

Human Trafficking in Malaysia

Zuraini Ab. Hamid



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This book is dedicated to

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Qisth Munirah,
Qusyairi Amri,
Umar Aziz,
Ab Hamid bin Bakar
and
Bidah binti Mat Junoh.

May Allah s.w.t bless and reward them in this world and
hereafter.

List of Cases

Barat Estates Sdn Bhd & Anor v Parawakan Al Subramaniam & Ors [2000] 4 MLJ 107

Mat v PP (1963) 29 MLJ 263.

PP v Basri bin Salihin [1994] 2 MLJ 476

PP v Foo Jua Eng [1966] 1 MLJ 197.

PP v Kong Kok Kyt & Lee Vo Tu Uyen (Unreported) Case No: 62-127-2008, Session Court Ipoh.

PP v Lim Chee Chong; PP v Kong Kok Kyt & Lee Vo Tu Uyen (Unreported) Case No: 62-127-2008, Sessions Court of Ipoh.

PP v Nam Oithanthip [2008] 5 CLJ 285

PP v Yap Chee Hong & Anor (Unreported) Case. No: S3-62-43-2009, Sessions Court Ampang.

PP v Yong Thim Thai & Ors (Unreported) Case No: S2-62-02-2011 Sessions Court of Ampang.

Public Prosecutor v Zhao Jingeng & Ors [2010] 7 MLJ 306.

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Siti Rashidah binti Razali & Ors v PP [2011] 6 MLJ 417

List of Statutes

Anti-People Smuggling and Other Measures Act 2010 (No. 50, 2010)
Anti-Trafficking in Persons 2007 [Act 670]
Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [Act 670]
Child Act 2001 [Act 611]
Court of Judicature Act 1964 [Act 91]
Criminal Code Act 1995 (No. 12, 1995)
Customs Act 1967 [Act 235]
Entertainment Places Act of B.E. 2509 (1966)
Evidence Act 1950 [Act 56]
Extradition Act 1992 [Act 479]
Federal Constitution of Malaysia
Immigration Act 1959/63 [Act 155]
Juvenile Courts Act 1947 (Act 90).
Malaysian Maritime Enforcement Agency Act 2004 [Act 633]
Migration Act 1958 (No. 62, 1958)
Mutual Assistance in Criminal Matters Act 2002 [Act 621]
Penal Code [Act 574]
Penal Code Amendment Act (No. 17) B.E. 2547 (2003)
Prevention and Suppression of Prostitution Act, B.E. 2539 (1996)
Prevention of Crime Act 1959 [Act 297]
William Trafficking Victims Protection Reauthorisation Act
Woman and Girls Protection Act 1973 (Act 106)

List of Treaties

Convention for the Suppression of the Trafficking in Persons
and of the Exploitation of the Prostitution of Others
Elimination of Discrimination against Women (CEDAW)
Hague Convention of 29 May 1993 on Protection of Children
and Co-operation in Respect of Inter-country Adoption
(Hague Adoption Convention)
Optional Protocol to the Convention on the Rights of the Child
on the Sale of Children, Child Prostitution and Child
Pornography
Protocol against Smuggling of Migrants by Land, Sea and Air.
Protocol against the Illicit Manufacturing of and Trafficking in
Firearms, their Parts and Components and Ammunition
Protocol to Prevent, Suppress and Punish Trafficking in Persons,
Especially Women and Children, Supplementing the UN
Convention Against Transnational Organized Crime 2001
(UN TIP Protocol)
United Nations Convention on Transnational Organised Crime
(UNTOC)
Universal Declaration of Human Rights 1948 (UDHR 1948)

Preface

Human trafficking is a transnational organised crime which has threatened all regions around the world including Malaysia. Currently there are no books in the market that addresses the prevalent occurrence of human trafficking in Malaysia. Most of the materials such as articles, journals, books and writings are from the international market, written by foreign researchers and can only be gathered from the internet. Nevertheless, these works are very much constrained within the laws and practice in the selected countries which in certain cases are not suitable to be adopted elsewhere, especially in Malaysia due to differences in culture, geography, laws or policies. None of the writers managed to disclose the extent of human trafficking issues in a state government. Their argument also lacks concrete evidence, including absence of reliable data and statistics.

Therefore, this book will be the main reference for the human trafficking issues, particularly in Malaysia since it will be among the main references published in Malaysia. The book examines all forms of human trafficking globally and revealing Malaysia's issues on the heinous crime. It will further enhance the reader's understanding on current phenomena of human trafficking in Malaysia, and suggesting mechanisms for the prevention of the crime, protection of the victim and prosecution of the perpetrator. The book will further provide relevant proposals to strengthen the enforcement bodies and prosecution, best approach to protect the victim and ways to enhance cooperation among the stakeholders. References are made to Australia and other countries especially on their laws and enforcement side. In addition, it will enhance the academia world where the lecturers and students will have a reference on the issue of human trafficking.

List of Abbreviations

ACS	Australian Customs Service
AFP	Australia Federal Police
AGC	Attorney General Chambers
ATIP	Anti Trafficking in Persons
ATIPSOM	Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007
CAMSA	Coalition to Abolish Modern Day Slavery
CLJ	Current Law Journal
DIMA	Department of Immigration and Multicultural Affairs
DPP	Deputy Public Prosecutor
GAO	US Government Accountability Office
GRO	Guest Relations Officers
IMF	International Monetary Fund
IOM	International Organisation of Migrants
IO	Investigation Officer
IPO	Interim Protection Order
INTERPOL	International Criminal Police Organisation
KLIA	Kuala Lumpur International Airport
LCCT	Low Cost Carrier Terminal
MAPO	Majlis Anti Pernerdagangan Orang
MoU	Memorandum of Understanding
MLJ	Malayan Law Journal
MMEA	Malaysian Maritime Enforcement Agency
MOHA	Ministry of Home Affairs
NAP	National Action Plan
NGO	Non-governmental organization
NFA	No Further Action
PO	Protection Officer
PNG	Papua New Guinea
RM	Ringgit Malaysia
RMC	Royal Malaysian Customs

RMP	Royal Malaysian Police
SUHAKAM	Human Rights Commission of Malaysia
STIs	Sexually Transmitted Infections
SOP	Standard Operating Procedure
TIP	Trafficking in Person Report
TVPA	Trafficking Victims Protection Reauthorization Act
UDHR	Universal Declaration of Human Rights 1948
UN	United Nation
UNCTOC	United Nation Convention on Transnational Organized Crime
UNODC	United Nations Office on Drugs and Crime
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
US	United State
WHO	World Health Organization
HTT	Human Trafficking Teams

Human Trafficking in Malaysia

Human Trafficking in Malaysia has drawing a wide body of academic research where all the information is gathered from diverse report, actual prosecuted cases, fieldwork and interviews with (5) enforcement bodies and relevant ministry in Malaysia. This is the primary data and reliable information which is hard to find from other sources. For practical purpose, the book presents on the related human trafficking issues and position in Malaysia. The discussion is supported with current cases and practical approach. For course syllabi of academia world, this book discuss on the relevant laws and policies on human trafficking. This book also has exposed the forms, problems and challenges in combatting human trafficking issues in Malaysia. This book, Human Trafficking in Malaysia is a must for researchers, policy makers, legal practitioners, and members of the public who wish in acquaint themselves with knowledge of human trafficking in Malaysia.

ZURAINI AB. HAMID is a lecturer at Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia. She is currently teaching Criminal Law and Criminal Procedure Code. She is the author of Anti-Human Trafficking Laws in Malaysia (2017), as well as numerous articles, which have been published in national and international journals. She is actively involved in research related to human trafficking and international issues, where she is working under few research grants as principal and co-researcher. Dr. Zuraini was formerly a Deputy Public Prosecutor at Attorney General's Chambers of Malaysia where she was entrusted to conduct criminal cases including human trafficking related cases.

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