime" was commonly known simply as "the Mafia."¹⁰

In Southeast Asia, the Chinese criminal organizations, originally known as the Triad Societies, have been the major force behind many of the illicit transnational activities in the region.¹¹ This extensive "bamboo network" has been involved in, among other things, illicit drug trafficking, prostitution, gambling, and extortion. Their base is in Hong Kong, a city that gave rise to the opium trade in the mid 19th century. It has been reported that they have recruited girls as young as 13 years old, telling them that they will be paid as maids or actresses, and then are forced to become prostitutes. Those who do not cooperate are tortured into submission.¹²

Organized crime was once almost always associated with a disruption of domestic order from a central location within a country, but today it operates in more than one country, spinning a web that grows without regard to any national boundaries. In addition, individuals and small groups do not work autonomously in these activities. Organized effort must be used, for example, to facilitate the movement of trafficked people across national

boundaries. The networks provide the necessary contacts during transit in order to avoid the notice of the law. Today, the extent of the facilitative crime networks that have evolved to conduct illicit business is enormous and growing. The pervasive nature of the networks suggests that no national government in Southeast Asia or any other region can deal with the problem separately from the others.

In the field of security studies, Phil William is among the scholars who have made a major contribution to our understanding of transnational organized crime. In his important piece, "Transnational Criminal Organizations and International Security,"¹³ he argues that the ongoing process of globalization, with its ease of travel and communications, the permeability of national boundaries, and the globalize international financial networks, all have facilitated the activities of transnational criminal organizations.¹⁴ This new degree of threat from TOC has caught most countries off guard, as it has grown so quickly and insidiously. Governing authorities of states do not know the best means to use when they are faced with threats that are not the traditional military and political kind they are used to. In addition, the end of the Cold War also contributed to the worsening of the trafficking problems, because law enforcement personnel along national borders were reduced when they were thought no longer needed to protect a country from communist threat.

In the academic field of security studies, TOC is categorized under "non-state actors," because they do not represent any legitimate governments or any sovereign states in the world (even in cases where links between organized crime and government are well known). As "non-state actors," the traffickers are especially difficult to deal with, not only because their activities are illegal and harmful, but also because their existence is so nebulous and secretive that they often are not even officially recognized as being present and a threat in a given country.

Nevertheless, the forces of transnational organized crime threaten the security of any country that serves as the source of trafficked persons, or as a place through which trafficked persons are transported (a "transit country"), or as a destination for trafficked persons. TOC syndicates that are based in several countries, "commit their crime in at least one, but usually several host countries, usually where market conditions are favorable, and conduct illicit activities which carry a low risk of apprehension."¹⁵

Scholars have explained the nature of this TOC threat to a nation's security in several ways. First, as a rapidly expanding and enmeshed

transnational network, TOC is a threat because its illegal activities challenge and undermine the rule of law and the authority of the legitimate government in any state. For example, the illicit activities help create a cultural climate in which corruption in business and government is accepted as "normal," and thus the economic, political and social stability of countries is undermined.¹⁶ These organized criminal activities also foster dependence on illicit activities for economic survival, especially among certain minorities and among impoverished populations in both rural and urban areas. That dependence, along with the related corruption of authorities, tends to deepen the intractability of poor social and economic conditions, by preventing creative and courageous solutions that might otherwise arise from the people or from their government or non-governmental organizations. The overall result is a deepening sense of malaise and depression that spreads across the country, a sense of hopeless inevitability of the criminal way of life.

Next, the mere presence of trafficked persons coming into a country has the potential to easily spark communal strife, because the newcomers are likely to be different in their ethnicity, religion, language, etc. from the rest of the local community in which they come to reside. This can create internal disorder, including violence, which can be a precursor to ethnic conflict, another threat to both human and state security.

Over the long term, such conflict can also threaten good relations between a host country and source countries. Maintaining good relationships among the countries in the region is crucial for the stability of Southeast Asia, and for the world, especially because of the region's strategic location between the East and the West. Yet those relationships are continually being threatened by the presence and power of transnational organized crime and its trafficking activities.

Human trafficking is also closely tied to other transnational threats, including money laundering, the illicit drug and weapons trade, and the spread of Acquired Immune Deficiency Syndrome (AIDS). Each of those threats has the clear potential to undermine the security of a state, as well as affecting the overall security and well-being of the people who live there.

The Asian Pacific Ministerial Meetings on "People Smuggling, Trafficking in Persons, and Related Transnational Crime," which was held in Bali in the year 2002, have acknowledged that the problem cannot be dealt with by any one country alone, and recommended more coordination among governments in the region.¹⁷ Although it was reported that there had been some action taken to combat the problem of trafficking, the sad truth was that

more often than not it had been the victims who were punished, rather than the crime syndicates. It seemed clear that it would be more realistic to look at the problem from the perspective of the influence and power of transnational organized crime.

“Money laundering”--the process of converting illegally-gained money to make it appear legitimate, by moving it into licit businesses such as hotels and real estate,¹⁸ flourishes as a necessary step in the very profitable criminal trafficking enterprise. Not only is money laundering used to reduce the risk of the criminals being caught, but also to enhance their profits. Increasingly, the growing integration of the global financial system has provided more opportunities to launder money. Because such laundering involves a huge amount of money; it is difficult for many people to resist taking a share of it when the opportunity arises--and thus it automatically feeds human greed and corruption.

Although fighting money laundering helps to fight the criminal organizations that are involved in many of these illegal trafficking activities, not all countries have been willing to declare that money laundering is an illegal activity. (Indeed, it even seems that many people who ought to know better do not even perceive it as illegal.) And this fact greatly complicates the whole problem of trying to control all the related kinds of trafficking that are criminal in nature.

International organizations have taken some action against trafficking. In the year 2000, the “UN Convention Against TOC” promulgated the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children” under its “Trafficking Protocol” and the “Protocol Against Smuggling of Migrants by Land, Sea and Air.”¹⁹ The purpose of the efforts made by the UN was to prevent as well as to punish human trafficking, especially of women and children; and to promote cooperation among the various states involved.²⁰ Reports emphasized that victims of trafficking usually are at the mercy of long-term “career” traffickers; and even when victims are not taken out of their country, they are usually subjected to severe abuse and oppression.

4. Research Methodology

At the current stage of the research, this paper can provide only a preliminary review of the topic and what has been found so far. Both secondary and primary data has been collected. The secondary data being

collected provides the background and foundation for the research,²¹ and it relates to the first and fourth objectives of the research--(1) to identify the "sending" or "source" countries--the countries from which trafficked victims originate; and (4) to consider innovative responses that might be more effective to deal with the problem of human trafficking.

This secondary data has been collected from books, scholarly journals, monographs, conference proceedings, unpublished papers, magazines, newspapers, video collections, Internet websites, and other materials published in the public domain. To cross-check this data, the researcher has drawn reports and documents from the United Nations; Amnesty International; independent "think tanks" such as the Malaysian Institute of Strategic and International Studies (ISIS); the Council of Security Cooperation on Asia Pacific (CSCAP), the Human Rights Commission of Malaysia (SUHAKAM); the Women's Force (*Tenaganita*); the Malaysian Chinese Association (MCA); the Malaysian Bar Council; and the All Women's Action (AWAM). The last five mentioned organizations, have been active in assisting trafficking victims with legal advice, as well as promoting public awareness of the dangers of traffickers, especially of those who prey on women and young children.

Primary data, the heart of the research, will make the research an empirical study, and as such it stands to make an important contribution, not only to the security studies field, but also to practitioners, and to policy- and decision-makers. The primary data will relate to the second and the third objectives of the research--(2) to determine the major trafficking routes into Malaysia; and (3) to identify the traffickers and their methods of trafficking. It may also contribute to fulfilling the fourth objective, identifying innovative responses to the problem.

Primary data has been collected since January of this year (2004). Interviewing two groups of informants has collected it. In the first group are persons who have been the victims of trafficking activities in Malaysia. They include foreign women and children who have been forced into prostitution and begging, and who do not have official documents—a visa and passport. Due to time and financial constraints, this research will focus only on victims who live in the city center of Kuala Lumpur and the surrounding areas, *Chow Kit Road, Petaling Street, Jalan Bukit Bintang* and *Jalan Tunku Abdul Rahman*. Those are the busy areas where prostitution and begging are most visible. (The challenge for the researcher is to identify the real trafficking victims from the total number who volunteer to be interviewed.)

The second group of informants includes experts in fields that are in some way related to the human trafficking problems--police and customs officers, journalists, university professors (in Malaysia or overseas), and officials from women's associations (in Malaysia or overseas) have been interviewed. The researcher has also started to interview key officials who deal with the problem, from the Malaysian Department of Immigration; the Malaysian Royal Police; the Malaysian Welfare Department; and the Social and Cultural Affairs Section of the Ministry of Foreign Affairs, which monitors the problem of trafficking. (Close contact with the Assistant Secretary of this latter agency is being maintained, as this is the person who is in charge of dealing with the human trafficking issues in Malaysia.) In addition, some in-depth interviews are planned with hotel owners/operators, bar owners, travel agents, and if possible with actual traffickers themselves.

In many cases, interviewees will be asked to recommend other people who may be willing to be interviewed, using the so-called "snow-ball technique" to get more reliable informants. Interviews will be mostly conducted personally (face-to-face). However, phone, fax, email or regular mail (either in English or in *Bahasa Malaysia*) will be used when in-person interviews are not feasible.

In addition, the researcher plans to visit the Institute for Asian Studies and the Asian Research Center for Migration (ARCM) at Chulalongkorn University, as well as the Global Alliance Against Trafficking in Women (GAATW). They are all located in Bangkok, Thailand, in order to gain a better understanding of the patterns of illegal migration in the region. (Thailand is a country in this region that has conducted extensive research on the issue of human trafficking; and like Malaysia, Thailand is also a sending, a transit and a receiving country for trafficking victims. ARCM and GAATW are among the few centers in the region that have established research studies regarding human trafficking in Southeast Asia, and the GAATW has a worldwide network of researchers. Chulalongkorn University is one of the reputed universities to have the best collection in academia of research materials (reports, books, articles etc.) on human trafficking in Southeast Asia. Reviewing their publications and networking with the experts there will be a major contribution to this study. In addition, the researcher plans to make a visit to Indonesia, to gain a better understanding of the problems from the perspective of a sending country.

5. Preliminary Findings: Trafficking in Women and Children in Malaysia

This paper reports on the early findings in a study of trafficking in women and children in Malaysia, as one of the examples of non-military threats. A review of published research and statistics did not tell us much about the trafficking of human beings in Malaysia, and the available data is not broken down into separate categories for children and women. At this stage of the research, however, some information can be pulled together.

First, regarding the magnitude of the problem, we know, as stated earlier, that Malaysia is at the same time a source, a transit and a destination country for trafficking in women and children. Cases have been reported in which Malaysian children and women have been trafficked to Singapore, Hong Kong, Taiwan, and Japan, and forced to become sex workers. Second, it is clear that the crime syndicates are using Malaysia as a transit country.²² Victims usually come through airports, and crime syndicate representatives meet them with all the necessary documents--new passports, etc.--before sending them on to another destination. Third, as a destination country, Malaysia has been flooded with trafficked women and children, mostly from China.²³ A recent news article provides an example of what is happening. Carrying a headline of "Patpong Style Vice Den Busted," the story told how Chinese (from China) women between the ages of 17 and 25 were "made to parade on a three-tiered stage [within a cage constructed of one-way glass] with only a number tag on their naked bodies." "Interested" customers could see the women, but the women could not see outside the cage. Customers could choose the women they wanted, and were charged between RM 400.00 and 500.00 for the sexual services of these young women.²⁴ The article did not say how much, if any, of the money paid was actually given to the women. The reporter did not tell any stories of the women, but there is good reason to believe that they may have been trafficked and coerced into what they were doing. Finally, our findings indicate that the problem of trafficking involving Malaysia, bad as it is, is not as serious as it is in some other countries, including Thailand and Vietnam.²⁵

Chief among the factors that contribute to trafficking is simply ignorance, coupled with a set of economic and social circumstances that so often makes it easy for people to be lured by the false promises of traffickers. Because Southeast Asia is a region with a wide range of economic and social development, traffickers as well as their victims can be easily recruited from among those who are poor and have little or no education. Such people also

can be easily cheated or taken advantage of. They know little of the range of possibilities for making a living, even when a range of opportunities exists. In most countries the urban areas are much more developed than the rural areas. As a result, the more wealthy urbanized countries tend to become the host, or destination, countries, while poorer countries act as a source, providing the victims.

The second major factor contributing to the growth of trafficking is the "law of supply and demand." In Southeast Asia the recent overall rapid development in the region has coincided with an increased demand for prostitutes, and the traffickers of organized crime have seized the opportunity to profit from that demand. It is "a crime of opportunity," in which demand draws forth a supply, and it has helped organized crime to become rich by catering to that demand. The crime syndicates usually paint a bright picture for gullible victims, with promises of a better life. They succeed in luring people who are desperate for a ray of hope. The reality the victims find, however, is usually very different, as they become trapped in illegal business activities in a strange country.

It is true that some of the women and "children" (those under 18) in the prime age group of 17 – 25, may have looked forward to going to destination countries, believing that there were legitimate jobs available there. They are willing to take many risks. But after becoming coerced into, or deceived and trapped in illegal activities, these victims can find no way to turn back. They may be told by their syndicate bosses that in order to leave they must first pay for all the traveling expenses already incurred, as well as finding money for a return trip.²⁶ Since there is usually no way the victims can get the money for all that, they essentially are enslaved by their "employers."

Another factor is the easy stereotyping and assumptions made by police officers. Often, when a trafficked woman is "caught," she is automatically assumed to be "voluntarily" plying the trade of prostitution. As claimed by one of the police officers interviewed, "[Even if they were originally brought here by force or deception] they knew that they had been cheated. If they wanted to, they could run away, but they choose not to."²⁷ The fact is, in any individual case the police do *not* know what restraints may be in place to keep the woman from escaping. There is no way they *could* know, without doing a thorough investigation of her circumstances.

An additional aspect of the problem of trafficking concerns globalization. This phenomenon has exacerbated trafficking problems by

increasing the degree of complexity and economic interdependence in the world, as well as by accelerating development through technology--all of which has made trade and movement across national borders, legal or illegal, easier.

6. Governmental and Non-Governmental Efforts to Address the Problems of Trafficking in Malaysian

The Association of Southeast Asian Nations (ASEAN), as a regional organization, has acknowledged the issue of trafficking, and has begun addressing it within the context of transnational crime. In 1997 they adopted the "Declaration on Transnational Crime," which included combating trafficking of women and children in the region. Two years later, they developed the "ASEAN Plan of Action to Combat Transnational Crime," a plan to facilitate the prosecution of cross-border crimes. Malaysia is among the countries that have ratified the Convention Against Transnational Organized Crime. However, it did not ratify the protocols.²⁸ This inaction has partly contributed to the ineffectiveness of law enforcement in countering the trafficking that involves Malaysia. In line with that, insufficient funding and not enough law enforcement officers and support staff probably have contributed to that ineffectiveness as well.

In 1997, 4200 Malaysian girls and women were reported missing.²⁹ As a destination country, Malaysian authorities have looked at trafficking as mainly an issue of illegal immigration, but this number of missing Malaysian girls and women points to its role as a source country as well. In 2003, the official count shows that the Malaysian Royal Police arrested 5878 foreign prostitutes (Table 1). That number was an increase of 14% over such arrests in the year 2002. More revealing is the fact that the arrests made in 2003 were an increase of 253% compared with the number arrested in the year 1993.³⁰ The prostitutes come to Malaysia from various countries outside of the SE Asian region, including China, Uzbekistan, Russia, and India. They also come from other SE Asian countries, chiefly Indonesia and Thailand.

Although no specific plan to curb the trafficking of human beings has been made public by the Malaysian government, Malaysian law clearly protects women--and, by inference, children-- against rape, kidnapping, abduction, criminal assault and forced labor.³¹ In addition, Malaysia has also cooperated with the regional police--the Association of Southeast Asian Nations Police (ASEAN-POL)--as well as with the international police

(INTER-POL), to take preventive measures in regard to the problem. In addition, Malaysian Law includes a Penal Code which prohibits the inducement of any girl under the age of 18 years to go to any place that is removed from her parent or guardian; and it prohibits the performing of any act, knowingly that leads to, or is likely to lead to, a girl being seduced or forced to engage in sexual activity.

Table 1
NUMBER OF ARRESTS OF FOREIGN PROSTITUTES IN MALAYSIA: 1993-2003

Country	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
INDONESIA	683	702	595	850	1190	1467	2077	2191	2451	2155	2112
THAILAND	294	263	212	153	31	408	626	642	785	946	1131
PHILIPPINES	642	390	217	212	265	145	402	413	312	489	142
CHINA	8	29	42	47	309	60	96	196	368	1230	1971
UZBEKISTAN	0	0	2	5	46	50	54	96	112	139	90
VIETNAM	2	0	0	0	6	1	0	12	35	296	174
RUSSIA	0	7	8	20	22	8	9	8	1	12	6
MYANMAR	31	5	3	9	9	15	9	6	5	8	6
KAMPUCHE	0	3	6	2	20	5	7	22	45	125	169
INDIA	3	1	0	2	6	4	10	12	9	43	51
LAOS	0	0	0	0	0	0	2	2	0	2	4
SINGAPORE	2	2	4	1	3	1	4	2	1	0	1
TAIWAN	0	1	9	9	7	0	1	4	0	0	0
OTHERS	1	1	3	4	36	12	4	1	8	4	21
TOTAL	1666	1404	1101	1314	2250	2176	3301	3607	4132	5149	5878

Source: Malaysia Royal Police, Kuala Lumpur, (as of 17 March, 2004).

The Social and Cultural Affairs Section of the Malaysian Ministry of Foreign Affairs is the main government agency that has helped to monitor the problem of trafficking. In addition, the Department of Immigration, along with the local police forces, has an important government role in trying to curb the problem. Particularly good news is that there have been several non-governmental organizations that have been actively assisting trafficking victims with legal advice, training, and peer education, as well as promoting public awareness of the dangers of trafficking for women and children. These NGOs include the Malaysian Chinese Association, the Malaysian Bar Council, and the All Women's Action Society, as well as *Suruhanjaya Hak*

Asasi Manusia Malaysia (SUHAKAM, the human rights commission of Malaysia), and *Tenaganita* (Women's Force).

7. Conclusion

An early conclusion is that we can gain a better understanding of the problem if we look at it from a security perspective. As long as the process of globalization continues, Southeast Asia is clearly liable to witness a continuing increase in human trafficking by organized crime groups. We have learned that trafficking in human beings takes place within a well-connected, organized, and planned set of criminal activities, which taken together must be viewed as a threat to the security of the people in every country involved.

However, although globalization is a process that is unlikely to be halted, we can do something to stop human trafficking. Mainly, we must do it by looking at the root causes of the problem. For example, when we see the pattern of poorer countries being the main "sending" countries, we should be studying the specific reasons for this, and look for ways to make the citizens of those countries less vulnerable to traffickers.

As presented earlier in this paper, even the "bad guys" cooperate to gain their ill-gotten profits. So why can't states, in the name of security and survival, do the same? After all, trafficking is a common threat that affects all of us, regardless of our differences—and regardless of how our particular country plays a role in sending, receiving, or transiting trafficked human beings. Addressing the problem of human trafficking demands cooperative efforts among all countries in a region. Both state and non-state actors must cooperate to tackle the problem.

At the international level, coordination is needed among the states that play their various roles as source, transit and destination countries; and at the national level, in each country the different law enforcement agencies must also coordinate their efforts. In other words, collaborative efforts are essential in order to combat the problem, and not only in the Southeast Asia region, but around the world, simply because the trafficking itself is so complex, and it is intertwined with other complex problems as well.

Like other countries in the region, Malaysia has acknowledged that the problem is transnational in nature, and therefore that no country can hope to solve the problem alone. Certainly it is in none of the Southeast Asian

countries' best interests for the region to be known in the international community mainly for its illicit trafficking activities. And it is only logical that transnational problems spawned by transnational organized crime require transnational policies and actions to address them. It seems clear that the governments of these countries must cooperate with each other, as well as with non-governmental organizations (NGOs), if they are going to have any success in curbing the problem.

We must also realize that more effective law enforcement is not the only solution. Perhaps the fact that states have tended to emphasize law enforcement first has made them pay less attention to other important factors. For example, the widespread perception that trafficked women are simply illegal immigrants should be changed, and that will take a major effort of public education and re-training of government and law enforcement personnel.

Because we are living in an era of globalization, the region is prosperous partly due to the open market economy. However, the criminal organizations conducting trafficking have exploited the global interdependence that is an inherent feature of globalization. The expansion of trade, tourism, various kinds of networks, communication systems, and transportation, all have made it possible for the crime syndicates to traffic humans as a global commodity.

As suggested earlier, it would be appropriate for the Southeast Asian region to accept and put into practice the principles of "human security" or the "humans first" concept in their security strategies. Focusing on people as the most important entity to be protected does not mean that we have to ignore the protection of national boundaries. Focusing on the security and well-being of the people of a country simply provides a better platform for understanding problems such as trafficking and related issues, as a priority in our national security agendas. It means treating trafficking not as a "mere" social problem, but as a threat to our very existence as a civilized society.

For instance, it is very sad that punishment by law enforcement authorities has so far almost always fallen on the victims of trafficking, while the organized criminal syndicates are treated as invisible or non-existent. Adopting the perspectives of the human security concept provides a greater opportunity to understand the root causes of the trafficking problem, and encourages tackling it from many different angles, as opposed to depending on law enforcement strategies alone, especially when they are so often misguided by an over-simplified and under-educated perspective.

Notes

1. United Nations Office on Drugs and Crime.
http://www/undoc.org/unodc/trafficking_victim_consent.html (visited on 5/10/2003)
2. UN Convention Against Transnational Organized Crime (2000).
<http://www.unodc.org/palermo/convmain.html>
3. UN General Assembly, cited in Tenaganita's "Report on Trafficking in Women, A Growing Phenomenon in Malaysia." (Kuala Lumpur: Tenaganita, 1998).
4. CRS report for Congress. *Trafficking in Women and Children: The US and International Response*. (March 18 2002).
5. See the United Nations websites. <http://www.un.org/>
6. This argument was put forward as an international relations theory by what is known as the Realist school of thought.
7. See Zarina Othman, "Human Security in Southeast Asia: A Case Study of Illicit Drug Trafficking as a Transnational Threat in Myanmar (Burma)." Unpublished Ph.D. dissertation (University of Denver, CO. USA), August 2002.
8. UNDP. Human Development Report 1994. (New York: Oxford University Press), p. 23.
9. The victims are promised jobs such as domestic maid or factory worker, but they end up instead being sex workers, bar hostesses, exotic dancers and strippers, or doing other kinds of exploitive work.
10. Patrick Ryan. *Organized Crime: A Reference Handbook*. (Santa Barbara, CA.: ABC-CLIO, 1995), p. 1.
11. Ko-Lin Chin, "Triad Societies in Hong Kong." *Transnational Organized Crime*. (Spring 1995). Vol 1, #1, pp.: 47-64.
12. Ibid., p. 52.
13. Phil Williams, "Transnational Criminal Organizations and International Security." In Michael Klare and Yogesh Chandarani, eds. *World Security: Challenges for a New Security*. (New York: St. Martin's Press, 1998).
14. Ibid., p. 250.
15. William. "Transnational Criminal Organizations and International Security."

16. Tom Farer, ed. *Transnational Crime in the Americas: An Inter-American Dialogue Book* (New York: Routledge, 1999).

17. C.P.F. Luhulima. "People Smuggling as an Increasingly Crucial Factor in TOC." *The Indonesian Quarterly*. (2002) Vol. xxx, #2, pp.: 146-157.

18. Robert Schaeffer, *Understanding Globalization: The Social Consequences of Political, Economic, and Environmental Change* (New York: Rowman and Littlefield Publishers, Inc., 1997), chapter 14; Robert Mandel. *Deadly Transfers and the Global Playground: Transnational Security Threats in a Disorderly World* (Westport, CT.: Praeger, 1999). Some scholars refer to the phenomenon as "globalization" or "global market economy."

19. UNICEF. <http://www.unicef.org/program/cprotection/focus/trafficking/issue.html> (visited on 15/03/2004).

20. See Anne Gallagher. "Human Rights and the UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis." *Human Rights Quarterly*. (2001), 23, #4, 975-1004.

21. Chava Nachmias and David Nachmias. *Research Methods in the Social Sciences*. (New York: St. Martin's Press, 1996), p. 307.

22. Interview with Malaysian Royal Police, Bukit Aman, Kuala Lumpur, 17 March 2004.

23. One may wonder why they are brought to Malaysia instead of to Thailand, which is known above all for its sex industry. The answer is that the competition is considered too great in Thailand.

24. *The Malay Mail*, 25/2/04.

25. Information available did not make a distinction between women and children (below 18 years). Furthermore, victims were perceived as illegal immigrants rather than as persons who had been trafficked.

26. Reports by Tenaganita also revealed of the trafficking cases within Malaysia (Tenaganita, 1998), p. 8.

27. Interview with Malaysian Royal Police, Bukit Aman, Kuala Lumpur, 17 March 2004.

28. The protocols deal with Smuggling of Migrants, Trafficking in Persons (Especially Women and Children), and Trafficking in Firearms.

29. *Country Report on Human Rights Practices* (1999 and 2000).

30. It is important to note that not all of the arrests made were of prostitutes who actually had been trafficked, because some enter the country by using a student visa. Thus, not all cases of illegal entry into Malaysia involve organized crime. There are cases where some prostitutes and others made their own arrangements for getting into the country. Routes have been both by air and by sea.

31. For a comprehensive overview of the Malaysian Laws regarding the issue, see Noor Aziah Awal. "Trafficking of Children: An Overview of the Laws in Malaysia." A paper presented at the Southeast Asia Conference on Trafficking of Children for Sexual Purposes, Medan, Indonesia (28-30 March, 2004).

References

- Chin, Ko-Lin. 1995. "Triad Societies in Hong Kong." *Transnational Organized Crime*. 1, (Spring 1995), 1, 47-64.
- Country Reports on Human Rights Practices* (1999 and 2000).
- CRS Report for US Congress. 2002. *Trafficking in Women and Children The US and International Responses*. (March 2002). <http://www.state.gov/jial/rls/liprpt>
- Farer, Tom, ed. 1999. *Transnational Crime in the Americas*. New York: Routledge.
- Gallagher, Anne. 2001. "Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis." *Human Rights Quarterly*. 23, (2001), #4, 975-1004.
- Klare, Michael and Yogesh Chandrani, eds. 1998. *World Security: Challenges for a New Security*. New York: St. Martin's Press.
- Luhulima, C.P.F. 2002. "People Smuggling as an Increasingly Crucial Factor in Transnational Organized Crime." *The Indonesian Quarterly*. XXX (2002), 2.
- The Malay Mail*. (Various issues).
- Mandel, Robert. 1999. *Deadly Transfers and the Global Playground: Security Threats in a Disorderly World*. Westport, CT.: Praeger.
- Mohd Awal, Noor Aziah. 2004. "Trafficking of Children: An Overview of the Laws in Malaysia." A paper presented at the Southeast Asia Conference on Trafficking of Children for Sexual Purposes, Medan, Indonesia. (28-30 March 2004).
- Nachmias, Chava and David Nachmias. 1996. *Research Methods in the Social Sciences*. New York: St. Martin's Press.
- Othman, Zarina. 2002. *Human Security in Southeast Asia: A Case Study of Illicit Drug Trafficking as a Transnational Threat in Myanmar (Burma)*. Unpublished Ph.D. Dissertation. (University of Denver, Colorado, USA), August 2002.
- Ryan, Patrick. 1995. *Organized Crime: A Reference Handbook*. Santa Barbara, CA.: ABC-CLIO.

Schaeffer, Robert. 1997. *Understanding Globalization: The Social Consequences of Political, Economic and Environmental Change*. New York: Rowman and Littlefield Publishers.

Tenaganita. 1998. *Seminar Report on Trafficking in Women: A Growing Phenomenon in Malaysia*. Kuala Lumpur: Tenaganita.

United Nations. <http://www.un.org>

UN Convention Against Transnational Crime. <http://www.unodc.org/palermo/convmain.html>

UNDP. 1995. *Human Development Report 1994*. New York: Oxford University Press.

UNICEF. <http://www.unicef.org/program/protection/focus/trafficking/issue.html>/ Date visited: 3/15/04.

UNODC. http://www.unodc.org/unodc/trafficking_victim_consent.html

William, Phil. "Transnational Organized Crime and International Security." In Michael Klare and Yogesh Chnadrani, eds. 1998. *World Security: Challenges for A new Security*. New York: St. Martin's Press.



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