HUMAN TRAFFICKING POLICY IMPLEMENTATION:
A CASE STUDY OF MALAYSIA

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ABSTRACT

Human trafficking is a complex global crime that exploits women, men and children. Due to the seriousness of the crime, Malaysia enacted the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act in 2007. Despite considering human trafficking to be a priority area for action through the enactment of the 2007 Act, Malaysia is still struggling in translating the intent of the policy into actual implementation. Hence, the study attempts to provide an understanding of human trafficking in Malaysia through the policy implementation lens. It analyses how human trafficking policy is being translated by bureaucratic implementers into action.

The study adopts a combination of qualitative research methods – semi-structured individual and focus group interviews, field observations and written documents – to illustrate human trafficking policy implementation in Malaysia. The target population of the study is government bureaucrats who are involved in implementing human trafficking policy in Malaysia. For the study, 15 government bureaucrats were interviewed regarding their experience on human trafficking policy implementation. To provide multiple perspectives to the study, it also incorporates non-governmental organisations (NGOs) and trafficked victims as participants. Six NGO representatives and five male trafficked victims were interviewed. Three focus group interviews based on different categories of victims were also conducted, which consist of 49 female trafficked victims at selected shelter homes.

There is a dearth of knowledge on human trafficking in Malaysia particularly on policy implementation. Hence, this study contributes to the body of knowledge on human trafficking and the body of work on implementation research. Using the policy implementation lens, the study explores human trafficking phenomenon in Malaysia through four theoretical underpinnings: theory of bureaucracy, implementation study,

inter-organisational coordination and street-level bureaucracy. The 2007 Act becomes the country's primary policy that provides for the offence of trafficking in persons, the victims' protection and support, and the establishment of Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO). To ensure effective implementation of the legal mechanisms outlined in the 2007 Act, the government formulated the National Action Plan against Trafficking in Persons (2010-2015) as a guideline to the national initiative in combating human trafficking.

The empirical study identifies seven emerging themes that influence the implementation process of translating the policy intent into actual practice: incomprehensive coordination; incompatible resources; criminal approach; critical information flows; hierarchical control; low discretion; and paradigm shift imperative. These themes emerge through the analysis of research findings against the backdrop of the theoretical underpinnings and past studies. This study indicates the need to address these factors that critically influence human trafficking policy implementation in Malaysia. Understanding the complexity of human trafficking policy implementation entails the development of pragmatic recommendations towards abating the crime.

ABSTRAK

Pemerdagangan orang ialah satu jenayah global yang kompleks yang mengeksploitasikan wanita, lelaki dan kanak-kanak. Malaysia telah menggubal Akta Anti-Pemerdagangan Orang dan Anti-Penyeludupan Migran pada tahun 2007 bagi menangani jenayah ini. Walaupun pemerdagangan orang dianggap sebagai bidang keutamaan tindakan melalui penggubalan Akta 2007, Malaysia masih lagi menghadapi masalah menterjemahkan tujuan dasar tersebut kepada pelaksanaan sebenar. Oleh itu, kajian ini bertujuan untuk memberikan kefahaman mengenai pemerdagangan orang di Malaysia melalui kanta pelaksanaan dasar. Kajian ini menganalisis bagaimana dasar anti-pemerdagangan orang diterjemahkan oleh pelaksana birokrat dalam bentuk tindakan sebenar.

Kajian ini menggunakan kombinasi pelbagai kaedah kajian kualititatif – temuramah separa struktur dengan individu dan kumpulan fokus, pemerhatian lapangan dan penelitian dokumen bertulis – bagi memberikan gambaran pelaksanaan dasar anti-pemerdagangan orang di Malaysia. Populasi sasaran kajian ialah birokrat perkhidmatan awam yang terlibat dalam pelaksanaanan dasar tersebut. Bagi tujuan kajian, 15 orang birokrat telah ditemuramah selain daripada enam orang wakil badan bukan kerajaan dan lima orang lelaki mangsa pemerdagangan orang yang turut ditemuramah bagi mendapatkan pandangan yang berbeza terhadap pelaksanaan dasar tersebut. Tiga kumpulan fokus mengikut kategori mangsa yang melibatkan 49 orang wanita mangsa pemerdagangan orang telah ditemuramah di rumah perlindungan.

Pengetahuan mengenai pemerdagangan orang di Malaysia terutamanya berkenaan pelaksanaan dasar amat cetek. Sehubungan itu, kajian ini menyumbang kepada pengetahuan berkaitan pemerdagangan orang dan pelaksanaan dasar. Dengan menggunakan kanta pelaksanaan dasar, kajian ini meninjau fenomena pemerdagangan

orang di Malaysia melalui empat teori terpilih: teori birokrasi, teori pelaksanaan, koordinasi antara agensi dan birokrasi jalanan. Akta 2007 merupakan dasar utama negara yang mengenal pasti kesalahan pemerdagangan orang, memberikan perlindungan dan sokongan mangsa dan menubuhkan Suruhanjaya Anti–Pemerdagangan Orang dan Anti-Penyeludupan (MAPO). Bagi memastikan pelaksanaan mekanisme perundangan yang berkesan, pihak kerajaan telah menggubal Pelan Tindakan Kebangsaan (2010-2015).

Kajian empirikal ini telah mengenal pasti tujuh tema dapatan kajian yang mempengaruhi proses pelaksanaan penterjemahan tujuan dasar kepada amalan pelaksanaan dasar: koordinasi tidak menyeluruh; sumber tidak bersepadanan; pendekatan menangani jenayah; kepentingan aliran maklumat; pengawalan hirarki; tahap pertimbangan budi bicara yang rendah; dan keperluan peralihan paradigma. Tema ini didapati menerusi hasil analisis dapatan kajian berdasarkan teori yang digunakan dan kajian lepas. Kajian ini menunjukkan keperluan untuk menangani faktor-faktor yang mempengaruhi pelaksanaan dasar anti-pemerdagangan orang di Malaysia. Pemahaman mengenai kerumitan pelaksanaan dasar anti-pemerdagangan orang membawa kepada pembentukan cadangan penambahbaikan yang pragmatik ke arah mengurangkan jenayah tersebut.

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ACRONYMS AND ABBREVIATIONS

3P	Prevention, protection and prosecution
ACTeams	United States Anti-Trafficking Coordination Teams
AGC	Attorney General's Chambers
ASEAN	Association of Southeast Asian Nations
ASEANAPOL	ASEAN Chiefs of Police
AusAID	Australian Agency for International Development
BPC	Australia Border Protection Command
CAQDAS	Computer assisted qualitative data analysis software
CCTV	Close circuit television
CEDAW	Convention of the Elimination of All Forms of Discrimination against Women
CIA	United States Central Intelligence Agency
CID	Criminal Investigation Department
CIS	Commonwealth of Independent States
CPS	United Kingdom Crown Prosecution Service
CRC	Convention on the Rights of the Child
D7	Anti-vice, gambling and secret societies division
DFID	United Kingdom Department for International Development
DOE	Department of Education
EU	European Union
FBI	United States Federal Bureau of Investigation
HMRC	United Kingdom Her Majesty's Revenue and Customs
HHS	United States Department of Health and Human Services

HIV/AIDS	Human immunodeficiency virus infection / acquired immunodeficiency syndrome
ICE	United States Immigration and Customs Enforcement
IGOs	Inter-governmental organisations
ILKAP	Judicial and Legal Training Institute
ILO	International Labour Organisation
IOM	International Organisation for Migration
IPO	Interim Protection Order
KEMAS	Department of Community Development
KLIA	Kuala Lumpur International Airport
KPI	Key Performance Index
LCCT	Low Cost Carrier Terminal
MAPO	Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants
MICC	Ministry of Information, Communication and Culture
MMEA	Malaysian Maritime Enforcement Agency
MOHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MOU	Memorandum of Understanding
MWFCD	Ministry of Women, Family and Community Development
NCWO	National Council of Women's Organisation
NGOs	Non-governmental organisations
NKRA	National Key Results Area
RALON	United Kingdom Border Agency's Risk and Liaison Overseas Network
RELA	People's Volunteer Corps
PDRM	Royal Malaysia Police

PO	Protection Order
SOCA	United Kingdom Serious Organised Crime Agency
SOLACE	United Kingdom Society of Local Authority Chief Executives
SOPs	Standard operating procedures
SUHAKAM	Human Rights Commission of Malaysia
TPOK	*Tim Perancang Operasi Kepolisan* (Police Operation Planning Team)
TVPA	United States Trafficking Victims Protection Act
UDHR	United Nations Declaration on Human Rights
UKHTC	United Kingdom Human Trafficking Centre
UKM	National University of Malaysia
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development

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CHAPTER I

INTRODUCTION

1.1   Introduction

Human trafficking is a global phenomenon that is poorly understood due to its clandestine nature. It comes in various forms involving people of diverse nationalities, from both sexes and all ages. The devastating impact of human trafficking is not only experienced by trafficked victims but also their families and by the society of which it occurs. Victims suffer physical and emotional abuse while their families are often being threatened. Communities and economies at large also endure losses due to unscrupulous criminals who benefit from lucrative, often illegal enterprises.

In today's age of globalisation, human beings who are trafficked have become commodities crossing national and international borders. Every day, these women, men, boys and girls are vulnerable to being exploited through coercion, deceit or force that happens in their home countries or abroad. Desperation to migrate in the hope of a better life in the future exposes migrants to various elements that make them highly vulnerable to being trafficked, including their own willingness to accept exploitative work (Hanley, Oxman-Martinez, Lacroix & Gal, 2006). Studies have shown that human trafficking is linked to the issues of international labour migration related to the global economic disparity between countries in which both poverty and migration emerge as driving forces behind international trafficking in persons (International Labour Organisation, 2005). Almost every country in the world is affected by the crime of human trafficking by becoming a country of origin, transit or destination.

After decades of neglect, human trafficking received considerable international recognition in recent years. This is highly related to the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

which was opened for signature in 2000. The introduction of the Protocol indicates that human trafficking is a significant global problem with many victims around the world who are not receiving justice. Individual country such as the United States also imposes its own standards to other countries based on its legislation known as Trafficking Victims Protection Act of 2000. The United States monitors countries' anti-trafficking efforts through the annual publication of the Trafficking in Persons Report. Although the United Nation's Protocol cannot penalise any countries for failing to abide by the agreement, "the United States gave itself the authority to require certain minimum actions by other states" (Willman, 2009, p. 289) and hold them accountable by threatening sanctions for those who do not comply with the minimum standards.

With increasing attention on human trafficking, a wide range of policies has been introduced to combat human trafficking. Initially, most of the policies focused on women and girls for sex trafficking. There is increasing attention given to labour trafficking and men as the identified victims. Due to greater recognition of the crime, 128 countries have enacted laws prohibiting all forms of human trafficking (U.S. Department of State, 2011). The true test of global counter-trafficking efforts is not in the number of countries adopting the laws but whether the laws are effective in curbing human trafficking. The effectiveness of these laws depends on how well they are implemented and this is the theme of this research. Implementation is the key to deliver justice and services according to the intention of the laws.

Given the complexity of human trafficking phenomenon, implementation of human trafficking policy is not an easy task as it calls for the translation of the policy into actual measures. The challenge is to move beyond mere adoption of the law and to advance the delivery of the policy. The policy delivery depends on the implementation process involving various agencies that play a key role in fighting human trafficking. As agendas of each organisation may differ in terms of focus, policy implementation for

human trafficking becomes vulnerable to numerous challenges that require improved interaction among stakeholders.

Policy implementation is in the hands of government agencies. The human trafficking policy needs to be implemented by multiple actors across the system. Government bureaucrats as key policy implementers inevitably face a plethora of challenges as policy implementation calls for cross-boundary actions among different agencies. In understanding human trafficking policy implementation in Malaysia, it is imperative that the study discusses the challenges faced by the implementation actors, specifically the government bureaucrats who are directly involved in tackling the problem of human trafficking in Malaysia. It also examines the significance of human trafficking phenomenon in Malaysia and issues related to human trafficking policy implementation. Implementation may be in the hands of the government bureaucrats, but its complexity requires the participation of all stakeholders. Based on the findings, this study concludes with several recommendations towards improving the policy effectiveness.

1.2   Background to the study

Malaysia is mostly considered to be a destination country and to a lesser extent, a source and transit country for women, men and children who are subjected to various forms of trafficking from sexual exploitation to forced labour (U.S. Department of State, 2012). The problem of human trafficking is particularly significant in Malaysia, home to 4.1 million migrants of whom 2.1 million are legal (Ministry of Finance, 2013) and two million are illegal[1] (Maierbrugger, 2013). Its dependence on foreign labour has made it an attractive destination for migrants, transient or permanent, legal and illegal.

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[1] Despite having new term 'irregular migrants' that is politically correct and non-discriminating, this study uses the term 'illegal migrants' because of its common usage in the country.

The Malaysian government is aware of this problem and it enacted the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act in 2007[2] consistent with the commitment to combat human trafficking. This is a belated recognition of the need for a specific law to criminalise trafficking in persons in Malaysia given that the crime has been in existence in the country long before the 2007 Act was enacted (U.S. Department of State, 2001; SUHAKAM, 2004). Previously, the offence of trafficking was dealt through existing legal mechanism of a combination of different crimes such as illegal migration, prostitution, abduction and labour exploitation. There were varieties of legal provisions in the existing laws to prosecute traffickers or criminalise most acts of trafficking that were seemed to be sufficient in dealing with every aspect of human trafficking. The related legal provisions that suppress trafficking in persons include:

(i)   Federal Constitution – Article 6 (1) and 6 (2)

Prohibition of slavery and forced labour;

(ii)   Penal Code – section 370, 371, 372A, 372B, 373 and 374

Prohibition of slavery and exploitation for purposes of prostitution as well as unlawful compulsory labour;

(iii)   Child Act 2001 – Section 48 (1), 48 (2), 49 and 52

Prohibition of unlawful transfer of possession, custody or control of child;

(iv)   Restricted Residence Act 1933

Prohibition of harbouring any person who unlawfully enters the country;

(v)   Internal Security Act 1960 – Section 73

Provision for power to detain suspected persons that could be detrimental to the security of Malaysia;

(vi)   Kidnapping Act 1961 – Section 3

Prohibition of abduction, wrongful restraint or wrongful confinement for ransom;

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[2] The Anti-Trafficking in Persons Act 2007 came into force on 28 February 2008. The Act was amended in 2010 to incorporate Anti-Smuggling of Migrants. Following the amendments, the Act is cited as Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007.

(vii)   Passports Act 1966 – Section 5 and 12

Provision for removal of persons unlawfully entering Malaysia and prohibition of assisting anyone entering Malaysia contrary to this Act;

(viii)   The Immigration Act 1959/63 (Amended 2002)- Section 55A, 55B and 56(1)(d)

Prohibition of conveying a person to Malaysia contrary to this Act, employing a person who is not in possession of a valid Pass and harbouring of illegal immigrants;

(ix)   Abduction and Criminal Intimidation of Witnesses Act 1947 – Section 3 and 4

Provision for enhanced punishments for the offences of abduction and criminal intimidation;

(x)   Children & Young Persons (Employment) Act 1966

Provision for regulating the employment in which children and young persons may be engaged; and

(xi)   Anti-Money Laundering Act 2001

Provision for confiscation of proceeds from serious offences including criminal activities under the Penal Code such as kidnapping or abducting that subjects a person to grievous hurt or slavery.

In general, academic research on the topic of human trafficking remains scarce despite its policy relevance, particularly on the implementation aspect. This could be due to the difficulty of getting the information and the data that are available tend to be incomplete (Lazcko, 2005). Hence, there is still very little knowledge on human trafficking as an implementation problem. One of the major constraints of its implementation study is the intricateness of the subject in gathering reliable data from various stakeholders. Since human trafficking is a crime that occurs over multiple geographic and legal boundaries as well as various economic and social sectors, cross-sector coordination at the top management echelon and discretion of bureaucrats at the grassroots assume an essential role in combating the crime.

1.3   Problem statement

To combat human trafficking, the Malaysian government enacted the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act in 2007. Before the 2007 Act came into being, there was no specific law to criminalize trafficking in persons in Malaysia. Hence, the 2007 Act is the country's primary policy that guides the implementation measures in combating human trafficking. It covers, among others, prosecutions, victim identification, protection and prevention measures.

However, as in most countries, translating policy into action in Malaysia poses a great challenge as it requires the government delivery system to respond effectively and work productively with all relevant agencies and stakeholders. According to the United Nations Office on Drugs and Crime (2008), human trafficking policy implementation continues to be a problem due to lack of action by countries despite most member states having ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. As one of the member states, Malaysia ratified the United Nations Convention against Transnational Organised Crime on 24 September 2004 and acceded to the Protocol on 26 February 2009 (United Nations Treaty Collection, 2013). Policy implementation confronts two major issues: (i) interpretation of policy expressed through enacted legislation; and (ii) the government's institutional capacity to implement what policy intends, which is reflected by the bureaucrats in charge.

Despite making progress in enacting a comprehensive anti-trafficking law in 2007 that came into force in 2008, Malaysia has yet to fully materialise the intent of the 2007 Act. Malaysia's effort is considered to be inadequate in implementing the 3P approach of prevention, protection and prosecution (U.S. Department of State, 2009). The 3P approach is recognised by the United Nations as clearly stated in the Protocol (United Nations, 2000). Enacting strong laws does not necessarily mean that Malaysia

has delivered according to the policy's intent. The policy delivery highly depends on the implementation process and the bureaucrats must work to deliver the promises based on the 3P approach adopted by Malaysia: prevention of the crime, protection of the trafficked victims and prosecution of the criminals.

In Malaysia, the government officials are the bureaucrats who play a major role in implementing human trafficking policy. Even after the adoption of the Act in 2007, Malaysia was placed on the list of worst offenders for human trafficking in the Trafficking in Persons Report 2009 (U.S. Department of State, 2009). The report finds the Malaysian government failed to demonstrate efforts against labour trafficking despite progress made in investigating and punishing sex trafficking offences.

Human trafficking is a complex phenomenon involving various stakeholders - public and private sector as well as NGOs. It becomes more problematic when the crime affects not only local but global communities. As reported in the United States, there exists a coordination gap that prevents the country from determining the effectiveness of measures taken to address trafficking of people from other countries into the United States (Foot, 2011). Lack of coordination among government agencies, NGOs and international counterparts undermines the country's ability to improve its efforts to better meet the needs to combat human trafficking.

Malaysia is a country highly at risk of being a location for potential victims of human trafficking from various parts of the world. Many studies on human trafficking (Chuang, 2006; Hanley et al., 2006; Mahmoud & Tresbech, 2010; Reid, 2012) point to Malaysia being susceptible to human trafficking on account of it being the host to a large migrant population, both legal and illegal. Data show the majority of trafficked victims in government shelter homes (96.0%) were foreigners (Ministry of Home Affairs, 2012).

The 2007 Act becomes the primary policy that lays down the formal rules and hierarchical structure for the policy implementation. Despite having formalism and legalism, there is a risk of rigidity and inadequate treatment of specific cases in a rule-led bureaucracy (Terpstra & Havinga, 2001). Stringent and uniform applications of rules may lead to serious gaps between policy goal and actual implementation. The policy implementation becomes more challenging with growing complexity of human trafficking cases. Different forms of human trafficking such as sex or labour requires equal attention. Malaysia focused only on sex trafficking at the early stage of the 2007 Act implementation. Only after the amendment of the 2007 Act in 2010, Malaysia began to seriously address the problem of labour trafficking by incorporating labour officers as enforcement officers of the Act.

Notwithstanding the fact that Malaysia gives high priority in addressing human trafficking, it does not have the necessary knowledge, expertise or bureaucratic capacity to fight human trafficking in its multi-dimensional aspects (IOM, 2010). Even with the legislation in place, Malaysia needs to develop skilled bureaucrats with an appropriate mindset as the main practitioners not only to properly enforce the 2007 Act such as to investigate and to prosecute traffickers but also to protect trafficked victims. Without necessary skills, the bureaucrats cannot operate at their optimum rate, which may hinder the effectiveness of the policy implementation.

Although anti-human trafficking efforts have been supported by the upper echelons of the government, the actual work of combating the crime is in the hands of the bureaucrats. In essence, the study of the implementation process of the human trafficking policy in Malaysia highlights an intriguing puzzle in public administration exploring the influence of the top management and the power of the practitioners in delivering the policy. As part of the implementation process, the top management leads the coordination of the policy implementation while the practitioners use their discretion

to implement the policy. The Trafficking in Persons Report (U.S. Department of State, 2010-2013) has indicated that non-governmental organisations (NGOs), who are directly involved in dealing with human trafficking issues at the grassroots, also face various challenges working together with government bureaucrats. The policy implementation process affects every stakeholder including trafficked victims who are the main beneficiary of the policy. Hence, it is of great importance to understand the factors involved in the implementation process of translating human trafficking policy into practice that shape the policy outcome.

1.4   Research questions and objectives

The overarching aim of this research is to analyse human trafficking policy implementation in Malaysia. The focus is on policy implementation practices of bureaucrats in Malaysia and the challenges they face in combating human trafficking. In order to analyse human trafficking policy implementation, it is crucial to acknowledge the situation in the country, to understand the policy and to examine the implementation process in order to provide policy recommendations. Hence, the research questions are as follows:

(i)   Human trafficking situation: What is the human trafficking situation in Malaysia?

(ii)   Human trafficking policy: What is the human trafficking policy in Malaysia? How is the problem of human trafficking being addressed in Malaysia?

(iii)   Implementation process: What is the implementation process of human trafficking policy in Malaysia? How has the implementation process influenced the policy outcome?

In seeking to present an insight into the policy implementation process of human trafficking policy in Malaysia, the main objectives of the study are as follows:

(i)   to explore the significance of human trafficking phenomenon in Malaysia;

(ii)　　to identify the human trafficking policy adopted by Malaysia;

(iii)　　to examine the human trafficking policy implementation practices in Malaysia;

(iv)　　to investigate the implementation process of human trafficking policy in Malaysia;

(v)　　to analyse the gaps in human trafficking policy implementation in Malaysia, including from trafficked victims' perspectives; and

(vi)　　to provide recommendations to reduce the implementation gaps.

1.5　Scope of study

The study focuses on human trafficking policy implementation in Malaysia. It is a first attempt to examine the policy implementation practices of government bureaucrats in addressing human trafficking. The scope of the study is defined by subject matter involving human trafficking through the policy implementation lens. It is also confined geographically to a case study of Malaysia. The case study is set within a bounded system that concentrates on the government bureaucrats as the main implementers of human trafficking policy. In particular, the study aims to investigate the implementation process involving the complexity of translating the 2007 Act into practice. The study delves into the bureaucratic implementation process to understand the influence of both the top-down and the bottom-up approach. In doing so, it seeks to address the policy-practice gap that hinders effective implementation.

Being part of a "hidden population", human trafficking victims pose an almost impossible task to establish a sampling frame and draw a representative sample of the population (Tydlum & Brunovskis, 2005:18). Although many have started to collect data on trafficked population (i.e., states, international organisations and NGOs), data remains scarce. Hence, this study utilises analysis of official statistics despite its limitation that may reflect more of the institutional activity than the actual distribution of trafficked victims (Andrees & Linden, 2005). In the face of data constraint, the

official statistics is sufficient even though it may prevent researchers from assessing the accuracy and appropriateness of data collected.

In view of the illicit nature of the subject and the limitations of data collection, this study adopts a combination of qualitative research methods to illustrate human trafficking policy implementation in Malaysia. A qualitative research approach tends to be more appropriate in order to access reliable narratives from the participants through the building of trust. It enhances the understanding of the specific phenomenon of human trafficking and policy implementation in the Malaysian context based on the participants' interpretations of their experiences.

The main research involved observations, document analysis, literature review and first-hand interviews with relevant government officers. In-depth interviews with the trafficked victims as the service recipients and the NGOs as the connection to the grassroots were also incorporated to ensure significant voices are heard in bringing different perspectives to the study. The utilisation of multiple sources of data increases the validity and reliability of the study. Although the study is by no means a comprehensive assessment of human trafficking phenomenon in Malaysia, it will provide a glimpse of the situation in the wider context of the policy implementation process in the country.

The study purposively sampled relevant agencies involved in human trafficking. The officers involved in the study include policy administrators, enforcement officers, protection officers, legal officers and care providers. Participants from the government agencies are selected on the basis of their involvement in implementing human trafficking policy. To minimise biases in the study, it also incorporates NGOs as participants. The list of participants comprises 15 government officers from relevant agencies that are members of Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) and six NGO representatives. The number of

participants interviewed was on a need basis until the new information obtained no longer contributes to the understanding of the subject matter. This is when the saturation point has been reached in which additional interviews do not provide further insights to the study (Creswell, 2007).

Besides the relevant agencies, the participants also include trafficked victims from the government shelter homes: 49 women and five men. The large number of female trafficked victims was divided into three focus group interviews according to different categories of victims while the small number of male trafficked victims was for one on one interview. Due to security reason as advised by the care providers at the male trafficked victims' shelter home, the researcher was not allowed to conduct group interviews for the male trafficked victims.

In an attempt to understand the implementation of human trafficking policy in Malaysia, the study seeks to provide multiple perspectives from those who implement the policy (the government bureaucrats) and those who are the beneficiaries of the policy (the trafficked victims) as well as those who are directly involved in dealing with human trafficking issues at the grassroots (the NGOs). This is in line with the qualitative case study approach of using multiple sources of information in data collection to provide in-depth picture of the implementation process of human trafficking policy in Malaysia. The primary method of data gathering involves semi-structured, face-to-face interviews of one to two hours at the participants' place of work. Focus group and individual interviews were utilised to collect data from the trafficked victims at the respective shelter homes. Although the data is socially constructed within the interaction of the group, the focus group interviews enable the respondents to share their experiences. This allows the researcher to hear the responses directly from the trafficked victims who tend not to trust strangers due to the trauma. The study was conducted in several locations in Malaysia based on importance: Putrajaya for relevant

federal government agencies headquarters; Kuala Lumpur for significant NGOs offices and the only government provided shelter home for female trafficked victims in Peninsular Malaysia; and Malacca for the only government provided shelter home for male trafficked victims in Malaysia. The trafficked victims were brought to the shelter homes from various cases in different states: Perlis, Penang, Kuala Lumpur, Selangor and Johor.

Although dealing with human trafficking goes beyond implementation of government policy that requires the coordinated efforts of other stakeholders such as welfare organisations including NGOs, it will not be dealt with here. The focus of the study is on the implementation of the 2007 Act considering it is the main human trafficking policy in Malaysia. In terms of the participants for the study, not all perspectives from those who may be involved with human trafficking such as perpetrators, foreign embassies and families of the trafficked victims are included in the study. Taken into consideration the constraints of the study such as time and money, it is almost impossible to interview the perpetrators and families of the trafficked victims. The researcher, however, contacted selected foreign embassies in Malaysia such as Indonesia. Thailand, the Philippines and the United States of America for interviews, but there was no response from them.

1.6   Significance of the study

This study contributes to the literature on human trafficking particularly in Malaysia since little research has been done on the subject. Most of the studies on human trafficking in Malaysia are done by non-governmental and international organisations. Human Rights Commission of Malaysia (SUHAKAM) produced a report on trafficking in women and children in 2004. International Organisation for Migration (IOM) prepared a report on Malaysia's shelters for trafficking victims in 2010 and

conducted a rapid appraisal of the psycho-social needs of victims of trafficking and care providers in 2011.

This study also covers the issue of human trafficking beyond the gendered perspective taking into consideration labour exploitation affecting women and men as well as the multifaceted characteristics of the systemic labour exploitation. This is essential because the majority of research done on trafficking tend to focus on women and children involved in sexual exploitation (Lazcko, 2005). To redress this imbalance, human trafficking must take into consideration other forms of trafficking.

In studying human trafficking, there is a tendency to focus on the trafficked victims and not much attention is given to other actors involved, i.e., the traffickers, the clients, service providers, NGOs and law enforcement agencies (Lazcko, 2005). To provide a better understanding of the human trafficking phenomenon, the role of various actors involved in human trafficking should be given equal attention. Therefore, it is vital that this study makes an attempt to address the research gap by analysing policy implementation based on the influence of the stakeholders, particularly the bureaucrats - government officials who implement human trafficking policy. The study intends to provide recommendations to the Malaysian government to further enhance the implementation process of human trafficking policy.

Despite a plethora of implementation challenges in various policy issues, implementation study on the subject of human trafficking is almost non-existent. Implementation scholars tend to pay greater attention to issues regarding educational, health, environmental, social and economic (Saetren, 2005) even though the subject of human trafficking involves all of the above categories. Therefore, this study contributes to the understanding of human trafficking in Malaysia through the implementation lens. The implementation study provides more comprehensive reflections on the subject

matter. Through the implementation perspective, the study helps to bring greater understanding to the knowledge of human trafficking.

Given that most of the implementation studies focus on North America and Europe, there is an ethnocentric bias in the implementation research with close to 90 per cent of all publication on implementation research focus on the Western hemisphere (Saetren, 2005). Hence, this study brings the focus to the Asian region by analysing the implementation issues in Malaysia. The need to understand the implementation process is greater than ever particularly in developing countries in Asia as they face formidable challenges in translating policies into practice in their move towards becoming developed nation.

In recent years, progress has been made towards the understanding of human trafficking through increased research efforts. Most of the research on human trafficking focuses on Europe (44%) and Asia-Pacific (35%) (Lazcko, 2005). Malaysia, however, is still lacking in terms of academic research on the topic of human trafficking. Hence, there is a need to move beyond statement of human trafficking as a problem to examining the policy implementation process. Drawing on the results of the empirical study, policy approaches should become more evidence-based as what this dissertation attempts to present.

1.7   Outline of chapters

The dissertation is separated into eight chapters. Chapter I provides an overview of the study. It briefly describes background of the study including the research questions and objectives as well as the research scope and methodology. Chapter II discusses the literature review. This chapter deliberates on the theoretical underpinnings and the conceptual framework for the study. Chapter III describes the research design. In this chapter, the justification of the adoption of qualitative research methodology for the study is explained. Chapter IV discusses human trafficking policy

implementation in various countries. This chapter presents strategic approaches adopted by selected countries in implementing the policy. Chapter V illustrates human trafficking phenomenon in Malaysia. It explores the incidence of human trafficking in the country, the relevant policy and its implementation. Chapter VI reports the findings of this study. It reveals the implementation gaps based on the research findings. Chapter VII analyses the research findings and discusses policy implications. In this chapter, suggestions are provided to improve human trafficking policy implementation in Malaysia based on the analysis of the findings. Chapter VIII summarises the study and concludes. This chapter synthesises thematic findings with theoretical underpinnings and past studies. References and appendices are provided at the end of the document.

CHAPTER II

LITERATURE REVIEW

2.1   Introduction

Chapter 2 discusses the theoretical underpinnings adopted in the study. It begins with the definition of human trafficking that sets the stage for a standard legal definition of the phenomenon. To highlight the research gaps, this chapter delves into past studies of human trafficking that were conducted internationally and locally. Since the study is on human trafficking policy implementation in Malaysia focusing on government bureaucrats as the key implementers, the chapter begins with defining policy and implementation before elaborating on the theoretical underpinnings of the conceptual framework: bureaucracy, policy implementation, coordination and street-level bureaucracy (discretion). This chapter examines the literature relevant to the conceptual framework in order to provide a foundation that facilitates an understanding regarding the implementation process. An application of the implementation concept in the domain of public administration brings new insight to human trafficking phenomenon in Malaysia. Past studies are also discussed in this chapter to illustrate relevant issues in human trafficking. This is followed by the conceptualisation of the human trafficking policy implementation complexity. Drawing from the human trafficking literature and policy implementation theories, this chapter sets into context the subject of the study - human trafficking policy implementation in Malaysia.

2.2   Defining human trafficking

The transnational nature of human trafficking has fuelled international community to take serious action in the fight against its rapid growth by adopting the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Obokata, 2006). The Protocol, also widely known as

the Palermo Protocol, is a supplement to the United Nations Convention against Transnational Organised Crime that came into force on 25 December 2003. It critically becomes a milestone in providing the first globally agreed definition on trafficking in persons that acts as a legally binding instrument. The agreed definition is crucial in promoting homogenised national approaches of human trafficking as domestic criminal offences. The recognised crime entails effective international cooperation in investigating and prosecuting cases of trafficking in persons while protecting and assisting the trafficked victims with full respect for their human rights. Article 3(a) of the Protocol defines trafficking in persons as follows:

> "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations, 2000, p. 2).

Many countries have agreed to work together to address human trafficking in which 157 countries are parties to the Protocol (United Nations Treaty Collection, 2013). Nevertheless, not all countries have adhered to their international commitment against human trafficking and for some that have taken the initiative, they have yet to effectively fight the crime and protect victims' rights. Despite the requirements of the Convention and the Protocol, states are not penalised for failing to do so. Therefore, the United Nations has been criticised for failing to hold its member states accountable in combating human trafficking (Skinner, 2008). The international agreement, however, provides some means of holding state accountable through the political pressures of strained state relations and negative publicity (Willman, 2009).

Under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, Malaysia defines human trafficking as all actions involved in acquiring or

maintaining the labour or services of a person through coercion and includes the act of recruiting, transporting, transferring, harbouring, providing or receiving of a person for the purpose of exploitation. Exploitation is further defined under the 2007 Act as all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs. Hence, Malaysia adopts a similar definition of human trafficking to the Protocol.

2.3   Understanding human trafficking

Due to its similar nature of exploitation, human trafficking has been described as the modern day slavery with people being coerced to perform certain task through violence and threats while losing control of their personal liberties. The adoption of the definition provided by the Protocol provides a significant breakthrough in achieving a consensus over a general guidance to different actors, such as scholars, government, non-governmental organisations (NGOs), inter-governmental organisations (IGOs) and private sector in analysing and addressing human trafficking (Obokata, 2006). Human trafficking has affected majority of the countries - 143 of the 192 countries (Caplin, 2009). In searching for the promised of a better life, more people today become vulnerable of being treated as mere commodities as they spur the market for human trade. Some believed that human trading brings more profit as he or she can be used again and again unlike other commodities.

During the transitional period of migration, people who want to move or who are forced to move are particularly vulnerable to being exploited, which engenders violation of human rights. Migrants tend to suffer from the dilemma of "between state protection mechanisms" (Haynes, 2008, p. 111) whereby the country that they have left behind may not be able to provide the needed protection while the destination country may not be willing to offer one. According to Haynes (2008), trafficked victims originate from places where the conditions are conducive for exploitation: existence of structural

pressure, either economic or social, on the victims to migrate; limited educational or employment opportunities; unstable family structure; and discrimination based on gender/racial/caste.

Understanding human trafficking as a byproduct of a general voluntary labour migration does have its merits. It brings attention to diversity of migrants' experiences that prompts scholars to deliberate on globalisation and market demands as well as migration policies and practices. Most importantly, the study of human trafficking illuminates the role of the country in governing the movement of people, be it as a source country, transit or destination. Kaur's (2010) analysis of labour migrant regulation demonstrates similar problems faced by labour-importing countries such as Malaysia in governing low-skilled migrant workers. They are mostly employed in occupations shunned by locals with relatively low wages compared to national workers that require them to work under appalling condition. In dealing with migrant workers, host countries tend to work together with employers to institutionalise practices that promote disempowerment, isolation and marginalisation (Lim, 2003). The exclusionary practices increase the migrant workers' vulnerability of being exploited. In the case of Malaysia, many migrant workers are subject to practices indicative of forced labour such as restrictions of movement, deceit and fraud in wages, passport confiscation and significant recruitment debts (U.S. Department of State, 2012).

The human trafficking discourse has been seriously criticised for lacking in evidence-based research and for being disconnected from theory (Goździak & Bump, 2008; Musto, 2009; Tyldum, 2010; Reid, 2012; Zhang, 2012). Despite the adoption of radical feminist theory to explain sex trafficking and international migration theory to examine labour trafficking, Goździak and Bump (2008) claim that no attempt has been made to develop a new theoretical framework to critically analyse human trafficking phenomenon. The lack of systematic and methodologically rigorous empirical research

and scarcity of theoretical foundation on the study of human trafficking entail a deficiency in the scholarly academic standards. Since most of the research on human trafficking mainly involves case study research (Reid, 2012), it limits the generalisation and extrapolation of the findings due to the small samples (Goździak & Bump, 2008). However, Tyldum (2010, p. 11) suggests that "more narrowly defined thematically or sector specific research, and not large-scale international attempts to count (or just guess) the number of trafficking victims" may lead to a better understanding of the human trafficking phenomenon.

Empirical research on human trafficking has been made in various disciplines and fields such as criminology, politics, law, human rights, migration, gender and public health (Lee, 2007). The exploration of human trafficking phenomenon in Malaysia through the examination of policy implementation by the government bureaucrats in this study is justified by the fact that increased understanding of the situation may lead to critical development of pragmatic improvements. Government bureaucrats as key stakeholders assume an important part in the fight against human trafficking. They can be encouraging or restricting abusive labour migration and neglecting or protecting vulnerable population through policy implementation. Hence, this study seeks to analyse human trafficking through the implementation lens taking into consideration the lack of research on the topic in the field of public policy. Looking at the issue through the implementation lens allows the study to provide pragmatic recommendations to tackle human trafficking based upon recognition of the implementation challenges.

2.4   Defining policy and implementation

To explore the process of policy implementation, it is imperative that the concept of policy is properly defined. Public policy has been subjectively defined by many in academic writings. According to Hill and Hupe (2009), the various definitions are partly attributed to the semantics and partly it has to do with the different emphasis

given on a specific aspect of the particular phenomenon that is being studied. Generally, public policy has been acknowledged to guide actions in addressing problems and in providing goods and services to society (May, 2003). It is developed by governmental bodies and officials (Anderson, 1975). Not only actions, inactions are also considered to be part of public policy (Hill & Hupe, 2009). Therefore, public policy comprises behaviour as well as intentions. Hogwood and Gunn (1984) characterise public policy to be subjectively defined by an observer, comprising a series of patterns of related decisions contributed by various circumstances and personal, group and organisational influences as shown in Figure 2.1. The policy outcome should be analysed to determine if it delivers according to the policy makers' intentions.
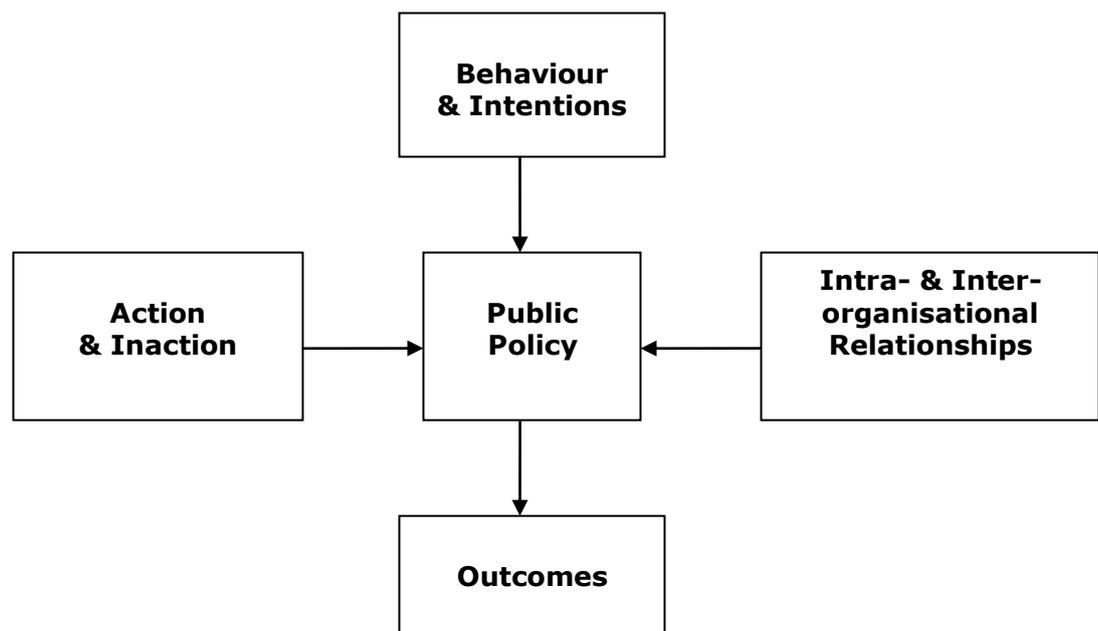
Figure 2.1: Public Policy Elements

Source: Hogwood and Gunn (1984).

Based on Hogwood and Gunn's (1984) identification, policy refers to a purposive course of action that involves behaviour and intentions, which results in outcomes that may or may not have been foreseen. The course of action may well be in the form of inaction or sometimes termed as 'negative decisions' or 'non-decisions', in which the decision is made to preserve the status quo (Howlett & Ramesh, 2003).

Policy signifies a process over time that may involve both intra- and inter-organisational relationships. Since other actors such as private and civil society may participate in all aspects of public policy process, the involvement of government may not be exclusive, but it assumes a major role in legitimising the action.

Policies can be in various forms including legislation, executive orders or other official acts (May, 2003). In the case of human trafficking policy in Malaysia, it comes in the form of legislation known as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. The 2007 Act was formulated with the intention to create a specific and comprehensive law in Malaysia on trafficking in persons activities. It also prescribes behaviours relating to prosecution, prevention as well as protection and care for trafficked victims. As the country's primary policy with the intention of fighting human trafficking, the 2007 Act incorporates various actors as part of the policy process with Ministry of Home Affairs as the main driver of the policy. The 2007 Act as a public policy sets forth courses of action for addressing the problem of human trafficking that leads to specific outcomes depending upon its actual implementation.

Public policy is meant to be implemented in order to achieve its goals. Hence, implementation is a critical part of the policy process, which is connected to specific policies as a response to particular problems in society (Hill & Hupe, 2009). Van Meter and Van Horn (1975) explicitly define policy implementation as actions taken by public and private individuals to achieve a set of objectives established in prior policy decisions. They emphasise that the implementation phase begins only after goals and objectives have been established. For human trafficking policy in Malaysia, the implementation phase started after the 2007 Act was enforced in 2008.

In reality, policy tends to differ from its original intentions due to distortions in the policy implementation process. Majone and Wildavsky (1978) advocate this view as they believe goals and programmes are continuously modified by implementing

actors who face various constraints and need to adapt to changing circumstances. Implementation scholars have opposite views on the subject of unavoidable modifications to the policies. One school of thoughts support the modifications because it reflects the actual situation (Palumbo & Calista, 1990; Schneider & Ingram, 1997). The adaptations are considered to be desirable as they add value to policy intentions. Some claim that little can be done to avoid the modifications, whether desirable or not, due to inevitable ambiguities of policy goals and conflict among implementers (May, 1999).

Policy implementation focuses on activities that affect the provision of public service, which leads to policy implication. The study of implementation highlights possible gap between policy intentions and actual delivery of public services. It provides an understanding of how the policy being materialised into concrete actions. Implementation process is often neglected partly because of naïve misconception that an established policy will be implemented accordingly resulting in policy makers' desired outcomes (Smith, 1973). It is deceptively regarded as a simple process in which most of all the crucial policy issues have been resolved in the prior decisions of the policy makers.

Despite several decades of research on public policy implementation regarding various issues, most of the research is concentrated in the West, particularly in North America and Europe. Almost 90 per cent of all publications on implementation research are in the Western hemisphere, focusing more on policy issues related to educational, health, environmental, social and economic issues (Saetren, 2005) as mentioned in Chapter 1. Implementation scholars are biased in selecting research topics according to certain policy sectors of interest and regional location due to specific research agendas. Hence, this study is a first attempt in looking into human trafficking in Malaysia through the policy implementation perspective.

2.5 Theoretical underpinnings

The theoretical underpinnings incorporate the following theories: theory of bureaucracy, implementation theory, inter-organisational coordination and street-level bureaucracy. This section examines the literature relevant to the theoretical underpinnings in order to gain an understanding of the implementation process of human trafficking policy in Malaysia. The application of the theories provides further insight into human trafficking phenomenon.

2.5.1 Theory of bureaucracy

Given that the government bureaucrats are the key implementers of human trafficking policy in Malaysia, it is imperative that this study encompasses the theory of bureaucracy. The understanding of bureaucracy draws on a sociological tradition that recognises the importance of an institutional form to the expansion of modern industrial society (Weber in Henderson & Parsons, 1947). In management and organisation theory, bureaucracy is typically used to refer to a set of characteristics displayed by organisations in various degrees, mainly standardisation, formalisation, centralisation and functional specialisation (Pugh et al., 1963; Scott, 1981; Kanter, 1990). This entails a more centralised, formalised and standardised procedures of control as the distinctive feature of a bureaucratic organisation. A bureaucratic organisation requires individuals who are willing and able for role-taking that will further turn into the maturation of individuals conforming to the organisational requirements (Maravelias, 2003).

Theory of bureaucracy can be traced to the work of a German sociologist, Max Weber, based on his observation of the emergence of large-scale organisations in the late 19th and early 20th centuries (Denhardt & Denhardt, 2009). It was he who introduced the term 'bureaucracy' and to study the development of rationalism in modern life focusing on the structure of the large-scale organisations. Weber describes

bureaucracy to be any large organisations, public or private, characterised by a clearly defined hierarchy of impersonal offices and employment of qualified people who are subject to strict discipline and control (Weber in Gerth & Mills, 1946). Blau (1966) presents Weber's characterisation of bureaucratic attributes as follows:

(i)   the tasks and responsibilities are established according to a fixed and stable structure that is operated based on rules and regulations;

(ii)   a systematic division of labour is created according to a specified sphere of competence;

(iii)   the bureaucrats must follow a strict and systematic discipline and control in carrying out the specified duties;

(iv)   all operations are governed by a consistent system of abstract rules;

(v)   a system of hierarchy is practiced in which each level of the organisation from bottom to top is supervised by the next higher level;

(vi)   the bureaucrats are subject to authority only in regards to their impersonal official obligations;

(vii)   bureaucratic candidates are selected based on their technical qualifications in order to provide consistent and ongoing accomplishment of organisational tasks; and

(viii) working in a bureaucracy constitutes a profession in a system of promotion according to seniority or to achievement or both.

Based on his characteristics of bureaucracy, Weber argues that bureaucracy is the most rational and the most efficient way for an organisation to behave in carrying out imperative control over human beings (Weber in Gerth & Mills, 1946). He believes that bureaucracy provides an organisation the benefits of a machine production give to a factory. The bureaucrats are equated to machines that are able to undertake their tasks efficiently without external biases affecting the implementation process and outcome.

Bureaucracy, as perceived by Weber in Gerth and Mills (1946), dehumanises the officials by shunning any personal elements to avoid unfair treatment in performing their duties.

Since Weber's pioneering work, bureaucratic organisations have been deliberately put together as social units established to carry out a specific task according to rules required for all forms of bureaucracy (Best, 2002). The bureaucracy is established through a set of legal rules that provides the authority for the bureaucrats to behave in a certain manner. This legitimate rule is outlined by Weber as rational legal authority, a structure for making decisions with reference to a legal code that provides the legitimacy of the structure (Best, 2002). The bureaucracy as a form of authority, as explained by Weber, rests on a belief that legally enacted rules elevate the right for the bureaucrats to give orders (Best, 2002).

Bureaucracy is needed to handle the complicated administrative tasks of large societies and organisations. According to Cohen (1965), as the society becomes larger and more complex, there will be greater possibility for interpersonal and intergroup conflict. In such circumstances, the impersonal force must be made available to the society through the form of bureaucracy in order to promote fair distribution and social justice. Hence, bureaucracy is considered to be a critical social instrument for the society as it is efficient, predictable, impersonal and fast (Cohen, 1965).

With all its advantages of being a system of organisation, administration, discipline and control, many often see bureaucracy in a pejorative manner. Even Weber was concerned with the bureaucratic drawbacks (Denhardt & Denhardt, 2009). He warned that a fully developed bureaucratic power and expertise may overpower existing democratic controls. At the same time, Weber in Denhardt and Denhardt (2009) also cautioned against the effects of bureaucracy on individual freedom. This is because

bureaucracy results in a highly mechanical approach to organisations that are built on structure and control.

Bureaucracy faces various challenges as human behaviour cannot be closely regulated as machine production (Cohen, 1965). In order to become precise, mechanical and efficient, the bureaucrats struggle to find the right balance in executing their tasks. The precarious balance is easily upset as bureaucrats try to avoid being too ritualistic while at the same time being fair to the clients. Cohen (1965) criticises that although Weberian's bureaucracy is efficient in the ideal case, it may not be the case in practice. Due to the career orientation, the bureaucrats tend to be more interested in protecting their career than in dealing with their clients. Over-emphasis on the rules delays the work of the organisation and distracts the bureaucrats from the actual tasks to be done. The bureaucrats have been criticised for being territorial, arguing over precedent and jurisdiction.

Since Weber has opened the gate to the ideal characteristic of bureaucracy, unanticipated consequences have emerged when humans become dehumanised. Merton (1957) demonstrates that bureaucracy with a comprehensive system of rules, impersonalisation and high division of labour causes unintended consequences to the bureaucrats. The highly trained bureaucrats suffer from rigidity as the application of rules incapacitates their ability to address each case accordingly. According to Merton (1957), bureaucrats no longer perceive the rules as a means to an end but as ends in and of themselves. The organisational attributes of bureaucracy increases displacement of goals as the rules become the end value to the bureaucrats. Bureaucracy provides control and central direction to achieve objectives at the price of inflexibility and limitation of response to changing problems (John, 2011). Command and control, however, may limit the bureaucrats' ability to respond effectively.

Unofficial norms have emerged in bureaucratic organisations as the bureaucrats adopt informal arrangements and develop unofficial ways of conducting business. In this regard, Weber was criticised for erroneously assuming that precise obedient is easy to become habitual as the basis of order and control (Crozier, 1964). Crozier (1964) observes that although bureaucrats may put on their organisational masks, it does not mean that they easily or frequently follow the organisational requirements despite the specified hierarchy of position and rules in bureaucracy. Since such orderly manner of an organisation rarely exists in practice, many argue that understanding an organisation should not be through a system of hierarchy but through a system of cooperation and bargaining (Peters, 2010). The flexibility and discretion are essential to humanise a rigid, machine-like social structure of bureaucracy. This supports the concept that bureaucracy is dynamic in which one change builds upon another in a series of changes and unanticipated consequences that significantly become part of the organisation (Blau, 1966). The bureaucracy essentially dictates the implementation process of the public policy as the bureaucrats take charge of translating the policy into actual measures.

2.5.2 Implementation theory

Taking into consideration the theme of the study is on policy implementation, it is critical that the implementation theory is reflected in the body of the theoretical knowledge. This is because the study of implementation goes on to suggest strategies for successful implementation by identifying modes of managing implementation (Hill & Hupe, 2009). Implementation theory is closely related to theory of bureaucracy as the task of implementation falls on the shoulder of the bureaucrats. The bureaucrats play a critical role in materialising the intent of policy into practice. The essence of the implementation process relies on the wide range of bureaucratic actors who are the experts in their field of work. Successful and equitable implementation strongly relies

on priorities given to a new mandate and sufficient funding (Mazmanian & Sabatier, 1983). Mazmanian and Sabatier (1983) provide one of the most influential definitions of implementation:

> Implementation is the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulate the objective(s) to be pursued, and in a variety of ways, 'structures' the implementation process. (pp. 20-21)

Implementation literature has emerged since the early 1970s. Previously, implementation was considered to be a simple and uncomplicated step in the policy process for the bureaucrats to carry out the policy decisions made by the policy makers (Thomas, 2006). In the policy process, the tendency was to accept the fact that political mandates were clear and that the bureaucrats would deliver what the political bosses demanded of them (Hill & Hupe, 2009). Pressman and Wildavsky (1973), who created an intense academic debate on the understanding of the public policy implementation, considered implementation to be a complicated process. The complexity of the implementation is related to the chain of causality and the reciprocal relationships among the links. It can lead to implementation gap indicating the deficit between what is observed and what is expected (Hill & Hupe, 2009). This is supported by O'Toole (1995) that suggests policy implementation refers to the link between governmental intention and actual results.

In the study of implementation, there is a problem concerning the issues of the relationship between policy formation and its implementation. The scholars had debated in the early years of implementation studies between the top-down and the bottom-up perspective (Hill & Hupe, 2009). The top-down approach regards the central policy authorities to have the capacity to direct and control the behaviour of implementing agencies (Thomas, 2006). In contrast, bottom-up approach promotes flexibility for lower-level officials to utilise scarce resources accordingly in time of

uncertainty. This debate was heavily influenced by the question of how to separate implementation from policy formation. The bigger question in the implementation study, however, was on how to identify the features of a very complex process, occurring across time and space, involving multiple actors (Hill & Hupe, 2009).

As highlighted by Lester and Goggin (1998), the problems faced by implementation research are how to measure the concept of successful implementation. Hence, the authors made a point that policy implementation should be viewed as a process involving decisions and actions taken towards putting into effect authoritative policy decision. In this regard, the timely and satisfactory performance of certain necessary tasks related to carrying out the policy intent is considered as an essential element to the process. From the top-down model perspective, implementation gap can be explained by a number of factors: lack of clear policy direction; a multiplicity of agencies and actors involved; inter-and-organisational differences in interests and values, communication and coordination problem among various actors; and administrative control limitation that fails to allow autonomy and discretion necessary for the creative use of specialised knowledge and skills (Thomas, 2006). On the other hand, the bottom-up approach focuses more on the interplay of interests and interaction among agencies, including power relationships. This is a departure from the formal organisational hierarchies and control mechanisms involve in shaping the implementation process.

The debate between top-down and bottom-up perspectives has moved on to consider efforts to synthesise the two contentious approaches. It revolves around the question of whether implementation studies are meant to be mainly prescriptive or descriptive in which top-down approach emphasises what ought to happen while the bottom-up approach seeks to explain implementation process and outcome without offering prescriptions (Thomas, 2006). The debate provides significant contributions

for how best to achieve better performance while maintaining accountability in the implementation process.

In looking at top-down and bottom-up approaches, there is a complication of separating policy formation and policy implementation (Sabatier, 1986). However, Palumbo and Calista (1990) posit that implementers are a part of the policy-making process. According to Hill and Hupe (2009), the empirical observation shows that policy-making continues in the implementation stage. This characterisation of the policy process defies the emphasis in the theory of bureaucracy. The bureaucratic model stresses on hierarchy and this implies that the rules are dictated from the top, which are conservative and very stable. There is, however, a growing concern with the concept of implementation as a controlled and predictable process (Hill & Hupe, 2009). The debate continues on the extent to which the behaviour of the bureaucrats should be precisely prescribed by laws.

Hill and Hupe (2009) highlighted the fact that implementation study has been criticised for neglecting policy environment that influences policy outcome. This is due to the difficulty faced by researchers to take into account variables outside the policy process such as climate and population change as well as global economic forces. Employment policy is an example of whereby a change in the economic environment may lead to higher unemployment rate. Hence, it is unreasonable to imply that the implementation gap is all due to ineffectiveness of the implementers. Careful consideration of wider factors enriches implementation study albeit the limitations of real world research may hinder actual presentation of the environmental variables.

2.5.3 Inter-organisational coordination

In exploring the implementation process of human trafficking policy in Malaysia, the study draws upon the importance of coordination as part of the top-down approach in administrating the policy. As highlighted in the top-down approach, policy

implementation process involves intra- and inter-organisational relationship (Hill & Hupe, 2009). Brinkerhoff (1996) recognises the importance of network actors that are linked through a web of administrative and task related chains. Hence, it is important to understand the various bureaucrats' involvement that requires coordination in order to achieve specific goal. The multiplicity of layers in implementation process continues to be a major challenge in the governance paradigm. Each of the bureaucrats' roles pertinently influences the policy process, thus, making coordination a vital element in the implementation framework.

In implementing specific public policy, all relevant agencies must make decisions and take actions that are consistent with the overall strategy, which leads to highly interdependent decisions and priorities. However, implementation in reality may provide a different scenario as agencies discover conflicting roles and different priorities that may undermine their performance. To address the implementation problem, coordination is adopted as a control mechanism to ensure consistency in decision-making and actions as well as to integrate critical information flows. According to St. John and Young (1995), coordinating mechanisms tend to be classified as follows:

(i) formal/bureaucratic mechanisms, i.e., rules, policies, procedures and planning processes that govern action and behaviour; and

(ii) informal/cultural mechanisms, i.e., teams, committees and socialisation activities that influence decision processes and value systems.

Policy implementation tends to transcend organisational boundaries, which necessitates a great orchestration of multiple entities to achieve implementation success. In his study of the implementation structure of Madagascar's Environmental Action Plan, Brinkerhoff (1996) analyses the multi-actor linkages and coordination. He highlights the importance of the linkages among network members and the

interdependencies as well as the coordinating mechanisms. Most importantly, Brinkerhoff (1996) suggests that a hierarchical control and formalised approach for coordination is ineffective due to increased tension between the pursuit of individual network members' objectives and the overall policy goal of the established network.

Coordination has been described in organisational studies as a mechanism involving deliberate adjustment and collective goals (Morissey, Hall & Lindsey, 1982). Given this broad definition, Alter and Hage (1993) conceptualise coordination through a service system performance involving three objectives of service delivery:

(i)   comprehensiveness, whereby expertise is available and resources are adequate to meet diversified needs;

(ii)   accessibility, whereby expertise is accessible and resources are allocated based on needs to provide sufficient outreach, information and transportation; and

(iii)   compatibility, whereby expertise is congruent and resource providers' goals and values are in harmony to consistently deliver across providers and programmes.

Alter and Hage (1993) recognise that coordination is a complex problem in the public sector as information needs to be integrated while tasks must be interconnected across functional areas and hierarchical levels. A minimum of two hierarchical levels have been identified that are in need of coordination: administrative and operational (March & Simon, 1958; Hage, 1974). Administrative coordination focuses on inter-agency activities involving top management while operational coordination concentrates on front-line bureaucrats. Evidence has shown that administrative coordination relies on formal interaction such as through committees, written policies and formal rules (Alter & Hage, 1993). On the other hand, organisational research has found that operational coordination tend to rely more on informal coordination (Van deVen, Delbecq & Koenig, 1976).

A climate of trust is vital for coordination to materialise through successful cooperation. Empirical research on inter-organisational relationship highlights the importance of trust in increasing cooperation (Smith et al., 1995). To illustrate the key role of trust, the study on Swedish Public Employment Service offices and municipalities shows that mutual trust and goal congruence must exist simultaneously in order to promote cooperation (Lundin, 2007). Familiarity through prior interactions generates inter-organisational trust although there exists initial ambivalence period before converting joint history of interaction into trust establishment (Gulati & Sytch, 2008).

The complexity of task requires more inter-organisational collaboration (Alter & Hage, 1993). As complexity increases, more efforts are required at coordination due to greater difficulties in coordinating between relevant functions or agencies (St. John & Young, 1995). The choice of coordinating mechanism is situational depending on the complexity of the problem and agencies involved. With greater complexity, information feedback becomes more crucial. Information feedback refers to "a process that returns information about the results of the inter-organisational work back into the network system as participants engage in decision making" (Alter & Hage, 1993, p. 93). The importance of information feedback is evident particularly when dealing with quality and service customisation. Hence, coordination across agencies poses a challenge of its own as it attempts to achieve synergy across multi-layer hierarchies through shared learning and resources. Thus, the imperative for the bureaucrats is to recognise the importance of the different aspect of coordination in order to create effective synergy in the implementation process.

Blau (1966) cautions that coordination may prove to be a challenge as it requires the hierarchy of authority in a bureaucracy. The bureaucratic authority provides social control through common role expectations of which subordinates willingly comply to

his or her superior's directive. However, this bureaucratic authority promotes inequality whereby the bureaucrats are not equal in status and power (Blau, 1966). Blau (1966) implies that the existence of inequality leads to bureaucratic apathy that may hinder the organisation from reaching its objectives. Without a sense of identification with the organisational objectives, the bureaucrats are less interested to perform the required task to the best of their ability. This disruptive inequality must be addressed so as not to endanger the hierarchical authority needed for effective coordination.

2.5.4   Street-level bureaucracy

Recognising the role of frontline bureaucrats in the implementation process as in the case of human trafficking policy implementation in Malaysia, the street level bureaucracy is incorporated to indicate the importance of the frontline bureaucrats in interpreting the law. Taking into consideration that all bureaucrats face constant pressure for more fundamental change and continuous improvement, the bureaucrats need to use their discretion to interpret the policy and under special circumstances, even to modify the rule of law of the implementation process. Discretion as a bottom-up approach in the implementation process signifies the involvement of the bureaucrats who have to deal with situations that are inherently difficult to regulate precisely in advance (Hill & Hupe, 2009). The understanding of the behaviour of frontline bureaucrats in policy implementation agencies is vital to ensure the policy is translated accordingly to reach its beneficiaries.

Regarded as the founding father of the bottom-up perspective, Lipsky introduced the concept of street-level bureaucracy with the objective to "search for the place of the individual in those public services I call street-level bureaucracies...whose workers interact with and have wide discretion over the dispensation of benefits or the allocation of public sanctions" (Lipsky, 1980, p. xi). Lipsky highlights that street-level bureaucrats face unpredictable work situations and outcomes while experiencing great

pressure of inadequate time given in dealing with limitless needs. According to Lipsky (1980), the bold decisions, the established routines and the invented devices made by street-level bureaucrats in order to cope with uncertainties and work pressure effectively become the public policies that they implement. Significantly, Lipsky (1980) concurs that the adjustments made ultimately become accepted based on the view that the clients received the best of treatment under the prevailing circumstances. Due to the different needs of clients, the nature of public policy provision becomes complex and taxing as stated by Taylor and Kelly (2006). They also argue that legislation is often open to interpretation when it comes to street-level implementation because it tends to be non-prescriptive.

In his work on street-level bureaucracy, Lipsky (1980) indicates that street-level bureaucrats carry out jobs that involve high discretion and regular interaction with clients. The work environment affects how street-level bureaucrats perceive problems that entail common patterns of practice. He identifies common conditions that operate in such particular work environment:

(i)   critically inadequate resources;

(ii)   increasing demand;

(iii)   ambiguous, vague or conflicting goal expectation;

(iv)   performance management difficulty; and

(v)   non-voluntary clients.

Street-level bureaucrats view themselves as being oppressed by the bureaucracy within which they work (Lipsky, 1980). Nevertheless, they often seem to have a great deal of discretionary freedom and autonomy. Taylor and Kelly (2006) observe that the degree of discretion varies depending upon the nature of policy and the authority given to the street-level bureaucrats who are directly responsible for the policy implementation. The policy implementation focuses on street-level bureaucrats with

idealistic services exercising discretion under intolerable pressure. By allowing the street-level bureaucrats to carry out their duties based on the professional training and expertise, it can lead to better performance (Smith, 2003). Given the right resources and opportunity to use their capabilities, the street-level bureaucrats can effectively address serious public problems and provide fair and equitable services.

Attempts to control the street-level bureaucrats hierarchically increase their tendency to stereotype and disregard the needs of their clients (Lipsky, 1980). Since it would be erroneous to suggest that Lipsky advocated a high degree of discretion for street-level bureaucrats, it is critical to emphasise the need for implementation accountability. The issue of accountability is always an ever growing dilemma for street level bureaucrats. They face the critique of lack of accountability due to their relative autonomy and broad discretion (Smith, 2003). Discretion, however, is vital in interpreting rules for policy implementation in order to be responsive to specific needs of diverse service beneficiaries (Goodsell, 1981). However, inconsistent use of discretion can lead to inequitable policy implementation that may differ greatly from policy intention.

Lipsky's earlier work with Weatherly in 1977 on the study of the implementation of a new, innovative state special education law in Massachussets discusses the dilemmas faced by street-level bureaucrats, both administrators and educators (Weatherly & Lipsky, 1977). The authors caution against the serious implications for those who seek to introduce policy innovations with insufficient resources and guidance. A radically new policy leads to greater interpretation that prompts street-level bureaucrats to utilise substantial discretion in delivering their services. Hence, it is important to ensure adequate resources and guidance are provided in order for policy to remain undiluted at street-level. Less ambivalence in the policy

implementation means less need to develop coping mechanisms and rules to deal with uncertainty and unclear goals.

Although Lipsky views that high level of discretion is necessary to compensate for lack of legislative clarity or managerial control and guidance, he argues that discretion is more likely to be effective if there is a higher degree of regulation and control over the actions of street-level bureaucrats (1980). Despite the recognition for street-level bureaucrats to use their judgment due to their high involvement with the clients, street-level bureaucrats must be made accountable for their behaviour. The street-level bureaucrats' professional knowledge and experience is important to provide better services to the beneficiaries. Implementation management relies on the ability of the bureaucrats to learn and maintain flexibility (Brinkerhoff, 1996).

Even within a rule-bound system where accountability is tight, there will always be situations in which street-level bureaucrats need to exercise discretion (Taylor & Kelly, 2006). The degree of complexity in the policy implementation influences the implementation process. Rules may not be applicable and operable when facing unpredictable situations. According to Taylor and Kelly (2006), a high degree of task discretion at street level continues to exist due to the different ways available in implementing the public policy. Hence, discretion is dynamic and evolving according to the policy and organisational changes as well as the public demand.

2.6   Past studies

Initially, almost all the studies worldwide concentrated on sex trafficking, focusing only on women and children as trafficked victims. However, the focus has shifted to include emerging patterns of trafficking specifically labour trafficking that involve not only women and children but also men. Some of the issues that are still not being adequately addressed include the lack of studies on the national implementation of human trafficking policy and the policy implications. Inadequate research on the

local aspects and effects of human trafficking policy implementation hinders effective policy interventions.

2.6.1   International studies on human trafficking

International Organisation for Migration (IOM)'s latest report on Counter Trafficking and Assistance to Vulnerable Migrants reveals the changing trend in human trafficking (2012). More than half of the assistance (53.0%) provided by IOM in 2011 is related to labour trafficking in comparison to sex trafficking of only 27 per cent. Based on IOM assisted cases, labour trafficking has become the major form of trafficking by surpassing sex trafficking since 2010. IOM exposes that many of the labour trafficking cases exist in legal and contractual work. However, the work involves degrading condition that is considerably different from what has been promised to the trafficked victims. The report also shows that women continue to receive the largest portion (62.0%) of IOM assistance to trafficked victims. Trafficked women are involved in cases of sexual exploitation, labour exploitation and a combination of both sexual and labour exploitation. Nevertheless, the number of male victims receiving the IOM assistance has increased by 23.2 per cent from 1,656 beneficiaries in 2008 to 2,040 in 2011. IOM acknowledges that identification of victims remains as key challenge for not only the government bureaucrats but also NGOs and international organisations such as IOM. The report findings, however, are limited to human trafficking cases that receive IOM direct assistance. The data used in the report is retrieved from the IOM Global Human Trafficking Database that contains primary data on 20,000 registered IOM beneficiaries in approximately 85 source countries and 100 destination countries.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons has provided an internationally recognised definition of human trafficking with three critical approaches widely known as 3Ps: prevention, protection and prosecution

(United Nations, 2000). Member States are obligated to adopt the 3Ps approach despite the high cost of compliance. Cho and Vadlamannati (2012) analyse the impact of the Protocol regarding the adoption of each approach given that countries will strategically focus on an approach with lower cost of compliance. The empirical results indicate that countries comply with the Protocol by strategically choosing to focus on prevention compared to two other approaches. This is because prevention measures can utilise existing resources without causing much domestic resistance as compared to protection and prosecution measures. Both protection and prosecution require new legislation and policy implementation that may incur monetary burden and domestic resistance. Greater resources are needed to provide temporary residence permits to trafficked victims together with benefits. Enforcing new anti-trafficking law calls for greater capacity for law enforcement agencies and judiciary. Hence, countries tend to favour the adoption of prevention approach. The sources of information for the study, however, are mainly from the Annual Report of Trafficking in Persons produced by the U.S. Department of State with supplementary information from the United Nations Reports on Trafficking in Persons: Global Patterns. This may hinder actual investigation of the real situation in various countries.

In an exploratory review of sex trafficking in North America, Reid (2012) examines prior research on victim vulnerabilities over the last decade from 2000 until 2011. The findings show that foreign victims' risk is mainly linked to its migrant status. This can be in various forms such as no proper documentation, travel documents supported by a trafficker or trafficker-sponsored agency or expired travel documents. Related to this, the foreign victims also face the risk of deception in their countries of origins such as fraudulent employment agencies that intentionally fail to inform the victims about the work conditions including the pay abroad. Once they arrive at destination countries, foreign victims' vulnerability increases with the challenge of

language and cultural barriers that leads them to isolation and reduces their possibilities for accessing protection and support. The review also indicates that the pursuit of a better life for them and their families back in their home countries strongly motivates foreign victims, which makes them easy prey for traffickers. In relation to gender vulnerability, the findings reveal a higher prevalence of girls and women compared to boys and men in sex trafficking. Among the limitations of this review is the quality and quantity of related studies available. Given that the focus is only on sex trafficking in North America, the findings may not be generalised for different types of trafficking and beyond the region.

Studies have shown that human trafficking is linked to the issues of international labour migration related to the global economic disparity between countries in which both poverty and migration emerge as driving forces behind international trafficking in persons (International Labour Organisation, 2005). A study by Mahmoud and Tresbech supports the significant role of migration in the proliferation of human trafficking (2010). It strongly indicates that victims from large-scale emigration flows regions are more likely to be recruited by human traffickers. The study also finds a close link between illegal migration patterns and human trafficking. The findings of the study support the argument that a flexible migration policy is necessary to address human trafficking albeit no actual data shown a less restrictive migration policy to be the remedy for the problem. More research is required to provide the evidence of an effectiveness of a flexible migration policy in tackling human trafficking. The study concludes that human trafficking will continue to exacerbate if migration pressure continues to remain high. Although the study significantly discusses the economics of human trafficking, it fails to provide a greater picture of human trafficking problem involving different factors that may influence the human trafficking situation.

Likewise, Chuang seeks to reframe trafficking as a migratory response to today's socioeconomic trend of globalisation (2006). Poverty and gender-based discrimination among women become the theme of discussion, which deviate the focus of the widespread practice of trafficking that also involves men as victims. Although the article tries to acknowledge other trafficking activities besides sexual exploitation, the article offers a view of human trafficking through the gendered lens of women's repressive state that becomes the catalyst for migration. Chuang's article exhibits the tendency to focus only on women as trafficked victims. This is supported by Lazcko (2005) that the majority of research done on trafficking tends to focus on women and children involved in sexual exploitation. To redress this imbalance, human trafficking must take into consideration other forms of trafficking. Interestingly, the article stresses the need to view human trafficking not through bits and pieces but holistically and strategically. Taking into consideration most of the trafficking research is designed to address specific interventions as part of short-term strategies, Chuang realised the need for future research in areas of development, equality and human rights for long-lasting impact (2006).

The trend in human trafficking research, however, has changed as greater acknowledgement has been given to the issue of labour trafficking and not just focusing on sexual exploitation. There has been a concerted effort to shift from narrow perspectives of defining trafficking only involving women and girls being exploited in the sex industry to a more holistic approach of addressing the human trafficking problem that also includes women, men and children being exploited in other sectors (Chuang, 2010). A study by Hanley, Oxman-Martinez, Lacroix and Gal in 2006 made an attempt to explore human trafficking beyond its norm of sexual exploitation to include other areas of labour exploitation. The study asserts the importance of recognising human trafficking as labour issue influenced by gender, race, age and class.

Hanley, Oxman-Martinez, Lacroix and Gal (2006) highlight the critical role of the global labour market in engendering human trafficking through supply and demand between origin and destination countries. The findings of the study critically acknowledge the trafficked victims' imperative role of choosing to take the risk of being exploited in a foreign land. They went of their own accord to migrate and accept the exploitative labour condition with hope and optimism of a better life in the long run. Although the study documents the ways the frontline service providers handle human trafficking cases, the emphasis is on identifying the gaps in the service provided based on trafficked victims' characteristics and needs. The research design, however, is limited to only the frontline organisations as the identified participants without taking into account actual victims' responses. Due to this limitation, the study may not be able to actually capture the true experience of the trafficked victims when they receive the services provided by the frontline organisations.

The United States has been active in supporting evidence-based research to close the knowledge gaps regarding human trafficking. The U.S. Department of Justice commissioned two studies for law enforcement and service providers: Finding Victims of Human Trafficking (Newton et al., 2008) and Understanding and Improving Law Enforcement Responses to Human Trafficking (Farrell et al., 2008). The reports examine the progress made by local and state government and service providing organisations in combating human trafficking. Farrell, McDevitt and Fahy (2008) reveal that the most frequent challenge (70.0%) faced by law enforcement agencies is lack of cooperation from victims. The findings indicate that human trafficking task forces are more successful in investigating more cases with 36 on average compared to 15 for non-task force agencies. Newton, Mulcahy and Martin (2008) find that it is crucial to define human trafficking more clearly and conduct systematic training for practitioners as well as raise public awareness. The findings show that accurate record

keeping is vital to provide better understanding of human trafficking. Lack of cooperation and jurisdictions tensions have been identified as hindrance to efforts against trafficking. The report suggests that more resources are required to increase bureaucratic capacity and to provide better support for trafficked victims. Both the studies are confined only to the United States. Hence, the findings may not be applicable to other parts of the world.

Logan, Walker and Hunt (2009) synthesise four state-focused reports and five nationally focused reports on human trafficking in the United States. Based on the nine studies, the findings show that human trafficking affects individuals, a group of individuals and the communities in which the crime occurs. Human trafficking differs from other crimes because it is more difficult to identify due to its hidden nature whereby most victims choose not to self-identify. There is prejudice towards trafficked victims, particularly foreign victims who are linked to the bigger issue of migrants in general. This leads to limited access to justice because of their undocumented status. Trafficked victims have greater needs to overcome the traumatic experience, having nothing with them and nowhere to go. They fear for themselves and the safety of their families in their home countries. The study acknowledges the complexity of human trafficking as it involves multiple sectors and various countries. Despite its complexity, one of the frequently mentioned barriers to human trafficking is the problem of inadequate resources, funding and staffing. As a result, effective anti-trafficking measures require more resources and enhanced approaches involving (i) coordinated training, public awareness campaigns and inter-agency standardised protocols; (ii) services and outreach programmes sensitive to trafficked victims' needs including language access for trafficked victims; (iii) legal protection to avoid victims being re-victimised when cooperating with the law enforcement; and (iv) on-going research including data system management. This synthesis, however, has limited coverage with

the focus only on the United States. Since it is a review of studies, the critical findings are constrained to the existing studies conditioned and conducted by other researchers.

Many studies highlight the need for the protection of trafficked victims' human rights. Willman's study on human trafficking in Asia (2009) uncovers lack of protection for trafficked victims as the remaining problem of anti-trafficking legislation and law enforcement activities in the region. There is a gap between the intention of anti-trafficking law to protect victims and the reality of victims' human rights' violation. The victims' rights to seek compensation are practically non-existent. The study also shows that current accountability mechanisms in the Asian region tend to emphasise a criminal approach rather than a human rights approach. The data, however, relies on reports produced by other studies. Hence, the findings may be a little bit distorted without actual situation analysis.

Musto (2010) examines efforts of the Dutch government and NGOs in providing protection for trafficked victims in the Netherlands. The study indicates that victims' protection is essential in reducing the risk of re-victimisation, increasing prosecution of traffickers and offering a responsive framework to address the victims' human rights abuse. The Dutch smart partnership between government agencies and NGOs across professional boundaries has proven to be most effective in promoting protection to broader policing efforts. The study highlights the need for a paradigm shift from rescuing trafficked migrants to protecting victim's human rights. This requires coordinated training that leads to better identification and treatment of trafficked victims. Empowerment of trafficked victims is dependent upon government assistance in various forms such as temporary and permanent residency, accommodation, medical and social services, skills training, language programme. This study questions the provision of protection assistance that is contingent upon the victim's cooperation with law enforcement authority. It also criticises the Dutch political orientation towards

human rights that exhibits a bias in its support for anti-trafficking efforts against sex trafficking instead of labour trafficking. Despite being an ethnographic qualitative study, it fails to present the ethnographic encounters in sufficient detail. The analysis is mostly from the literature review rather than delving deeper into the qualitative study.

Little research to date discusses the occupational impact of working with trafficked victims. A qualitative study conducted in a city in Northern England reveals greater difficulty of dealing with sex-trafficked victims than with other vulnerable groups (Kliner & Stroud, 2012). Dealing with the trauma faced by the abused victims, the health and social care staff experience negative impact on their work as they face exhaustion, lack of sympathy and lack of belief in what the patients told to the staff. The staff members also find their work has negatively affected their life and health because of the stress working directly with the trafficked victims. As a result, the staff members have developed coping mechanisms such as keeping emotional distance from the patients and having variation in their work so that they can take a break from hearing the trauma. Better support and teamwork should be a priority to handle the difficult situation with trafficked victims. Lack of management understanding as well as inadequate training and knowledge expose the staff to the risk of burnout and secondary traumatic stress. This results in high turnover that jeopardises the quality and sustainability of the service delivery. The study, however, only assesses the psychological and health impact of the staff at one shelter home. There is no comparison with other shelter homes to enable generalisation of the findings.

In view that most of the studies on human trafficking focus on sexual exploitation of women and girls (Lazcko, 2005; Goździak & Bump, 2008), it is of paramount importance that the investigation of human trafficking to be conducted in a more comprehensive manner so that equal attention can be given to all victims of trafficking, covering various angles of human trafficking phenomenon. The trafficked

victims comprise not only women and girls but also men and boys involved in different types of trafficking. The uneven focus on sex trafficking diverges the attention needed to address the widespread practice of trafficking into activities such as exploitative agricultural work, construction work, domestic servitude or other non-sexual labour including bonded labour (Chuang, 2006). Considering the study of human trafficking tend to focus on the trafficked victims and not much attention is given to other actors involved, i.e., the traffickers, the clients, service providers, NGOs and law enforcement agencies (Lazcko, 2005), an attempt should also be made to address the gap by analysing the policy implementation process based on the influence of the stakeholders, particularly the relevant government agencies.

The international studies that have been selected highlight different issues related to human trafficking, which are relevant to the study. The findings from the selected studies make an important contribution to the continuous research on human trafficking theory development. More research has been conducted on human trafficking, but these studies are selected for their relevance to the topic of discussion and their importance in indicating the literature gaps. Table 2.1 summarises the selected international studies on human trafficking as discussed in this chapter.

Table 2.1: Summary of Selected International Studies on Human Trafficking

Author	Major Findings	Research Gaps
International Organisation for Migration (IOM) (2012)	The study acknowledges the changing trend in human trafficking that indicates greater number of labour trafficking cases in comparison to sex trafficking. Women remain as the largest recipients of IOM assistance to trafficked victims although the number of male victims is on the rise. The main challenge is to identify victims.	The report findings are limited to human trafficking cases that receive IOM direct assistance. It fails to take into account those that are outside of the IOM database.
Cho and Vadlamannati (2012)	The study analyses the impact of the Trafficking Protocol involving three critical approaches (3Ps): prevention, protection and prosecution. Among the three approaches, the empirical results indicate that countries strategically choose to focus on prevention because it utilises existing resources without causing much domestic resistance.	The sources of information for the study are mainly from the U.S. Annual Report of Trafficking in Persons with supplementary information from the United Nations Reports on Trafficking in Persons: Global Patterns. This may hamper the true picture of anti-trafficking measures in various countries.
Reid (2012)	The exploratory review shows that foreign victims' risk is mainly linked to its migrant status. The pursuit of a better life for them and their families makes them easy prey for traffickers. The findings also reveal a higher prevalence of girls and women compared to boys and men in sex trafficking.	This review is limited to the quality and quantity of related studies available. Since the focus is only on sex trafficking in North America, the findings may not be generalised outside the region and for different types of trafficking.

Table 2.1, continued

Mahmoud and Tresbech (2010)	The study recognises the significant role of migration in the proliferation of human trafficking. It concludes that high migration pressure aggravates human trafficking situation.	Despite the significant analysis on the economics of human trafficking, the study neglects other factors that may influence the human trafficking situation.
Chuang (2006)	The study aims to reframe trafficking as a migratory response to today's socioeconomic trend of globalisation. It focuses on poverty and gender-based discrimination among women.	Notwithstanding attempts made to acknowledge other trafficking activities besides sexual exploitation, the study limits its view on human trafficking by looking only through the gendered lens of women's repressive state.
Hanley, Oxman-Martinez, Lacroix and Gal (2006)	The study asserts the importance of recognising human trafficking as labour issue influenced by gender, race, age and class. It critically recognises the trafficked victims' role in taking the risk of migrating and being exploited in a destination country.	The research design is limited to the frontline organisations as the identified participants. Actual victims' responses are not taken into account to capture the holistic picture of the service delivery by the frontliners.
Newton, Mulcahy and Martin (2008) and Farrell, McDevitt and Fahy (2008)	The reports indicate that education and training lead to better understanding of human trafficking, greater likelihood of proactive measures and increased trafficked victims' identification. Inter-agency task forces prove to be effective with more cases identified, more arrests and more charges.	Both the studies focus only on the United States. This restricts the applicability of the findings beyond the region.

Table 2.1, continued

Logan, Walker and Hunt (2009)	The review recognises the complexity of human trafficking compared to other crimes. Despite greater needs of trafficked victims, there are fewer resources and services available.	This review of studies focuses only on the United States. The critical findings are limited to the existing studies.
Willman (2009)	The study indicates that anti-trafficking legislation and law enforcement activities in the region lack protection for trafficked victims. It also shows that current accountability mechanisms of Asian countries emphasise a criminal approach rather than a human rights approach.	The data relies on reports produced by other studies. Hence, the findings may be a little bit distorted without actual situation analysis.
Musto (2010)	The study examines efforts of the Dutch government and NGOs in providing protection for trafficked victims into the Netherlands. It highlights the importance of the paradigm shift from rescuing trafficked migrants to protecting victim's human rights.	Although the study mentions ethnographic interviews, there is no elaboration of the empirical findings. The analysis is mostly from the literature review rather than delving deeper into the qualitative study.
Kliner and Stroud (2012)	The qualitative study reveals the occupational impact of working with trafficked victims in a city in Northern England. Lack of management understanding as well as inadequate training and knowledge expose the staff to the risk of burnout and secondary traumatic stress. This results in high turnover that jeopardises the quality and sustainability of the service delivery.	The study only assesses the psychological and health impact of the staff at one shelter home. Hence, the study is quite limited in scope.

2.6.2   Local studies on human trafficking

Although there is a growing number of literature on human trafficking at the international front, documented materials at the local level are still dismal. Wong and Saat (2002) conducted a research on human trafficking from the Philippines to Sabah, a state in the East Malaysia. The findings reveal that Filipino women are trafficked by organised syndicates into the vice industry in Malaysia. Due to deception and debt bondage, the victims who work for the entertainment industry are forced to become sex workers. The victims are rotated between cities in West Malaysia before further trafficked to Japan, Singapore, Thailand, Hong Kong, Taiwan and Europe. Victims report specific incidences of collusion and corruption of law enforcement officers with the syndicates.

The study finds clear evidence of close collaboration between the Malaysian syndicates and Filipino partners that usually are employment agencies. Although the participants of the study include NGOs and law enforcement agencies in Sabah and Peninsular Malaysia, the victims are limited to only 29 Filipino women in Labuan of whom 26 are working in the same entertainment company. The limited scope of this study confines the findings to only specific cases that may not be able to give a better understanding of other forms of human trafficking.

Human Rights Commission of Malaysia (SUHAKAM) produced a report in 2004 based on a series of dialogues with various sectors and stakeholders, visitations to detention centres and interviews with selected trafficked victims at the detention centres, and a forum on trafficking of women and children. The report indicates that female trafficked victims come to Malaysia to earn a large amount of money in a short time. Because of the need to improve their families' well-being, the victims underestimate the threat of being exploited in Malaysia as a destination country. The process of human trafficking involving recruitment, transport and exploitation is done

through organised networks. Various methods are used to control the victims including personal documents and earnings confiscation, isolation, mistreatment and threat of violence.

The SUHAKAM documentation is more of a report rather than an academic study with very descriptive findings and no theoretical references. The research methodology is also vague. For instance, using questionnaires to identify trafficked victims in the Kajang Women's Prison is questionable considering the language problem for those who do not speak Malay or English.

IOM prepared a report on the assessment of Malaysia's shelters for trafficking victims in 2010. The report suggests that the 2007 Act tends to focus on prosecution and enforcement while lacking on an integrated anti-trafficking approach involving prevention and protection. It also reveals that Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) lacks the capacity, capability and authority to become the coordinator and to make decisions because responsibilities are divided among various actors and sub-committees under MAPO. MAPO also has an inadequate budget to implement the National Action Plan Against Trafficking In Persons. The study discovers only minimal linkages exist between the government and NGOs involved with human trafficking.

Based on the study, IOM claims that standard operating procedures (SOPs) for shelter homes fail to provide clear guideline for managing the trafficked victims. It makes matters worse when the report also finds the staff members at the shelter home to be lacking in knowledge and experience when dealing with trafficked victims. They only receive limited training before commencing their work at the shelter home. The report provides a comprehensive look into the shelter home based on the interviews with shelter staff and NGOs, shelter partners and shelter policy makers at the ministry level, and shelter residents. However, it focuses only on the protection aspect of the

human trafficking policy without analysing the enforcement and administrative aspects of the implementation process that may influence the protection provided to the victims.

IOM (2011) also conducted a mental health assessment of the trafficked victims and the staff in the government run women's shelter home. The rapid appraisal of the psycho-social needs of trafficked female victims and care providers including the coping strategies of the care providers took place on 14 and 15 March 2011. The tools for data collection include two standardised questionnaires (one for the trafficked victims and another for the care providers) with a mix of both open and close-ended questions that allow for identification, clarification and exploration of the needs of the respondents and their coping mechanisms. The study reveals that the trafficked victims show significant levels of mental health morbidity including post-traumatic stress disorder, anxiety and depression. However, majority of them do not have access to counselling and psychological services. The shelter home does not provide many alternative activities that can help the trafficked victims focus their thoughts away from the distressing and traumatic events of their lives.

In contrast, the assessment of the care providers shows that they have a fair knowledge of the broad concept of human trafficking. However, they express the need for specific knowledge and skills to be developed in order to provide better care to the trafficked victims. Although they experience several types of work-related stress, they tend to use their personal resources to cope with the stress. The limitations of the study include time and language that affect the supposedly self-administered mental health assessment tools to be administered by the researchers instead. The tools also have not been tested for cultural applicability that may introduce some biases into the results. This study only focuses on the mental state of the trafficked victims and the care providers at the government women's shelter home. The narrow scope of the study may

not be able to provide a greater picture of the human trafficking policy implementation process.

Overall, the literature review indicates that human trafficking in Malaysia is a complex issue, requiring more rigorous analysis and multi-disciplinary perspectives on the development of well-targeted and culturally appropriate interventions. The highlights of the findings include the involvement of organised syndicates, the existence of corruption, the coordination limitation, the mental health morbidity of the trafficked victims and the work-related stress of the care providers. Although many studies refer to the need for more information and analysis, they are descriptive and only a few of them delve into the multi-dimensional aspects of the human trafficking phenomenon in Malaysia. Table 2.2 provides the summary of the local studies on human trafficking as discussed in the chapter.

Table 2.2: Summary of Local Studies on Human Trafficking

Author	Major Findings	Research Gaps
Wong and Saat (2002)	The study shows that Filipino women were trafficked by organised syndicates into the vice industry in Malaysia due to deception and debt bondage. It reveals incidences of collusion and corruption between law enforcement officers and the syndicates.	Despite attempts to capture various participants including selected trafficked victims as well as NGOs and law enforcement agencies in Sabah and Peninsular Malaysia, the victims were limited to only 29 Filipino women in Labuan. The sample is very limited with 26 of them were working in the same entertainment company.
SUHAKAM (2004)	The study indicates that female trafficked victims came to Malaysia to earn a large amount of money in a short time. Organised networks were found to be involved in the recruitment, transport and exploitation of the victims. The victims experienced isolation, mistreatment and threat of violence including confiscation of personal documents and earning as a way to control them.	The study was more of a report rather than an academic study. Research methodology of using questionnaires to identify trafficked victims in the Kajang Women's Prison was questionable.

Table 2.2, continued

IOM (2010)	The study reveals the problem of MAPO as the coordinating body involving lack of capacity, capability, authority and budget. It also shows the staff members at the shelter home have lack of knowledge and experience in dealing with trafficked victims.	Although the study provides a comprehensive look into the shelter home by interviewing various participants such as shelter staff and NGOs, shelter partners and shelter policy makers at the ministry level and shelter residents, it concentrates only on the protection aspect of the human trafficking policy. It fails to consider the enforcement and administrative aspects of the implementation process.
IOM (2011)	The study shows that the trafficked victims suffer from significant mental health morbidity. It also reveals that the care providers experience work-related stress.	The study focuses only on the mental state of the trafficked victims and the care providers at the government shelter home. The limited scope of the study restricts the understanding of the human trafficking policy implementation process.

2.7   Research gaps in human trafficking research

The literature review has suggested that government bureaucrats have a major influence in the implementation of public policy. Existing studies on human trafficking policy implementation, however, tend to focus on the trafficked victims, particularly women. Despite a greater awareness of other forms of trafficking, many studies concentrate on sex trafficking. In studying human trafficking, most of the published research was conducted in Europe and Asia-Pacific as well as North America as indicated in this review. Majority of the studies focuses on the aspects of legal framework, economic factor and health impact. NGOs contribute prolifically to the work on human trafficking research, albeit the lack of academic analysis of the topic.

Past studies on human trafficking demonstrate a substantial body of empirical evidence that documents major findings in relation to human rights issues, gender discrimination, policy implementation and economic aspect. Nevertheless, to date there has been little empirical research on human trafficking in Malaysia. Besides the empirical gap, past studies also indicate a methodological gap of the research design. The limitation of the research design includes the utilisation of secondary data, specific location and inadequate sample selection. To address the empirical gap as well as the methodological gap, this study aims to analyse human trafficking policy implementation in Malaysia by utilising multiple perspectives of the relevant actors (government bureaucrats, NGOs and trafficked victims) while exploring different sources of information such as observations, interviews and document analysis.

In an attempt to explain human trafficking policy implementation in Malaysia, this study gives attention to the influence of bureaucracy in the implementation process. The theory of bureaucracy, implementation theory, inter-organisational coordination and street-level bureaucracy were identified as the foundation for developing a conceptual framework to demonstrate human trafficking policy implementation in

Malaysia. Analysing based on these concepts helps to further develop an understanding of the government bureaucrats' role and factors involved in the implementation process. Policy implementation is a critical concept for investigating human trafficking whereby the framework may determine more effective solutions to mitigate the crime. Focusing on the government bureaucrats as the main implementers of the policy, this research aims to fill the gap and contribute to the development of human trafficking theory through the policy implementation lens.

2.8   Conceptual framework

Policy implementation involves the incorporation of multiple agencies working together to achieve certain goals, surpassing institutional boundaries (Brinkerhoff, 1996). The task of implementation becomes more challenging as it falls on the shoulder of the bureaucrats who play a critical role in translating the intent of the policy into reality. The bureaucrats come from organisations characterised by clearly specified jurisdictional, hierarchical and impersonal offices that employ qualified people who are governed by an established system of rules (Weber in Gerth & Mills, 1946). Although Weberian's bureaucracy is efficient in the ideal case, it may not be the case in practice for the implementation of human trafficking policy. The complexity of human trafficking as demonstrated in past studies requires flexibility in the policy implementation.

Pressman and Wildavsky (1973), who created an intense academic debate on the understanding of the public policy implementation, considered implementation to be a complicated process involving the link between the governmental intention and actual results. Given the complexity involved in policy implementation, the bureaucrats tend to use their discretion as part of the implementation process. The flexibility and discretion of street-level bureaucrats (Lipsky, 1980) supports the concept that

bureaucracy is dynamic due to continuous changes that essentially are institutionalised as part of the organisation (Blau, 1966).

Due to the availability of various ways in policy implementation, discretion is always in existence at street level (Taylor and Kelly, 2006). Although there is concern over discretion may lead to abuse of power, it enables bureaucrats to respond to client's specific needs, to pursue more equitable outcomes and to allocate resources where they are most needed (Lipsky, 1980; Goodsell, 1981). Hence, implementation process continuously evolves according to the vagaries of public policy, the constant changes in the policy implementation organisations and the expectations of the service beneficiaries.

The essence of the implementation process relies on the wide range of bureaucratic actors who are the experts in their field of work. In the past, implementation was simply regarded as an easy task of the policy process (Thomas, 2006). This is no longer the case when Pressman and Wildavsky's (1973) findings show that public policy implementation is complex due to its interconnectedness to a myriad of causality and relationships involved in the process.

Taking the complexity of the implementation process into consideration, this study seeks to present human trafficking situation in Malaysia and to analyse the challenges faced by the bureaucrats in implementing the country's human trafficking policy. The implementation process of human trafficking policy in Malaysia is analysed through the theory of bureaucracy and the implementation theory in order to understand the importance of the government bureaucrats' role as the implementers and the difficulties faced by them in translating the policy into practice.

The policy implementation challenges stem from the fact that the subject of human trafficking is relatively new to the bureaucrats. In times of uncertainty, the bureaucrats assume the critical role in defining the problem and shaping policy

outcome. To understand human trafficking policy implementation in Malaysia, it is necessary to explore the dynamics and operations of the top-down and bottom-up approaches. This is critical in determining who control over the implementation process. Hence, the study focuses on identifying the main approach that highly influences the human trafficking policy implementation by analysing the importance of the two implementation elements: coordination and discretion. The study attempts to provide an understanding of human trafficking in Malaysia through the policy implementation lens. It analyses how the human trafficking policy is being translated by the bureaucratic implementers into actual implementation. Figure 2.2 illustrates the conceptual framework for the study.
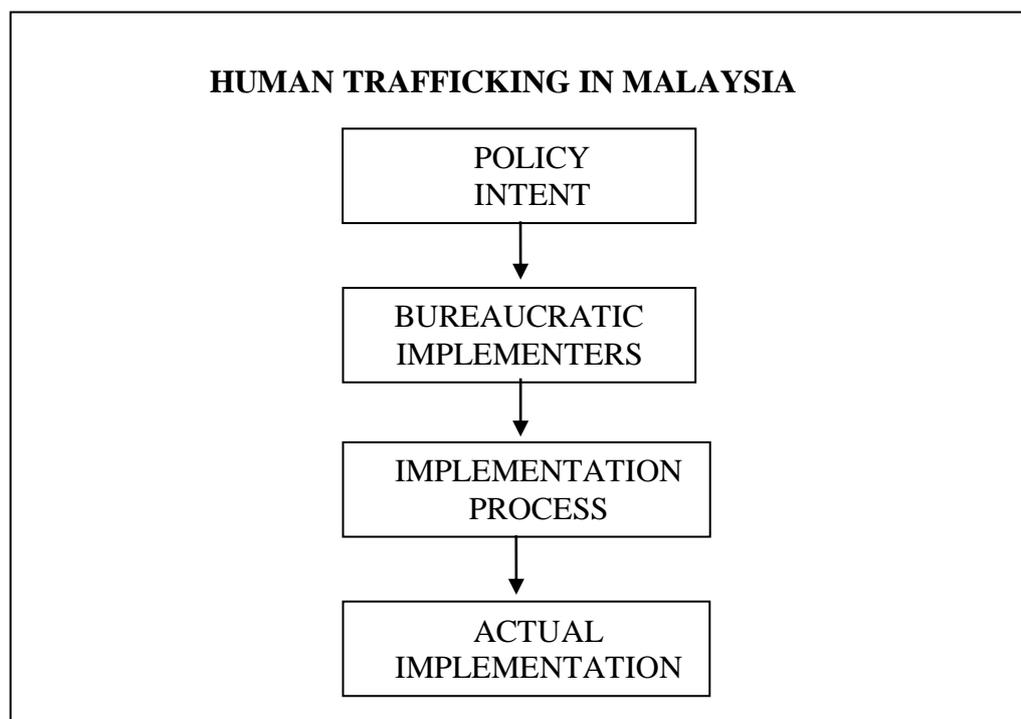
Figure 2.2: Conceptual Framework of the Policy Implementation Process

This basic framework has been constructed based on the four bodies of literature work discussed in Section 2.5: theory of bureaucracy, implementation study, inter-organisational coordination and street-level bureaucracy. It attempts to investigate the linkages between top-down approach and bottom-up approach in policy implementation

with the government bureaucrats as the main implementers. Central to the top-down/bottom up debate is the importance of coordination and discretion in the implementation process as identified in the implementation literature such as Alter and Hage (1993) and Lipsky (1980) respectively. The top-down approach involves coordination of the policy implementation and the bottom-up approach relates to discretion in implementation.

To understand human trafficking policy implementation in Malaysia, the study investigates the influence of both approaches towards the implementation process that shapes the actual implementation of the policy. In this study, the implementation process specifically refers to the decisions and actions taken by the bureaucratic implementers in putting the 2007 Act into action. This is in line with the view of Lester and Goggin (1998) of the need to clearly define the meaning of implementation as a process of "a series of sub-national decisions and actions directed toward putting a prior authoritative federal decisions into effect" (p. 5).

Given this framework, the study provides the platform to view human trafficking in Malaysia through the policy implementation lens. It defines the scope of the study by focusing on the government bureaucrats as the policy implementers in the implementation process influenced by both the top-down and the bottom-up approach. Therefore, the study is to examine the problem of human trafficking in Malaysia through the policy implementation process. The study is not to provide prescriptions regarding policy implementation but to elucidate the policy implementation process that may have implication for the implementation outcome.

2.9 Human trafficking policy implementation in context

Bureaucratic implementers practise various forms of actions according to the variety of situations (Hill & Hupe, 2009). In the first wave of implementation study that recognises the importance of implementation (Smith & Larimer, 2009), the focus was

on top-down approach (Butler & Allen, 2008). For example, Pressman and Wildavsky (1973) argue that successful implementation depends on the level of cooperation between various agencies in the implementation chain. With the second wave of implementation study that acknowledges the complexity of implementation (Smith & Larimer, 2009), the focus shifted to bottom-up approach (Butler & Allen, 2008). From the perspective of the bottom-up approach, the practical realities of policy implementation is highly influenced by the street-level bureaucrats (Smith & Larimer, 2009). This brings street-level bureaucracy into the implementation study as a contributing factor to the policy implementation complexity. Street-level bureaucracy has great discretionary freedom and autonomy (Lipsky, 1980) that may influence the policy implementation despite attempts to control them hierarchically.

2.9.1 Human trafficking policy implementation complexity

Policy implementation has been described as a complex process due to implementation as a dynamic system, involving numerous stakeholders with diverse roles (Jacobs, 2000; Dawson & Dargie, 2002; Kelly, 2003; Koppenjan& Klijn, 2004, Butler & Allen, 2008). Although Sabatier (2007) does not specifically focus on implementation in his editorial work on Theories of the Policy Process, he recognises policy solution implementation as an integral part of the policy process. Sabatier (2007) outlines various reasons for policy process complexity:

(i)   various actors from interest groups, government agencies and legislatures at different levels with different values, perceptions and policy preferences;

(ii)   a time span of at least a decade or more as the minimum duration for most of policy cycles starting from problem emergence and implementation experience to fair evaluation of policy impact;

(iii)   numerous programmes involving multiple layers of government dealing with interrelated subjects;

(iv)   policy debates among actors in the course of legislative hearings, litigation and proposed administrative regulations partly related to highly technical matters; and

(v)   strong values/interests, large financial resources and authoritative coercion that entails situational distortion in order to gain advantage.

Various actors are involved in human trafficking policy implementation. In the study of the Brazilian government campaigns to stop human trafficking in sex workers during 2003-2008, Amar (2009) demonstrates the convoluted involvement of multiple actors: evangelical populists; police groups; justice-sector actors; human-rights NGOs; and Workers' Party in alliance with social-justice movements, police reformers, and prostitutes' rights groups. These groups were divided into three prominent governance logics: moralistic humanitarian-rescue agenda; juridical law and rights logic; and worker-empowerment logic. The study reflects the conflicts over diverse values of various groups involved in the fight against human trafficking have led to the failure of the policy intervention (Amar, 2009). Such conflicting values among multiple actors create antagonisms that generate complexity of human trafficking policy implementation.

Human trafficking policy implementation may take a long time to complete its policy cycle. Many studies on human trafficking reiterate the main problem of human trafficking as lack of accurate data to provide a better understanding of the problem (Goodey, 2008; Tydlum, 2010; United Nations Office on Drugs and Crime, 2012). The absence of reliable data on many aspects of human trafficking makes the task of improving the knowledge on human trafficking policy implementation a great challenge. In order to develop effective programmes and policies, there is a critical need for empirically based studies (Tydlum, 2010). Lack of information on human trafficking hinders effective implementation as implementers only act based on

political, social and economic agendas instead of actual facts (United Nations Office on Drugs and Crime, 2012). Hence, the policy process for human trafficking requires more time beginning from the policy formulation to implementation and evaluation because of the difficulties in data collection.

Various programmes are undertaken by different actors across sectors and cross borders to address human trafficking. Human trafficking is a complex problem due to its clandestine nature (Tydlum & Brunovskis, 2005) that involves international migration (International Labour Organisation, 2005; Chuang, 2006; Hanley, Oxman-Martinez, Lacroix & Gal, 2006; Haynes, 2008; Mahmoud & Tresbech, 2010; International Organisation for Migration, 2012; Reid, 2012) and cross-sectoral issues (Logan et al., 2009). Hence, the United Nations 64th Session General Assembly recognises the importance of bilateral, sub-regional, regional and international cooperation mechanisms and initiatives in the global fight against human trafficking (United Nations, 2010). It also acknowledges the critical need for international cooperation not only within Member States but also among intergovernmental and NGOs for effective measures. The United Nations urge all stakeholders including private sector to strengthen coordination and promote collaboration. An effective response to address the complex crime requires smart partnership involving the 3P paradigm of prevention, protection and prosecution (United Nations, 2000). Despite the need for coordination among various stakeholders, the most effective partnership is those within governments (U.S. Department of State, 2011): multi-level cooperation among many different parts of government comprising central government and sub-national or local level governments. The imperative for numerous coordination efforts adds to the complexity of human trafficking policy implementation.

There are continuous policy debates on the issue of human trafficking. In the case of sexual exploitation in the United Kingdom, Spencer and Broad (2012) discusses

the contemporary debate of migration and feminist views. The migration debate suggests that women choose to voluntary work in the sex industry. On the other hand, the feminist debate indicates that the issue of gender inequality pushes women into being sexually exploited. From the feminist perspective, prostitution is sexual exploitation because no woman would be willing to rationally choose a career as a prostitute (Stoltz, 2007). The policy debates contribute to the complexity of human trafficking policy implementation. Consequently, the development of policy implementation must take into consideration all aspects of human trafficking including complexities of people movement, gender dynamics, criminal enforcement, and social welfare and rights of trafficked victims.

Strong values highly influences human trafficking policy implementation as exemplified by the United States government through its funding provision. Jani (2010) highlights the bias in the United States policy whereby the International Justice Mission has received millions of dollars in funding for abolishing human trafficking activities such as by raiding brothels in India and Thailand. In contrast, the United States policy denied the funding for a human trafficking rehabilitation project of HIV-positive sex workers in one of India's largest red-light areas despite its recognition as a model programme of 2002 by the United Nations. The value oriented policy dichotomy exhibits itself in this example since the funding for the rehabilitation project was denied due to its positive association with prostitution (Melzer, 2005). Funding preference shows the United States human trafficking policy focuses only on removing women from prostitution rather than on harm reduction. Anti-trafficking human rights work in the Netherlands also demonstrates the value oriented policy dichotomy with the funding preference for sexual exploitation cases instead of labour exploitation and non-sexual exploitation (Musto, 2010).

2.9.2   Human trafficking work environment

The Global Report on Trafficking in Persons 2012 reveals that the allocation of sufficient resources is the greatest challenge in the implementation of anti-human trafficking activities (United Nations Office on Drugs and Crime, 2012).   Scarce resources impede the ability to strengthen capacity to effectively address the crime of human trafficking.   Given the complexity and changing nature of the crime, strengthening capacity is crucial in implementing a comprehensive approach as it helps to develop institutional and technical ability.   Although trafficked victims have greater needs due to their traumatic experience, many reports have recognised the lack of resources, funding and staffing as barriers to serve human trafficking victims (Logan et al., 2009).

The market of human trafficking proliferates as there is high demand for workers to be employed in exploitative work and labour supply decisions by vulnerable individuals (Wheaton, Schauer & Galli, 2010).   This labour market condition contributes to the increased number of trafficked victims that leads to greater demand for human trafficking services.   With limited resources and increased demand, street-level bureaucrats are under pressure to provide adequate services. Hence, the bureaucrats have to make choices of how best to utilise the scarce resources despite the constraints.

Wheaton, Schauer and Galli (2010) posit that the monopolistic competition model consisting of many sellers (human traffickers) and buyers (employers) dealing in differentiated products (vulnerable individuals) to be the best fit for the market of human trafficking.   This is based on a number of reasons involving labour supply decisions by vulnerable individuals, labour demand decisions by exploitative employers and intermediary decisions by devious human traffickers:

(i)   many sellers exist in the market due to huge benefits that outweigh the costs;

(ii)   high demand for workers to be employed in exploitative work; and

(iii)   product differentiation is important for human trafficking market as different attributes are needed according to job specification in various economic sectors.

It is a common worldwide labour market phenomenon to witness locals in labour receiving countries shunning away from the so-called 3D jobs (difficult, dirty and dangerous) (Garcés-Mascareňas, 2012). As a result, temporary migrant workers begin to fill in the void in order to maintain labour market flexibility. Contemporary labour migration involves predominantly men for plantation and construction work while women in domestic work, entertainment sector and sex industry (Lindquist, Xiang & Yeoh, 2012). Migrant workers are highly vulnerable to being trafficked due to various factors such as debt bondage, communication issues and lack of knowledge of the destination country. Hence, they tend to face similar problems indicative of forced labour including non-payment of wages, withholding of passports, and working in different job from what has been promised in their country of origin (U.S. Department of State, 2011).

Human trafficking policy implementation witnesses the conflict between client-centred goals and organisation-centred goals. Trafficked victims are one of the primary clients in human trafficking policy implementation. Empirical results show that countries strategically choose to focus on prevention instead of victim's protection because prevention utilises existing resources without leading to domestic resistance (Cho and Vadlamannati, 2012). Protection of trafficked victims is lacking in Asian countries because they emphasise criminal approach rather than human rights approach (Willman, 2009). The street-level bureaucrats encounter conflict between catering to the need of trafficked victims and focusing on prevention and criminal approach.

There is little knowledge of the effectiveness of human trafficking initiatives due to lack of evaluation efforts (United Nations Office on Drugs and Crime, 2012).

Systematic data collection is critical to monitor the human trafficking situation. It helps to establish a baseline to evaluate progress on the implementation of policies and programmes. Despite the renewed focus on the need for better data to build policy responses (Goodey, 2008), it is no easy task for the stakeholders because of the cost implication of building in a baseline component in light of the scarce resources. Without proper data, it is a great challenge to monitor street-level bureaucrats' performance in implementing human trafficking policy. The paucity of appropriate performance measurement leads to top management's inability to control street-level bureaucrats (Lipsky, 1980).

Trafficked victims as clients are non-voluntary because majority of them are afraid of being perceived as criminals or undocumented immigrants (Okech, Morreau & Benson, 2012). Some of them are afraid of retaliation against them and their families while lacking knowledge that laws exist to protect their rights as victims (Irazola et al., 2008). Hence, they avoid from self-identifying themselves as trafficked victims. Having non-voluntary clients allow street-level bureaucrats to disregard client's satisfaction (Lipsky, 1980). This results in lack of responsiveness from the bureaucrats in handling trafficked victims.

The existing literature indicates human trafficking policy implementation as a complex process that promotes street-level bureaucracy. Analysing through the complexity of various components involved in human trafficking policy implementation enables a greater understanding on how policy intent is translated into actual implementation. Human trafficking policy implementation in context draws on human trafficking and policy implementation literature to illustrate the significance of analysing human trafficking using the implementation lens.

2.10 Conclusion

This chapter highlights the importance of policy implementation with particular attention to different approaches in the implementation process. Implementation is no easy feat as it is subjected to a variety of challenges. It becomes an important part of public policy that will determine its outcome. The conceptual framework described in this chapter attempts to analyse some fundamental concepts that may be useful for bureaucratic implementers. The focus on human trafficking as a policy implementation concern is still in nascent stages. Particular attention to Malaysia makes it even significant in its field because of the novelty of the topic to the bureaucratic implementers, which not only encompasses sex trafficking but also labour trafficking. Hence, the complex issue of human trafficking sets an appropriate platform to investigate the policy implementation process. On one hand, the intricateness of human trafficking policy implementation requires coordination. On the other hand, the uncertainties involved in dealing with human trafficking issues necessitate discretion by the government bureaucrats who directly exercise, oversee and experience the policy implementation process. Thus, effective policy interventions will only begin to suggest themselves when the puzzle of policy implementation process is addressed.

CHAPTER III

RESEARCH METHODOLOGY

3.1 Introduction

This chapter explains the research methodology used for the study to analyse human trafficking policy implementation in Malaysia. It begins with an overview of the research design, followed by boundaries of the study. In this chapter, researcher's role and ethical consideration are also presented before the discussion of sample selection, data collection and data analysis. This chapter also includes pilot study and describes the standards of validity and reliability for the study. The researcher chooses to conduct an interpretive case study through a qualitative inquiry. She becomes the primary instrument in data collection and data analysis by focusing on the meaning of experience revealed by the participants.

3.2 Overview of research design

3.2.1 Qualitative research

To understand human trafficking policy implementation in Malaysia, the study utilises the qualitative research design. The research design encompasses the conceptualisation of the research framework including the formulation of research questions, data collection, data analysis, interpretation and research write-up (Bogdan & Taylor, 1975). The intent of the qualitative research is to obtain an in-depth understanding of the subject of study with emphasis on individual views by interviewing and observing them. It allows the researcher to study the phenomenon in its natural setting in order to understand the multiple realities based on the meanings people bring to them (Denzin & Lincoln, 2005). This is in line with the researcher's interest "in understanding how people interpret their experiences, how they construct

their worlds, and what meaning they attribute to their experiences" (Merriam, 2009, p. 5).

Certain assumptions have been made in selecting the qualitative research design. Based from the philosophical assumptions discussed by Cresswell (2009), this qualitative research involves philosophical assumptions as follows:

(i)   the study relates to the idea of multiple realities experienced by different individuals;

(ii)   the researcher makes an attempt to know the participants as best as possible by conducting the study at where they work or live;

(iii)   the researcher acknowledges the values and biases in reporting the information gathered from the field; and

(iv)   the researcher's experience in collecting and analysing the data continuously influence the procedures of the qualitative research in order to better reflect the multiple realities.

According to Gozdziak and Bump (2008), there has been relatively small numbers of systematic and empirically grounded research on human trafficking despite the growing interest on the subject. This research accommodates the need for an empirical study that provides a rich understanding of human trafficking policy implementation by interviewing people face-to-face and visiting their work place or living quarters so that the details can be established. The research methodology empowers individuals to convey their experiences to be shared with others. The power relationship between a researcher and participants is further minimised when collaboration exists between them by having the participants review and verify the preliminary analysis of their interviews.

3.2.2 Case study research design

This study adopts a qualitative case study research to explore human trafficking policy implementation in Malaysia. The case study focuses on in-depth interviews and field observations of a situation in an attempt to capture the holistic picture of the phenomenon. It studies the "issue explored through one or more cases within a bounded system" (Cresswell, 2007, p. 73). In this study, the qualitative approach explores a bounded system for only one case based on in-depth data collection involving multiple sources of information such as observations, interviews and document analysis. The study concentrates on human trafficking in Malaysia with the intent of examining the policy implementation process. The case study helps to illustrate the complexity of human trafficking policy implementation in Malaysia with clear boundaries regarding the phenomenon.

3.3 Bounded system

3.3.1 Setting

The study focuses on human trafficking policy implementation in Malaysia, particularly specific measures taken by the government. Attention is given to human trafficking policy implementation since the enforcement of the Anti-Trafficking in Persons Act 2007. The Act, which was amended in 2010 to become the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, is the main policy that guides the implementation of anti-human trafficking initiatives in Malaysia. The focus is on the bureaucratic implementation process influenced by both the top-down and the bottom-up approach. It specifically attempts to investigate the influence of coordination (top-down approach) and discretion (bottom-up approach) on the implementation process of human trafficking policy in Malaysia.

3.3.2   Place

Most of the data collection involving interviews were conducted in Putrajaya and Kuala Lumpur due to the location of the headquarters of the relevant government agencies and the offices of selected non-governmental organisations (NGOs) involved in human trafficking. The government shelter home for trafficked women in the Peninsular Malaysia is located in Kuala Lumpur while the only government shelter home for male victims in Malaysia is in Malacca. At the time of the interviews, the trafficked victims were brought to the shelter homes from various states in Malaysia such as Perlis, Penang, Kuala Lumpur, Selangor and Johor. As part of the data collection methods, observations were also conducted at a training session for care providers at Legend Water Chalets, Port Dickson, Negeri Sembilan; (ii) Victims' Protection and Rehabilitation Committee meeting at the Ministry of Women, Family and Community Development in Kuala Lumpur; and (iii) awareness campaign seminar on human trafficking and smuggling of migrants at the University of Malaya in Kuala Lumpur.

3.3.3   Time

In order to ensure the semi-structured questions provide good data, a pilot study involving three one-on-one interviews was conducted in July 2010. Based on the inputs of the pilot study, the semi-structured questions were amended in order to gather richer information from the participants. Most of the interviews were mainly conducted for five months from January to May 2011 according to the availability of the participants. Five types of field observations as mentioned in previous section were conducted from April 2011 to September 2012: (i) training session for the care providers on 20-22 April 2011; (ii) female trafficked victims at the government women's shelter home on 3 May 2011; (iii) Victims' Protection and Rehabilitation Committee meeting at the Ministry of Women, Family and Community Development on 20 June 2011; (iv) male trafficked

victims at the government men's shelter home on 6 October 2011; and (v) awareness campaign seminar on human trafficking and smuggling of migrants on 20 September 2012. The field work conducted from 2010 to 2012 signifies the importance of ensuring the data collected remain relevant.

The statistical data of the trafficked victims is based on the available data provided by the Ministry of Home Affairs (from 28 February 2008 to 31 May 2012). This period may reflect the effect of the global financial crisis of 2008 and 2009 whereby many countries such as export-dependent Asian countries suffered due to sharp contraction of the United States' economy. Although Malaysia experienced a contraction in external demand due to uneven global economic recovery, it seemed to have an economic stability with expected solid growth rates for 2013 and 2014 (World Bank, 2013). This may have attracted those who want to escape from the chronic economic and social crises to come to Malaysia, making them highly vulnerable to being trafficked.

3.3.4 Actors

The target population of the study consists of government bureaucrats who are involved in implementing human trafficking policy in Malaysia. They are policy administrators, enforcement officers, protection officers, legal officers and care providers. To ensure that other significant views are taken into consideration, the study also incorporates NGOs and trafficked victims as participants. The list of the government agencies[3] and the NGOs including the academic sector that participate in the interviews is as follows:

(i)   Ministry of Home Affairs (MOHA);

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[3] For the purpose of this study, the government agencies involve only federal level because human trafficking policy implementation in Malaysia is monitored by the federal headquarters. In this study, federal agencies include ministries and departments. Ministry is at the top of organisation chart since department heads report to the Secretary General who is the chief executive officer and the Minister who is the head of the organisation.

(ii)   Ministry of Women, Family and Community Development (MWFCD);

(iii)   Ministry of Human Resources (MOHR);

(iv)   Attorney General's Chambers (AGC);

(v)   Royal Malaysia Police (PDRM);

(vi)   Immigration Department;

(vii)   Malaysian Maritime Enforcement Agency (MMEA);

(viii)   Department of Women's Development;

(ix)   Department of Social Welfare;

(x)   Prison Department;

(xi)   Human Rights Commission of Malaysia (SUHAKAM);

(xii)   National Council of Women's Oganisations (NCWO);

(xiii)   Tenaganita[4]; and

(xiv)   National University of Malaysia (UKM).

In addition to the relevant agencies, the participants also include 49 female trafficked victims from the government women shelter home in Kuala Lumpur and five male trafficked victims from the government male shelter home in Malacca. The researcher was able to conduct focus group interviews at the women shelter home involving all female trafficked victims who were there at the time. The female victims were brought to the shelter home from various places in Malaysia: Perlis, Penang, Kuala Lumpur and Johor. Meanwhile, individual interviews were conducted for five selected male trafficked victims with different experiences. Some of the male victims were working in Selangor while some were in Johor before they were placed at the shelter home. The researcher was advised by the care providers at the men shelter home to do only one on one interview due to security reason. The study tries to capture diverse experiences to enrich the data. Good case study research utilises many different sources of information to provide depth to the study (Cresswell, 2007).

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[4] Tenaganita promotes the rights of women workers and migrant workers.

3.3.5 Events

The focus of this study is on the experiences of the government bureaucrats in implementing human trafficking policy in Malaysia. This includes their perceptions and meaning attached to those experiences as expressed by the participants. Likewise, the study also incorporates the experiences of the NGOs and the trafficked victims regarding human trafficking policy implementation. The multiple sources of information are essential in making sense of critical events and issues arise from the implementation of human trafficking policy in Malaysia.

3.3.6 Processes

The study concentrates on the implementation process of translating human trafficking policy intent into actual measures in Malaysia particularly the influence of top-down and bottom-up approach. The process focuses on the coordination effort (top-down approach) and the discretion initiative (bottom-up approach). To understand the process, the study examines the experience of relevant parties (government bureaucrats, NGOs and trafficked victims) involved in the human trafficking policy implementation. It also investigates the relationship among multiple actors including the NGOs, the involvement of the participants in the implementation process and the decision-making process.

3.4 Researcher's role

In the qualitative research, the researcher assumes the most significant role when she becomes the instrument for the primary data collection. As a primary data collection instrument, it is important that the researcher identifies her personal values, assumptions and biases at the outset of the study. The contribution of the researcher to the research setting is considered to be valuable to the research outcome instead of bringing a negative effect (Locke, Spirduso & Sullivan, 1987).

The researcher's perception of the human trafficking policy implementation has been shaped by her personal experience. The researcher used to work in the policy division of the MOHR (1997-2003) and the MWFCD (2005-2009). From 2007 to 2009, the researcher was responsible for human trafficking issues related to the MWFCD, particularly on protection and rehabilitation for female and child trafficked victims. The researcher was involved in the establishment of the shelter homes, the drafting of the standard operating procedures (SOPs) for the shelter homes and the training of the protection officers. Besides actively involved in the local arena, the researcher also participated at the international fora such as the Vienna Forum (United Nations Global Initiative to Fight Human Trafficking) and the Association of Southeast Asian Nations (ASEAN) Senior Officials Meeting on Transnational Crime.

The knowledge and experience that the researcher has gained from her workplace facilitate the study. The researcher's understanding of the context of the problem and the role of the bureaucratic implementers enhances her awareness, knowledge and sensitivity to the study. With her work experience, the researcher is able to grasp the meaning of various challenges, decisions and issues encountered by the participants of the study. The researcher brings her practical knowledge of the policy implementation to this study on human trafficking policy implementation in Malaysia.

Due to her work experience, the researcher admits of having certain biases in doing the study. The biases include the assumptions that the implementers play the most significant role in materialising the policy intention, the implementers give their best efforts in implementing the policy and the implementers use their discretion in implementing the policy. These biases may influence the way the researcher analyses and interprets the data. As a result, efforts such as data triangulation and member checks are adopted to ensure objectivity and minimise biases. Given that human trafficking is a relatively new subject to the bureaucratic implementers, the researcher

began the study with the assumption that discretion is widely practiced in the implementation process of the human trafficking policy in Malaysia. Based on the findings of the study, evidence has shown that this may not be the case.

3.5   Ethical consideration

Ethical consideration becomes prominent in qualitative research with regard to the collection of data and dissemination of findings. The relationship between the researcher and the participants is a major source of discussion in qualitative research especially when the research is highly collaborative, participatory and political (Merriam, 2009). Stake (2005) emphasises the need for qualitative researchers to behave in certain ways: "Qualitative researchers are guests in the private space of the world. Their manners should be good and their code of ethics strict" (p. 459). Hence, it is important that the researcher respects the rights, needs, values and desires of the participants. Most of the time, information collected through the interviews is highly sensitive. It is of great concern particularly when the participant's position and organisation are highly visible. In order to safeguard the participant's rights, the researcher has taken various steps for the research purpose of data collection:

(i)   the research objectives were articulated verbally and in writing to the participants in order to provide them a clear understanding of the research purposes;

(ii)   written consent form was given to the participants before the interviews were conducted and their signatures were obtained for the interviews. A blank consent form is attached as Appendix A;

(iii)   the researcher asked the permission of the participants to record the interview session and they had the right to ask the recorder to be turned off at any time during the interview session;

(iv) the participants were aware that although the data collected would be anonymous, they would be identified according to his/her role such as enforcement officer, protection officer, labour officer, government officer, or NGO representative due to the need of the study;

(v) preliminary analysis based on the interview with the participants would be made available for them to provide feedback and verify the analysis; and

(vi) the participants' rights, interests and wishes would be considered of utmost importance when reporting the data.

Since the researcher is the primary instrument for data collection, it is imperative that she is trustworthy in carrying out the study in as ethical manner as possible. To gain trust from the participants, the researcher must be honest with the participants about their participation and the nature of the study. Considering that the participants shared sensitive information during the interview sessions, the researcher represents the collected data as a composite perspective rather than an individual perception to protect the anonymity of the participants. To maintain confidentiality of the participants, codes were used to identify them based on three main categories – government bureaucrats, NGO representatives and trafficked victims. The identification through the coding system enables the information provided to be put in context. Table 3.1 shows the coding assigned to the participants.

Table 3.1: Codes for Participants' Identification

Categories of interviewed participants	Code
Government bureaucrats: • Enforcement officer • Protection officer • Policy administrator • Legal officer • Care provider	EO1, EO2, EO3, EO4, EO5, EO6 PO1 PA1, PA2 LO1, LO2 CP1, CP2, CP3, CP4
NGO representatives	NG1, NG2, NG3, NG4, NG5, NG6
Male trafficked victims	MV1, MV2, MV3, MV4, MV5
Female trafficked victims (Focus group)	FG1, FG2, FG3

3.6   Sample selection

This qualitative research utilises purposeful sampling whereby the participants and the sites for the study were selected "because they can purposefully inform an understanding of the research problem and central phenomenon in the study" (Creswell, 2007, p. 125).   According to Merriam (2009), purposeful sampling is the most appropriate strategy for qualitative research due to the need for a sample that the researcher can obtain high quality data.   Based on the need to gain insights from various participants regarding human trafficking policy implementation in Malaysia, the researcher chose government bureaucrats and NGOs who were directly involved in dealing with human trafficking issues as well as trafficked victims who were the direct beneficiaries of the policy implementation.   The trafficked victims were limited to those who were rescued and placed at the government shelter homes.   All the individual and focus group interviews were conducted at the office of respective participants and the government shelter homes for the female and male trafficked victims.

The purposive sampling is based on selection criteria, which lead to valuable information regarding the main purpose of the study (Patton, 2002).   In this study, the researcher established selection criteria that reflected the importance of human trafficking policy implementation by the bureaucrats.   In order to ensure that the information is essential, the bureaucrats must be from relevant agencies under MAPO and they are directly involved in implementing the policy.   They tend to be from the federal headquarters given that those at the headquarters oversee the policy implementation nationwide.   As for the NGOs, they must have the experience of dealing with human trafficking issues and they are recognised by MAPO for their competence. Due to the clandestine nature of the crime, the selection criteria of the trafficked victims are limited to those who are identified by the enforcement officers.   The trafficked victims interviewed represented only those from the government shelter homes since it

is impossible to establish a sampling frame with many private shelters unlicensed and probably a much larger group of such people deliberately hidden from view.

Given its objective of investigating policy implementation, this study focuses on government bureaucrats at the federal headquarters of the relevant agencies. They were policy administrators who were in charge of coordinating policy implementation at the national level, enforcement officers who were responsible of enforcing the 2007 Act, protection officers who were responsible for the care and protection of trafficked victims, legal officers who gave advice on the implementation of the law regarding human trafficking and care providers[5] who were in charge of trafficked victims placed at the government shelter homes. The enforcement officers were in charge of investigating human trafficking cases while one of the legal officers interviewed for the study was a prosecutor who was responsible for handling human trafficking cases. Most of the government bureaucrats were from middle level management except for the care providers who were mainly from the non-executive operational staff.

For the purpose of the study, 15 government bureaucrats, six NGO representatives, 49 female trafficked victims and five male trafficked victims were interviewed. The government bureaucrats comprise two policy administrators, six enforcement officers, one protection officer, two legal officers and four care providers. The researcher finds the number of participants is adequate to answer the questions for the study. The sampling stopped once it reached a saturation point as recommended by Lincoln and Guba (1985). Since the objective of purposeful sampling is to maximise information, there is no longer a need to increase the sample size when no new information and substantial contribution is forthcoming from new participants. The profiles of the 75 participants are provided in Table 3.1, Table 3.2 and Table 3.3 according to the categories of the participants.

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[5] Care providers are appointed as protection officers under the 2007 Act to care and protect trafficked victims at the place of refuge.

Table 3.2: Participants' Profile – Government Bureaucrats

Demographic Variable	Frequency	Per cent
Sex		
• Male	13	86.7
• Female	2	13.3
Age Group		
• 21-30 years	1	6.7
• 31-40 years	6	40.0
• 41-50 years	4	26.7
• 51-60 years	4	26.7
Work Category		
• Policy Administrator	2	13.3
• Enforcement Officer	6	40.0
• Protection Officer	1	6.7
• Legal Officer	2	13.3
• Care Provider	4	26.7
Level of Bureaucracy		
• Middle Level	9	60.0
• Junior Level	4	26.7
• Supporting Staff	2	13.3
Human Trafficking Work Experience		
• Less than 1 year	5	33.3
• 1-2 years	5	33.3
• 3-4 years	4	26.7
• More than 4 years	1 (6 years)	6.7
Human Trafficking Training		
• Yes	11	73.3
• No	4	26.7

Table 3.3: Participants' Profile – NGO Representatives

Demographic Variable	Frequency	Per cent
Sex		
• Male	1	16.7
• Female	5	83.3
Age Group		
• 21-30 years	2	33.3
• 31-40 years	1	16.7
• 41-50 years	-	-
• 51-60 years	3	50.0
Types of NGOs:		
• Human rights commission	2	33.3
• Rights of women and migrant workers group	2	33.3
• Women's rights council	1	16.7
• Professional social science association	1	16.7
Human Trafficking Work Experience		
• Less than 1 year	-	-
• 1-2 years	1	16.7
• 3-4 years	2	33.3
• More than 7 years	1	16.7
• More than 20 years	1	16.7
• More than 30 years	1	16.7
Human Trafficking Training		
• Yes	4	66.7
• No	2	33.3

Table 3.4: Participants' Profile – Trafficked Victims

Demographic Variable	Frequency	Per cent
Sex		
• Male	5	9.3
• Female	49	90.7
Age Group		
• 21-30 years	21	38.9
• 31-40 years	32	59.3
• 41-50 years	1	1.9
Nationality[6]		
• Indonesia	30	55.5
• Thailand	8	14.8
• Myanmar	4	7.4
• Vietnam	3	5.6
• Cambodia	2	3.7
• Bangladesh	2	3.7
• Pakistan	2	3.7
• India	2	3.7
• Uganda	1	1.9
Types of Victims		
• Suspected Victims (Interim Protection Order)	12	21.1
• Actual Victims (Protection Order)	42	78.9
Length of Stay at Shelter Home		
• Less than 1 month	12	21.1
• 1-6 months	13	22.8
• 7-12 months	25	49.1
• More than 1 year	2	3.5
• More than 2 years	2	3.5
Types of Human Trafficking Cases		
• Forced Labour	36	68.4
• Sexual Exploitation	18	31.6

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[6] Despite many of the trafficked victims were from the Philippines, they were not included in the sample selection because there was no Filipino victims at the selected shelter homes at the time of the interviews were conducted.

3.7   Data collection

The main method of data collection involves interviews conducted from July 2010 to May 2011. The interview sessions are critical as the researcher and participants "engage in a conversation focused on questions related to a research study" (DeMarrais, 2004, p.55). The interviews help the researcher to gain access to the participants' world in order to seek their perspectives on the phenomenon of interest. Most of the interviews involved individual interview sessions with the duration ranging from one to two hours. Some of the interviews were recorded while some were based on note taking during the interviews. This is because certain participants were not comfortable being recorded due to the sensitivity of the revealed information. Although this procedure has a little disadvantage because it may not able to completely capture the participants' exact words (Walsham, 1995), it creates a more comfortable environment for the participants to express their accounts and interpretations of their experiences relating to the sensitive themes and contents (Silva, Figueroa & Gonzalez- Reinhart, 2007).

This qualitative investigation utilises semi-structured interviews with open-ended and less structured questions. The semi-structured questions were constructed according to different groups of participants based on the research designated questions as illustrated in Figure 3.1. The questions focus on the topic being explored that is human trafficking policy implementation in Malaysia. They probe into issues relevant to the study: the human trafficking situation in Malaysia, the primary policy and the implementation process. Appendices B, C and D show the semi-structured questions for government bureaucrats, NGOs and trafficked victims respectively. The flexible interviews allow the participants to uniquely share their experiences that reflect their interpretation of realities. Both English and Malay were used as the language of interview with government bureaucrats, NGO representatives and trafficked victims.

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┌─────────────────────────────────┐
│ Research Question 1:            │
│ Human Trafficking in Malaysia   │
│ • Number of cases               │
│ • Types of human trafficking    │
│ • Types of victims              │
└─────────────────────────────────┘
                │
                ▼
┌─────────────────────────────────┐
│ Research Question 2:            │
│ Human Trafficking Policy        │
│ • Anti-Trafficking in Persons   │
│   and Anti-Smuggling of         │
│   Migrants Act 2007             │
│ • National Action Plan against  │
│   Trafficking in Persons (2010- │
│   2015)                         │
│ • Policy objectives             │
└─────────────────────────────────┘
                │
                ▼
┌─────────────────────────────────┐
│ Research Question 3:            │
│ Implementation Process          │
│ • Established mechanisms         │
│ • Designated role               │
│ • Programme specification       │
│ • Service delivery              │
│ • Available resources           │
│ • Knowledge and expertise       │
│ • Training provision            │
│ • Coordination                  │
│ • Discretion                    │
└─────────────────────────────────┘
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Figure 3.1: Research Interview Guide

Focus group interviews were conducted with female trafficked victims. Each focus group consisted of 11 to 25 respondents according to the different categories of victims: (i) trafficked victims from Indonesia who received Protection Order[7]; (ii) trafficked victims from other countries who received Protection Order; and (iii) trafficked victims who received Interim Protection Order. There is no specific rule on the number of people in a focus group (Merriam, 2009). The composition of the focus group interviews takes into consideration the best way to yield valuable information from the trafficked victims. By grouping them according to the three categories, it

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[7] Protection Order will be given to the victims who have been identified as real trafficked victims while Interim Protection Order is for the suspected victims who are waiting for the investigation period of 14 days before their true status as trafficked victims can be determined.

helped in getting the best data that addresses the research questions. The three focus group interviews were used as data collection method at the shelter home due to several reasons (Morgan, 1988; Stewart & Shamdasani, 1990; Krueger, 2008):

(i)   the interaction among interviewees will likely provide the best data;

(ii)   their relatively similar experience and cooperation with each other;

(iii)   the limited time given to collect the information; and

(iv)   one-on-one interviews may hinder the participant from providing the information.

The researcher who is familiar with the nature of the study became the moderator for the focus group interviews. Although the data collected is socially constructed within the interaction of the group, the focus group interviews enable the respondents to share their experiences. This allows the researcher to hear the responses directly from the trafficked victims who tend not to trust strangers due to the trauma of being trafficked. Most of the female trafficked victims at the shelter home were less articulate and very shy. They were more comfortable to speak in a group. The language used for the first group was Malay because all the trafficked victims were from Indonesia. English was used for the second and third focus group interviews because the trafficked victims came from different countries such as Thailand, Vietnam, India and Uganda and they were able to communicate in English.

Despite using interviews as a primary source of data for this qualitative research, field observations were also conducted to collect data. Merriam (2009) highlights the advantages of utilising the field observation:

> First, observations take place in the setting where the phenomenon of interest naturally occurs instead of a location designated for the purpose of interviewing; second, observational data represent a firsthand encounter with the phenomenon of interest rather than a secondhand account of the world obtained in an interview. (p. 117)

In order to understand human trafficking policy implementation in Malaysia, the researcher conducted five field observations from April 2011 to September 2012: (i) female trafficked victims at the government women's shelter home; (ii) male trafficked victims at the government men's shelter home; (iii) training session for the care providers; (iv) Victims' Protection and Rehabilitation Committee meeting at the Ministry of Women, Family and Community Development; and (v) awareness campaign seminar on human trafficking and smuggling of migrants. Observation offers insight and rich data as it enables the researcher to gather information as the evidence significantly presents itself at the place of observation (Leedy & Ormrod, 2013). It provides checks and balances to the interviews in order to produce trustworthy results. The field notes of the observations become the raw data that eventually leads to the emerging findings. Although observation as a data gathering method has been criticised for being highly subjective data gathering technique that may cause the researcher to lose objectivity (Drake & Johnson-Reid, 2008), the data collected through field observation is significant in triangulating the findings. When combines with other methods of data collection such as interviews and document analysis, observation allows a deeper interpretation of the phenomenon under study as new and potentially significant objects and events reveal themselves through the firsthand account of the phenomenon of interest.

Written documents are also utilised in the study as a source of data collection. The participants from the interviews provided numerous documents as a potential source of data for the qualitative researcher: Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007; National Action Plan Against Trafficking in Persons (2010-2015); official statistics on human trafficking; handbook on direct assistance for victims of trafficking; standard operating procedures (SOPs) for government shelter homes; job description for care providers; daily schedule for trafficked victims at

government shelter homes; brochures on human trafficking from various organisations; newsletters; and reference materials on human trafficking. The advantage of using written documents is that "they are nonreactive and grounded in the context under study" (Merriam, 2009, p. 163). Although written documents allow for the discovery of valuable data, the researcher needs to assess the authenticity and accuracy of the data (Macdonald & Tipton, 1996). In this study, the researcher compared the various written documents with information gathered from the interviews and observations to ensure their authenticity and accuracy.

3.8   Data analysis

The collection of data through interviews, observations and documents becomes the input for the study's data analysis. The analysis process for this qualitative research begins by identifying the constellation of words written during field observations and notes taken and transcribed based on individual and focus group interviews that are responsive to the research questions. It becomes a unit of data that is meaningful. Lincoln and Guba (1985) set the criteria for the unit of data:

(i)   it should be able to reveal information related to the study and prompt reader to think beyond that particular information; and

(ii)   it must be interpretable even without any additional information except a broad understanding of the context of the study.

The daunting task of the data analysis is to make sense out of the collected data by consolidating, reducing and interpreting the participants' various experiences including what the researcher has observed. According to Merriam (2009), data analysis is the process employed to answer the research questions by making meanings of the data as findings of the study. Hence, this study adopted three important steps in qualitative research data analysis as described by Cresswell (2007):

(i)   prepare and organise the data for analysis;

(ii)   reduce the data into themes through the process of coding and condensing the
         codes; and

(iii)   represent the data in figures, tables or discussion.

Although a computer programme is available for qualitative researchers to store data and access the codes provided by the researcher, the analysis for this study is done manually. The researcher is more comfortable to work directly with the data without putting a machine between the researcher and the actual data. The preference for manual coding enables the researcher to be immersed with the rich data set in order to conceptually integrate the qualitative component (Altheide, 1996). Cresswell (2007) indicates that using a computer programme may cause "an uncomfortable distance between the researcher and his or her data" (p. 165). He also believes that computer programmes will be most helpful when dealing with large databases. Manual coding is certainly appropriate for qualitative research with small numbers of files (Drake & Johnson-Reid, 2008). Since this study is on a relatively small scale with one researcher, it is proper for the data analysis to be done without using computer assisted qualitative data analysis software (CAQDAS).   As Seale (2008) points out, CAQDAS is of little help in analysing small data extracts. This is supported by Merriam (2009) that highlights "all researchers point out the value of CAQDAS for large data sets and for team research projects" (p. 196).

3.9   Pilot study

A pilot study was conducted at the beginning of the data collection for this study in July 2010. Three participants were identified from the purposive sampling process: two policy administrators and one protection officer. Pilot studies tend to use small sample size to test the implementation of the research design (Drake & Johnson-Reid, 2008). The pilot study was crucial particularly in trying out the interview questions. Yin (2003) recommends pilot study because it helps to improve data collection and

develop relevant line of questions. The pilot study gives the researcher the opportunity to enhance her interviewing skills as well as refine the questions based on the interview experience and feedback from the participants. This is an important part of the research process because the interviews are vital in extracting valuable information for the study. The pilot study helps to improve the quality of data obtained during the interview session.

3.10   Validity and reliability

As in all research, this study realises the importance of producing valid and reliable knowledge. LeCompte and Goetz (2007) explain that validity refers to the accuracy of scientific findings while reliability relates to the replicability of scientific findings. Validity and reliability result from a research conducted in an ethical manner. In order to achieve validity and reliability, particular attention should be given to the conceptualisation of the study, data collection, data analysis, data interpretation and presentation of findings (Merriam, 2009).

To address specific concerns in qualitative research regarding validity and reliability, the researcher adopts various strategies for dealing with these issues. The first strategy employs two of Denzin's (1978) triangulation approaches[8]: using multiple methods and multiple sources of data. Three methods of data collection involving interviews, observations and document analysis are used for this study. Interview data collected from people with different perspectives is a way of triangulating using multiple sources of data. The interviews with various stakeholders involving bureaucrats and NGOs as well as trafficked victims increase trustworthiness of the study.

To ensure better credibility, this study also utilises member checks as the second strategy whereby the researcher solicits feedback from the participants in order to verify

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[8] Denzin (1978) proposes four types of triangulation: the use of multiple methods, multiple sources of data, multiple investigators and multiple theories to confirm emerging findings.

emerging findings based on the interview. The preliminary analysis was shown to the participants to check if they recognised their experiences in the researcher's interpretation. Maxwell (2005) indicates that member check significantly eliminates the possibility of misinterpreting the meaning of what participants say and do. It is also essential in recognising the researcher's biases and misunderstanding of what has been observed. By giving the participants the opportunity to verify the preliminary analysis, they were able to provide feedback to the researcher in order to appropriately reflect their perspectives.

The third strategy involves having an adequate engagement in data collection. Although there is no specific way of determining the time to be spent for data collection and amount of data to be collected, the research is considered to be adequate once the data and emerging findings feel saturated (Merriam, 2009). An indication of saturation is when there is redundancy with no new information emerging from the data collection. The researcher stopped interviewing participants and doing field observations once she reached the saturation point of no longer getting new inputs from the data collection.

Reflexivity is the fourth strategy relating to "the process of reflecting critically on the self as researcher, the 'human as instrument'" (Lincoln & Guba, 2000, p. 183). As the main instrument for the study, the researcher needs to explain her biases, disposition and assumptions regarding the study. Earlier in this chapter under the Researcher's Role section, the researcher clarifies her biases and assumptions allowing the reader to understand how she might have interpreted the data. Such action explains how a particular researcher's values and expectations may influence the conduct and conclusions of the study (Maxwell, 2005).

3.11   Conclusion

As recognised in other social science research designs, this study faces constant dilemma between subjective and objective data and data analysis processes, between

replicability and authenticity, between representativeness of samples and purposive sampling, and between generalisability and uniqueness of results (Wilson, 1977; Rist, 1977; Filstead, 1979). The qualitative research, however, provides value to the study with the extensive time spent for data collection, the detailed thick description and the closeness of the researcher to the participants. Cresswell (2009) highlights that "the value of qualitative research lies in the particular description and themes developed in context of a specific site" (p. 193). Given that absolute validity and reliability is an impossible task for any research model (LeCompte & Goetz, 2007), this study has adopted various factors enhancing credibility within the context of the particular research problems and objectives to minimise threats to reliability and validity. Construction of the participants' experiences and the meanings attached to them allows readers to understand the challenges that the participants encountered. The study utilises qualitative research as an attempt to extend the knowledge base of the field as well as to understand and enhance the implementation of human trafficking policy. This qualitative research of a case study critically provides distinctive lens for the readers to view and experience the participants' world despite the common criticism concerning its generalisability. A properly conducted case study provides understanding to an important aspect of a new problematic research area (Punch, 1998). Hence, in the case of human trafficking policy implementation in Malaysia where the knowledge is shallow, this study has a great potential for valuable contribution.

CHAPTER IV

INTERNATIONAL STRATEGIC RESPONSES TO
HUMAN TRAFFICKING

4.1   Introduction

This chapter presents international practices of policy implementation adopted by various countries in the fight against human trafficking. The objective of this chapter is to investigate different countries' strategic responses in dealing with the crime that may pave the way for countries like Malaysia to seriously consider adopting similar methods. Several countries are highlighted in the chapter due to their strategic responses in combating human trafficking. Many of them are in the western region because eastern countries are found to be lacking in their approach towards human trafficking (U.S. Department of State, 2012). Their advancement in recognising human trafficking as an epidemic affecting the global community pushes the agenda to seriously fight the crime. Given the complexity of human trafficking phenomenon, a country needs to develop a greater understanding of the problem in order to provide effective response. Hence, this chapter begins by illustrating human trafficking problem worldwide before concentrating on selected initiatives focusing on institutional capacity, support for victims, prevention efforts, demand reduction, local partnership, international cooperation and the role of research. All of these initiatives are significant as part of the 3Ps involving prevention, prosecution, and protection as highlighted in the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

4.2   Human trafficking in a globalised world

Due to the hidden nature of the crime, numbers may vary. However, anecdotal evidence and studies indicate that the number of people being trafficked worldwide annually ranges from hundreds of thousands to several millions (Jordan, 2002). The United States' intelligence community estimated 800,000 people are being trafficked

across international borders annually in which 80 per cent of victims are female, and up to 50 per cent are minors (Lagon, 2008).

Using the data for the study reference period from 2002 to 2011, the International Labour Organisation (ILO) Global Estimate of Forced Labour (2012) estimates that 20.9 million people are victims of forced labour. The report shows that 18.7 million (90.0%) are exploited in the private economy either by individuals or enterprises and 2.2 million (10.0%) are in state-imposed forms of forced labour such as prisoners, military and rebel armed forces. In the private economy, the number of victims of forced labour exploitation is higher at 14.2 million compared to forced sexual exploitation at 4.5 million. Women and girls represent more than half of the forced labour victims with 11.4 million (55.0%) while men and boys amount to 9.5 million (45.0%). Forced labour affects more adults than children whereby 15.4 million (74.0%) of the victims aged 18 years and above as compared to 5.5 million (26.0%) are those below 18 years old.

According to three categories of migration in the ILO report (2012), 29.0 per cent of the forced labour victims involves cross-border migration (victims left their country of origin to work in another country where they were exploited), 15 per cent involves internal migration (victims left their place of residence to be exploited within the same country of origin), and 56 per cent involves no movement (victims are exploited in the same location where they reside). The estimate shows that Asia Pacific has the highest number of victims, followed by Africa, Latin America and the Caribbean, Central and South Eastern Europe and the Commonwealth of Independent States (CIS), developed economies and European Union (EU), and Middle East as indicated in Table 4.1.

Table 4.1: Estimated Trafficked Victims across the World

Region	Number of trafficked victims (millions)
Asia Pacific	11.7
Africa	3.7
Latin America & the Caribbean	1.8
Central & South Eastern Europe & CIS	1.6
Developed Economies & EU	1.5
Middle East	0.6
Total	20.9

Source: International Labour Organisation (2012).

Human trafficking is a global crime affecting almost every country in the world today with trafficked victims from 136 nationalities were reported in 118 countries between 2007 and 2010 (United Nations Office on Drugs and Crime, 2012). The growing phenomenon is a result of the simultaneous existence of push, pull and facilitating factors (Jordan, 2002). The rise in human trafficking on a worldwide basis is attributed to a myriad of contributing push factors, among others, social conflict, civil war, political upheaval, genocidal behaviours, extreme economic disparity and environmental disasters (Jordan, 2002; Lee, 2005; Haynes, 2008; Williams, 2008). In contrast, the major pull factor is the absolute or relative prosperity and peace in the destination countries (Jordan, 2002). Economic growth in those economies creates increased demand for foreign labour, particularly in the low-paying jobs as locals tend to stay away from them. Human trafficking also thrives on facilitating factors such as the availability of low-cost transportation and communication technologies (Jordan, 2002).

According to the United States Department of Health and Human Services, human trafficking is the second largest criminal industry after drug trafficking, sharing

the position together with arms dealing (Spindler, 2010). It is the fastest growing criminal industry due to its lucrative business that brings a significant amount of profits as it involves long-term exploitation of individuals that entails continuous income. Global profits from 2.4 million trafficked forced labourers all over the world, including for commercial sexual exploitation, is estimated to be US$32 billion annually, representing an average of US$13,000 per victim (Belser, 2005). More than half of the profits that amount to US$15.5 billion are generated from people trafficked into or within industrialised countries (10.9%).

With its massive population base, growing urbanisation and existing poverty, Asia is perceived to be the most vulnerable region for human trafficking (Huda, 2006). Although Asia has the highest number of trafficked forced labourers with 1.36 million (56.0%) compared to the industrial countries with 271,718 (10.9%), it generates the second highest profits with US$9.7 billion (Belser, 2005) as shown in Table 4.2. Belser (2005) finds that the disparity between generated profits and number of trafficked victims is due to the lower price of sexual services in the Asian region, which is determined by factors such as the income level of where the transaction takes place and the legal status of the sex industry. It is estimated that the average prices in Asia range from USD15 to USD16 for every service provided, similar to sub-Saharan Africa as compared to USD100 in industrial countries.

Table 4.2: Estimated Annual Profits from Human Trafficking

Region	Annual Profits (US$ million)
Industrialised countries	15,513
Asia Pacific	9,705
Transition countries	3,422
Middle East and North Africa	1,508
Latin America	1,348
Sub-Saharan Africa	158
Total	31,654

Source: Belser (2005).

The scale of human trafficking in Asia has become increasingly disturbing. According to the Trafficking in Persons Report 2010, the prevalence of trafficking victims in the world is 1.8 per 1,000 inhabitants (U.S Department of State, 2010). Alarmingly, the figure is almost twice of that in Asia and the Pacific in which the prevalence of trafficking victims is 3 per 1,000 inhabitants. The report also claims that the governments of labour demand countries in Asia do not make adequate efforts to identify trafficking victims among the migrants despite their regular immigration exercises. The countries are accused of failing to take into account anti-trafficking standards and victim care responsibilities in implementing their immigration policies.

The ILO Global Estimate of Forced Labour (2012) indicates a slightly higher prevalence of forced labour in Asia and the Pacific with 3.3 per 1,000 inhabitants. This lies in the middle range among all the regions in the world as illustrated in Figure 4.1. Although the Asia and the Pacific region accounts for the largest number of forced labour, Central and South Eastern Europe and the Commonwealth of Independent States (CIS) shows the highest prevalence of 4.2 per 1,000 inhabitants. The report attributes this disparity in the finding to the much smaller number of the region's population

compared to the Asia and the Pacific region. It also suggests that the low prevalence in the Developed Economies and European Union may be due to the countries' effective implementation of anti-trafficking mechanisms.
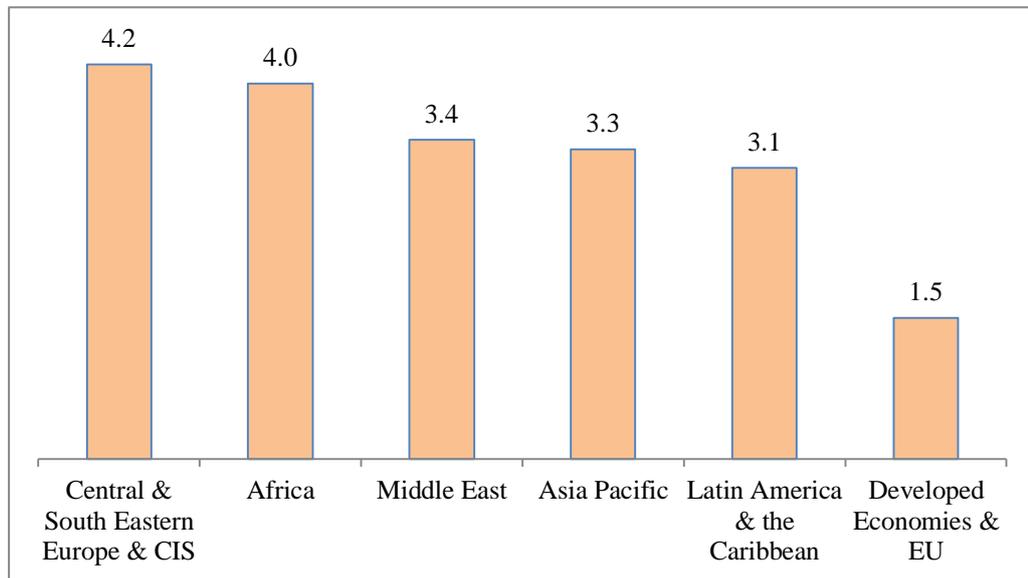
Figure 4.1: Prevalence of Forced Labour by Region (per 1,000 inhabitants)

Source: International Labour Organisation (2012).

Many countries experience human trafficking involving mainly migrants. In Taiwan, most trafficked victims come from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India (U.S. Department of State, 2012). They are low-skilled workers in manufacturing and fishing industries as well as home caregivers and domestic workers. Many of these workers are extremely vulnerable to labour trafficking as they face unscrupulous brokers and employers who force them to do work outside their contractual job scope that tend to lead to labour exploitation.

Most forced labour cases involved migrants in economic sectors that thrive on labour cost as a significant determinant of business competitiveness (Zhang, 2012). In the case of the United States, majority of the trafficked victims involve migrants despite having local victims trafficked in the country (Logan et al., 2009). The victimisation

often takes place in states with large migrant population such as California, Florida, New York and Texas (Zhang, 2012).

Although not all human trafficking cases involve migrants, they are highly vulnerable that make them easy prey for the traffickers. The United Arab Emirates has more than 90 per cent of its private sector workforce involved migrant workers who are recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Korea, Afghanistan, Iran, and the Philippines (U.S. Department of State, 2012). Some of the migrant workers are subjected to conditions indicative of forced labour such as unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, physical or sexual abuse, and debt bondage related to the recruitment fees. Migrant workers have limited rights with no proper channel to voice out their concerns, which contributes to the vulnerability of being trafficked.

4.3   Institutional capacity

Specialised institutions have been established in many countries as part of the measures to effectively respond to cases of human trafficking. A dedicated institution focusing on human trafficking is a way of providing an authorised platform for the bureaucrats. The institution becomes the strategic anchor to orchestrate measures taken against human trafficking. According to the United Nations Office on Drugs and Crime (2008), the fight against human trafficking requires a multi-agency with flexibility and collaborative responses. Such institution is imperative given the intricacy of the problem involving the 3P paradigm. Inter-sectoral cooperation strengthens the institutional capacity to integrate a holistic approach from various aspects of policy implementation. This is exemplified by the United Kingdom with the establishment of Human Trafficking Centre and the United States with Anti-Trafficking Coordination Team. Not only through a specific coordinating body, institutional capacity to address

human trafficking can also be strengthened by establishing specialised court as demonstrated in the Netherlands and by designating specialised personnel as in the case of Slovakia.

The United Kingdom established Human Trafficking Centre in 2006 led by Association of Chief Police Officers. United Kingdom Human Trafficking Centre (UKHTC) is a multi-agency set-up that brings expertise from various disciplines comprising senior officers from the police, immigration, Crown Prosecution Service (CPS) and Serious Organised Crime Agency (SOCA) and Her Majesty's Revenue and Customs (HMRC) (Home Office and Scottish Executive, 2007). It is responsible to address all forms of human trafficking and to coordinate numerous stakeholders and partners. UKHTC is also tasked to raise awareness, provide training and conduct research in order to improve understanding of human trafficking. It pushes for victim-centred approach in addressing human trafficking by working together with other agencies, stakeholders and NGOs. UKHTC develops protocols on victims' identification and investigation management. Together with partners, it works to improve appropriate victim support network including provision for victims to return to their home country. With various experts under one roof, UKHTC has an edge in coordinating measures effectively and providing proactive and sustained approach.

Incorporating various experts in UKHTC proves to be vital in optimising efforts to combat human trafficking. UKHTC even utilises financial investigation as one of the weapons to tackle traffickers and those who benefit from human trafficking. This is made possible by HMRC's secondment of its senior member to UKHTC to maximise the use of taxation in a coordinated approach to the criminal investigation (Home Office and Scottish Executive, 2009). The holistic measure demonstrates the United Kingdoms' commitment to deliver a concerted approach in combating human trafficking.

UKHTC becomes a focal point in propelling a standardised inter-agency approach within the enforcement agencies. In order to strengthen its efforts in fighting human trafficking, it has established Learning and Development Group to continuously review critical training needs including those arising from operational activities and victims' experience (Home Office and Scottish Executive, 2009). This becomes an integral part of the professional development for those involved in tackling human trafficking. UKHTC even provides 24-hour contact to help frontline personnel with early identification and referral of victims. Not only that, it has established a sub-group dedicated to preventing human trafficking involving members from government, law enforcement, NGOs and other stakeholders (Home Office and Scottish Executive, 2007). Among its objectives is to provide strategic level direction in the planning and implementation of prevention and awareness campaigns. Interestingly, the proactive measure adopted by UKHTC is not only conducted in the country but also in identified source or transit countries as part of the holistic effort to address the problem of human trafficking at its source.

The United States as a source, transit and destination country for trafficked victims of forced labour, debt bondage, document servitude and sex trafficking has taken the initiative to form Anti-Trafficking Coordination Teams (ACTeams) in February 2011. The specially created teams assemble federal investigators and prosecutors to formulate and implement coordinated and proactive federal inter-agency investigations and prosecutions in selected areas nationwide (U.S. Department of State, 2011). For the pilot project, six cities have been selected: Miami, Florida; Atlanta, Georgia; El Paso, Texas; Kansas City, Missouri; Los Angeles, California; and Memphis, Tennessee (Federal Bureau of Investigation, 2011). To indicate its importance, ACTeams is placed under the leadership of the U.S. Attorneys and the highest-ranking federal investigative agents from relevant regional Federal Bureau of

Investigation (FBI), United States Immigration and Customs Enforcement (ICE) and Department of Labour field offices.

ACTeams exhibits the working collaboration needed in implementing a strategic action plan to combat human trafficking. It is responsible for developing investigation and prosecution for federal cases against human trafficking in order to protect the rights of trafficked victims, bring the perpetrators to justice and dissolve the criminal network. The structure of ACTeams greatly enhances coordination among federal prosecutors and federal agents involved in the investigation. Most importantly, it also incorporates the collaboration of frontline enforcement efforts and specialised units at the Department of Justice and federal agency headquarters (U.S. Department of Justice, 2011). This is vital especially for such a huge country with large population and a government based on federalism involving the sharing of power between federal and state as well as local government.

The U.S. Department of Justice in cooperation with the Department of Homeland Security and the Department of Labour are responsible for the establishment of the ACTeams. In addition to that, the Department of State sets up a dedicated anti-trafficking unit within the headquarters staff of the Diplomatic Security Service. The dedicated unit helps to incorporate anti-trafficking response into the diplomatic service.

Effective implementation of human trafficking policy requires a strong institutional capacity in a variety of policy areas with specific expertise. To build necessary expertise of specialised personnel, the Netherlands limits litigation of human trafficking cases in January 2011 to four specialised courts (U.S. Department of State, 2011). Such an effort helps to develop judges' expertise while encouraging standard interpretation of the law by the judiciary.

Acknowledging the importance of specialised personnel in handling human trafficking, Slovakia, which was ranked at Tier 1 in Trafficking in Persons Report 2011,

adopts a strategy of having specialised units within its law enforcement agency (U.S. Department of State, 2011). The Slovakian police force operates a specialised unit at the police headquarters and four specialised officers throughout the country. Given the importance of having specialised personnel to tackle human trafficking, the Slovak Office of the Special Prosecutor also incorporates the same initiative as it designates a specialised prosecutor for human trafficking within the anti-corruption unit.

Bringing an eclectic of experts under one agency for human trafficking similar to UKHTC will be an ideal strategy for Malaysia to seriously fight the crime. A think-tank unit equipped with the relevant expertise provides the necessary elements for an anti-trafficking mastermind to effectively spearhead the policy implementation. MAPO only has policy administrators from Ministry of Home Affairs in the secretariat team. However, members of MAPO include relevant government agencies, NGOs and experts. MAPO members meet periodically, but those who attend the meeting tend to be from the higher echelon of the bureaucrats who may not be involved directly in dealing with human trafficking issues. Using second-hand information passed from the frontline personnel to be discussed in the meeting, MAPO may lose the essence needed in searching for effective remedy to the problem of human trafficking.

Not all relevant agencies in Malaysia established a specific unit to handle human trafficking as attempted by Slovakia. The specialised unit is evident only at the police and immigration headquarters. The police specialised unit is established under anti-vice, gambling and secret societies division, also known as D7. As for the immigration specialised unit, it is established under the enforcement division. Based on the official statistics of cases charged by enforcement agencies, PDRM and Immigration Department are among the most active enforcement agencies in conducting operations against human trafficking with 78.3 per cent and 18.7 per cent respectively (Ministry of Home Affairs, 2012).

In terms of specific facility to handle human trafficking cases, Malaysia has set up shelter homes exclusively for trafficked women, men and children respectively. Besides the shelter homes, a special Session Court in Kuala Lumpur has been designated for human trafficking cases. This is to expedite the case hearing particularly for recording of evidence that requires the trafficked victims to be in the Court. Foreign trafficked victims have to wait for the recording of evidence before they can be repatriated. In other Session Courts, human trafficking cases have to follow regular court queue, which means the victims have to stay longer at the shelter homes waiting for the recording of evidence. Without adequate numbers of specialised courts as practiced in the Netherlands, Malaysia faces the problem of case backlog. It results in over-crowdedness at the shelter homes as the trafficked victims need to stay longer until they provide the recording of evidence to help the prosecution. The Legal Committee is looking into the possibility of setting up a special court similar to the Special Court for the illegal foreign workers to expedite the case proceeding for the trafficked victims.

4.4   Support for victims

Recognition of human rights standards for trafficked victims entails adequate protection and assistance service provided for the target group. Hence, a number of positive developments in relation to the range and scope of protection, assistance and support for trafficked victims have been adopted by countries worldwide. The United States and the United Kingdom offer temporary and permanent residence permit to the trafficked victims. While the trafficked victims in the United States are eligible to receive similar public benefits and services that are available for refugees, the United Kingdom takes a step further in the services provided by offering access to compensation for the trafficked victims. Meanwhile, Austria and Croatia demonstrate the open concept shelter home that allows trafficked victims to move freely in and out of the premise in addition to providing legal assistance to the trafficked victims.

Given that the measures specified in the Trafficking Protocol for protecting and assisting trafficked victims are of a general nature, several inter-governmental organisations have announced specific guidelines clarifying the rights of the victims particularly their rights to protection and assistance (United Nations Office on Drugs and Crime, 2008). The United Nations High Commissioner for Refugees (UNHCR) in 2006 issued Guidelines on International Protection that highlighted the fact that trafficked victims have a well-founded fear of persecution that may make them entitle for international refugee protection (United Nations High Commissioner for Refugees, 2006). In line with that, some countries have offered refugee status to trafficked victims. Countries such as the United States and the United Kingdom adopt immigration relief to encourage foreign trafficked victims to assist with investigations and prosecutions. Under the Trafficking Victims Protection Act 2000, the United States provides two principal types of immigration relief to foreign trafficked victims (U.S. Department of State, 2011):

(i)   continued presence that allows temporary immigration relief and may allow work authorisation for victims who are potential witnesses in investigation or prosecution; and

(ii)   T non-immigrant status (T visas) that allow for legal immigration status for up to four years for trafficked victims who cooperate with reasonable law enforcement requests for assistance with investigation or prosecution.

As part of national security measures, countries tend to provide certain conditions before granting visas. Trafficked victims, however, are an exceptional case as shown by the United States. Although victims' cooperation is vital in the process of uncovering the criminal act of human trafficking and its perpetrators, the United States allows the T visas to be obtained without restrictive conditions such as testimony against the trafficker, convictions of the trafficker, formal denunciation of the trafficker

and sponsorship or approval by an investigating agency. The trafficked victims may also apply the T visas on behalf of their family members such as spouses, children, parents, siblings and relatives who face danger due to the victim's escape from the trafficker or cooperation with the law enforcement. With the T visa, the victims and their family members are legally authorised to work in the country. The T visa holders are eligible for permanent residence status after three years that may eventually lead to citizenship. T visas were granted to 447 trafficked victims and 349 immediate family members in 2010, an increase from 313 and 273 respectively in 2009 (U.S. Department of State, 2011). For the year 2010, 518 T visa holders (309 victims and 209 family members) had successfully become permanent residents.

In the case of the United States, foreign nationals without a lawful immigration status generally are not eligible for federal public benefits such as food assistance and health care programmes. However, the trafficked victims who have been granted with continued presence or have applied for T visa are able to receive public benefits and services similar to refugees with the issuance of a certification letter from the U.S. Department of Health and Human Services (U.S. Department of State, 2011). The benefits include targeted assistance with income, health care and employment searches as well as access to all assistance programmes available to the U.S. citizens.

The same protection measure is also applicable to the trafficked victims in the United Kingdom. The temporary permission to stay is granted on a case-by-case basis for the victims who cooperate with the law enforcement authorities in providing evidence to prosecute perpetrators of human trafficking. After completing an initial stay of three years, the victims are able to apply for permanent stay in the country (Obokata, 2006). Not only the victims enjoy the right to stay in a new country to start a new life, they are also able to gain from the Criminal Injury Compensation Scheme under the Criminal Injuries Compensation Act 1995 (Obokata, 2006). The scheme

enables trafficked victims who suffer from criminal injuries to be compensated. To illustrate the amount of compensation given to trafficked victims, it has been highlighted that Criminal Injury Compensation Authority has awarded between £16,500 - £62,000 to sex trafficked victims involved with prostitution (Townsend, 2007). The authority awarded the compensation as payment for false imprisonment and forced prostitution. This has been a breakthrough for victims of violent crime as the case sets a precedent for a broader definition of criminal injuries without limiting them only to rape, assault, kidnapping and abduction.

The essential process in managing victims in the United Kingdom is to ensure that the victims know their rights. Pertinent information is made available in various languages so that trafficked victims can make their own decisions regarding their rehabilitation process. Information such as specific arrangement for trafficked victims and options available for rehabilitation purposes is provided through outreach programme and link workers in UKHTC (Home Office and Scottish Executive, 2009).

In Austria, the government finances a specialised anti-human trafficking NGO to provide open shelter accommodation and assistance for female trafficked victims. Most importantly, the victims are not detained involuntarily at the shelter home in Vienna. Despite being an open shelter accommodation, the place still operates at its full capacity of 18 beds in 2010 (U.S. Department of State, 2011). Regarding their removal from their country, the foreign victims are offered temporary resident status.

Similar to Austria, Croatia provides funding to two NGO shelters for human trafficking. The shelters are designated for women and minors respectively. Croatia provides the same standard of care to local and foreign trafficked victims including medical care, education, legal assistance, psychological care and assistance finding employment (U.S. Department of State, 2012). The same open concept of victims' protection applies in Croatia in which the adult victims have the freedom to choose

either to be in the shelter or leave at will. Adult victims are allowed to leave the shelter without any chaperones.

To have a victim-centred approach focusing on protecting victims of human trafficking will be a great improvement to the implementation of human trafficking policy in Malaysia. Nevertheless, the strategy of providing residency permit to the trafficked victims even to those who face extreme hardship if repatriated may not be suitable for Malaysia. This is because the protection policy that aims to protect the victims' human rights can have a negative effect of encouraging illegal migration (Cho and Vadlamannati, **2012**). Such decision is likely to lead to a political conflict due to domestic resistance towards migrants.

As a destination country with 96.0 per cent of trafficking flows involving foreign victims (Ministry of Home Affairs, 2012), Malaysia is directly affected by human trafficking push factor that originates in other countries. Despite the need to control the influx of foreign victims, the government recognises the need to provide better support for the victims. Consequently, the government changed its policy in early 2012 of deporting rescued trafficked victims after their release from the government shelter homes. Victims of labour exploitation are allowed to work in the country for three years. The work permit is given on a case-by-case basis. The opportunity to work in Malaysia before returning to their home countries enables the victims to earn the loss income due to exploitation and confinement at the shelter home. This new policy imposes certain conditions in order to safeguard the interest of both the victims and the destination country:

(i)   prior consent of the victims;

(ii)   approval from their diplomatic missions;

(iii)   confirmation that the safety of the victims are not guaranteed if repatriated to their home country; and

(iv)   legal entry into Malaysia.

Cautions have been raised against generous treatment of trafficked victims that may cause more human trafficking inflow as greater number of potential victims is willing to take the risk coming into the destination country (Cho and Vadlamannati, 2012). As a result, Malaysia needs to thoroughly analyse measures to support trafficked victims as increased human flow into the country may threaten national security. Special provision such as offering residency permit is likely to face domestic resistance due to the fact that human trafficking of foreign victims in the form of labour exploitation has been recognised as a contributor to job losses for the locals and damages to existing labour protection in the country (Cho and Vadlamannati, 2012). Hence, Malaysia needs to seriously consider its victims' protection policy to avoid influx of migrants who may take advantage of the support given to the trafficked victims.

There is no compensation fund or legal possibilities for victims in Malaysia to request for compensation either from the perpetrators or the government. Besides suffering from physical and psychological trauma, trafficked victims lose their rights to freedom including the opportunity to earn income once they are sent to the government shelter home. Hence, Malaysia realises the importance of taking steps towards providing an open shelter home for the trafficked victims. Such measure will contribute to the effort of promoting human rights-based treatment instead of crime-control approach.

4.5   Prevention efforts

The Protocol to Prevent, Suppress and Punish Trafficking in Persons clearly states that countries must undertake measures such as research, information and mass media campaign as well as social and economic initiatives to prevent human trafficking (United Nations, 2000). Among the critical steps are continuous public awareness

programmes that include identifying warning signs and required responses (U.S. Department of State, 2011). However, public awareness is only a part of prevention efforts. The United Kingdom exemplifies the proactive effort of controlling human trafficking inflow before it reaches the country of destination. Australia, on the other hand, has taken a remarkable approach in utilising confiscated criminal assets to support anti-human trafficking programmes while practicing public consultation to improve services. Countries such as the United States, Georgia and Slovenia focus their prevention efforts on the youth. At the same time, Slovenia and South Korea recognised the importance of reaching out to migrants who are vulnerable of being trafficked.

Realising that widespread understanding of human trafficking is vital to curb the crime, the United Kingdom establishes Border Agency's Risk and Liaison Overseas Network (RALON) to identify and reduce the threats to its border. RALON operates in more than 50 locations worldwide to ensure those who are going into the United Kingdom have valid documents. The RALON officers' role includes providing advice to check-in staff at the departure gates on the documents presented by passengers, training airline staff regarding the United Kingdom passport and visa requirements as well as assisting airlines with passengers who may have inadequate documentation. RALON succeeded in preventing 67,000 people from travelling to the United Kingdom with incorrect, counterfeit or fraudulently obtained travel documents (U.K. Home Office, 2011). Strong collaboration with the airlines and local border control authorities enables the United Kingdom to recognise the problem of human trafficking before victims may be brought into the country.

Taking a dynamic approach in fighting human trafficking, Australia utilises resources from confiscated criminal assets to fund anti-human trafficking programmes. It has been reported that $200,000 from confiscated criminal assets under the Proceeds

of Crime Act 2002 is allocated for protection and prevention against human trafficking (U.S. Department of State, 2011). Australian government also incorporates public consultation to improve services provided in the fight against human trafficking.

The United States makes significant progress in addressing prevention of human trafficking. To prevent, identify and respond to commercial sexual exploitation of children, the Department of Education (DOE) intensifies efforts to provide educational resources to school districts (U.S. Department of State, 2011). DOE also gives training to chiefs of school police forces to increase their knowledge about human trafficking. In order to increase awareness and identification of trafficked victims, it continuously monitors school districts in search of good practices that can be disseminated to all schools nationwide.

With similar strategy of targeting the youth, the government of Georgia adopts an integrative approach in its prevention efforts. Besides conducting a televised conference on human trafficking for university students throughout the country, Georgia introduces a mandatory trafficking course for law students. With the aid of international donors, the government provides training for high school teachers regarding human trafficking prevention. Through a partnership with NGOs, the government educated over 320 children under the care of the state about human trafficking prevention and developed a human trafficking prevention programme for secondary school students in 2010 (U.S. Department of State, 2011).

Likewise, the Slovenian government provides funding for weekly anti-human trafficking awareness programme to students in elementary and secondary schools as part of its effort in targeting the youth (U.S. Department of State, 2011). The government also conducts outreach programme for migrants at border crossings. To reach greater audience, the government uses its website to raise awareness about human trafficking.

Migrant workers are highly vulnerable to being trafficked due to various factors such as debt bondage, communication issues and lack of knowledge of the destination country. Hence, they tend to face similar problems indicative of forced labour including non-payment of wages, withholding of passports, and working in different job from what has been promised in their country of origin (U.S. Department of State, 2011). Acknowledging the vulnerability of migrant workers, South Korean government has taken the initiative to directly recruit foreign workers from 13 countries (U.S. Department of State, 2011). It requires the workers to go through skills training and awareness raising programme.

As part of its labour trafficking prevention model, South Korean Ministry of Employment and Labour has operated seven Migrant Workers' Centres nationwide near workplaces to assist them in 15 different languages (U.S. Department of State, 2011). Six similar centres are established by Seoul Metropolitan City Government. Services provided by the centres include (Seoul Metropolitan City Government, 2011):

(i)   educational programmes that offer Korean classes and information technology training;

(ii)   counselling programmes that give advice regarding any labour, legal or other issue related to living in Seoul;

(iii)   healthcare services that provide medical check-ups and free treatments as well as help with admission into the health insurance mutual benefit association; and

(iv)   welfare and cultural services that offer Korean cultural tour programmes, cultural diversity promotion programmes and initiatives to provide support to foreign communities.

Malaysia has its own prevention strategy involving capacity building and awareness raising programme conducted by the NGOs. The programme incorporates government bureaucrats, community and women leaders, neighbourhood watch, and

youth-based and faith-based organisation members. To reach the youth, school teachers are involved in the programme so that they can spread the knowledge to their students. Not only that, the awareness raising programme is also conducted at the universities nationwide. The collaboration with the NGOs to raise awareness as a preventive method aims to reach the grassroots effectively. However, raising awareness among labour migrants is still lacking. To strengthen border control, the frontline bureaucrats need to be more competent in identifying bona-fide visitors in order to stop the crime at the point of entry.

Funding for anti-trafficking initiatives comes from the government coffer. Some of the funding for certain programmes may be provided by international organisations and other countries such as the United States and Australia. No innovative financial structure is in existence to provide for the measures taken against human trafficking. Malaysian government budgeting system may want to consider using alternative method of financing that can reduce dependency on government's allocation.

4.6   Demand reduction

In addressing human trafficking, it is not sufficient to only address the supply side of the crime. Hence, demand reduction effort is vital in the fight against human trafficking. Each country must take the essential first step of acknowledging the existence of human trafficking demand within its national boundaries. The United Kingdom has demonstrated efforts taken to increase awareness among men who may become potential customers of sex trafficked victims. Interestingly, the United States has taken a more serious approach by targeting businesses that use forced labour including the products and the employers.

As part of Operation Pentameter, the United Kingdom targets men who may become potential customer to sexually exploited trafficked victims involving those who may be using massage parlours, saunas or brothels (Home Office and Scottish

Executive, 2007). Advertisements have been placed in men's magazines and websites to raise awareness about human trafficking and sexual exploitation. Through the advertisements, warnings are placed regarding the risk involved in sex trafficking. Initial informal analysis indicates that men's behaviour and attitudes towards using prostitutes are affected by the publicity strategy (Home Office and Scottish Executive, 2007).

The United States has undertaken multiple efforts through various agencies to reduce the demand for commercial sex and forced labour (U.S. Department of State, 2011). Three agencies involving Department of Agriculture, Department of Labour and Department of State have collaborated to provide recommendations to Congress on how to reduce the likelihood of importing agricultural products and commodities that are produced by forced labour and child labour. As part of a multi-stakeholder process, the Department of State and the Department of Defence have led 60 private security companies to uphold the principles of not engaging in human trafficking, sexual exploitation or prostitution in their company policies and in the conduct of their personnel. To ensure the services provided do not involve human trafficking, the United States Agency for International Development (USAID) has launched a code of conduct forbidding all USAID contractors, sub-contractors, grantees and sub-grantees from engaging in human trafficking, procuring commercial sex acts or using forced labour during the period of their contracts or awards.

The USAID as well as the Inspector Generals at the Department of State and the Department of Defense conduct their audits of federal contracts to monitor vulnerability to human trafficking (U.S. Department of State, 2011). The findings and reparations are published as public reports. The USAID even establishes a dedicated entity to proactively track contractor compliance with the authority to suspend contracts and

debar contracting firms. Such a positive step is critical in promoting enforcement and curbing demand for human trafficking.

The United States also takes serious action against employers who are connected to human trafficking practices particularly those involving foreign workers. This is done by the Department of Justice and the Department of Health and Human Services that conduct investigations and prosecutions against human trafficking involving foreign nationals with temporary agricultural workers visas and temporary hospitality, food service and construction workers visas. The employers who are found to be guilty of violating temporary workers programme are prohibited from applying for future temporary workers for a period of three years (U.S. Department of State, 2011). To strengthen the protection of foreign workers from being exploited, the Department of Labour disallows foreign recruiters from charging agricultural temporary workers certain fees. It has been reported that recruiters have been charging fees and levies after the workers have obtained their visas under the guise of 'service fees'. Workers become more vulnerable to labour exploitation with increasing indebtedness, which is a common method used around the world as a control mechanism. The regulation attempts to address this issue by imposing an affirmative obligation on employers that can lead to removal from participating in the temporary workers programme.

In Malaysia, majority of the participants in the awareness raising programme involves women given that the programme is mostly conducted by the National Council of Women's Organisations (NCWO), an umbrella body for women's organisation. However, data of the number of participants disaggregated by sex is not available. Purchasing fair trade products and promoting ethical trading are still lacking in Malaysia. The government has made no efforts to monitor its supply chain for human trafficking activity.

To address the demand for human trafficking, Malaysia takes action under the 2007 Act against employers who are found to be guilty of human trafficking. Section 15 of the 2007 Act states that it is an offence to profit from exploitation of trafficked victim. The offenders shall be imprisoned for not more than 15 years and shall also be liable to pay a fine of not less than RM500,000 but not more than RM1,000,000. They shall also be liable to forfeit the profits from the offence. This signifies that employers have to take responsibility of the way they treat their employees, which can lead to exploitation.

4.7   Local partnership

Partnership brings strength as a variety of expertise is mobilised to respond effectively in the fight against human trafficking in a coordinated manner. Collaboration with NGOs proves to be beneficial to the trafficked victims. The NGOs are capable to provide specialised service due to their vast experience in social work. Establishing coordinated actions between government agencies and NGOs, however, is challenging because of many sensitivities that need to be managed carefully (International Labour Organisation, 2008). Working in partnership should also incorporate local authority as it may encounter trafficked victims in its locality. With its knowledge of the community and direct interaction with members of the community, local authority plays an important role in identifying trafficked victims and prevention effort. The United Kingdom demonstrates the importance of incorporating the NGOs and local authorities in its fight against human trafficking. As part of its concerted effort, the United States sets up community action groups to identify trafficked victims at the grassroots. Local collaboration can also include institutions such as hospitals as demonstrated by Belgium.

In building knowledge on human trafficking, the United Kingdom has worked with NGOs since 2002 particularly in providing trafficked victims with adequate

support. The government channelled US$1.5 million in 2010 to civil society organisations to accommodate and support adult trafficked victims (U.S. Department of State, 2011). As part of its victim-centred approach, the government through Home Office has funded since 2003 a project named Poppy that provides a range of support to trafficked victims including safe accommodation and resettlement services for women who have been trafficked into the United Kingdom for sexual exploitation (Home Office and Scottish Executive, 2007). This project exemplifies a strategic partnership with an NGO called Eaves Housing for Women. To provide specialised shelter home and outreach support for adult female trafficked victims, the NGO received US$1.45 million from the government in 2010 (U.S. Department of State, 2011).

The Poppy Project has extended its service to include resettlement assistance and an outreach team to facilitate frontline agencies and NGOs in identifying and managing trafficked victims. To offer specialised support for women who have been trafficked in the United Kingdom, the Poppy Project has established partnership with various agencies including (Poppy Project, 2012):

(i)   hostels for homeless people;

(ii)   shelters for domestic violence victims;

(iii)   embassies;

(iv)   Refugee Legal Centre;

(v)   Immigration Officery Service;

(vi)   Refugee Arrivals Project; and

(vii)   International Organisation for Migration.

The female trafficked victims under the project receive a wide range of services such as accommodation, counselling, emergency medical treatment, English language class and repatriation assistance. In developing appropriate support services for the victims, the United Kingdom even goes to the extent of providing access to independent

immigration legal advice and living expenses. The support services are available unconditionally for up to four weeks to assist the victims in their recovery enabling them to make decisions about their future. Longer term support is offered in exchange of victims' cooperation with the authorities. Based on the evaluation of the project, it shows that the services provided meet the need of the female trafficked victims including their recovery from the trauma (Home Office and Scottish Executive, 2007).

Under the Poppy Project, a sex trafficked female victim will be assigned to a dedicated support worker after being rescued. She will be given a secure accommodation and a weekly living allowance of £60. The victim will be referred to an experienced counsellor to help her overcome her trauma and work towards her recovery. She will also receive access to independent immigration legal advice. In one of the success stories of the victim's recovery, a trafficked victim has been granted Humanitarian Protection and received resettlement support (Home Office and Scottish Executive, 2007). With the help of the Poppy Project, she became independent, learned English, undertook voluntary work and worked as a secretary. Most importantly, the trafficked victim was able to seek justice by testifying in court that led to the conviction of her traffickers. Nevertheless, the Poppy Project arrangement incurs significant cost that amounts to £23,000 per annum for supporting each female victim of sex trafficking (Home Office and Scottish Executive, 2007).

Being committed to implement a victim-centred approach, UKHTC has recruited a victims' coordinator and established a sub-group to specifically address issues related to trafficked victims. Effective partnership with NGOs facilitates the United Kingdom's effort in managing the trafficked victims as NGOs provide a neutral and supportive environment. Trafficked victims tend to shy away from government officers as they are often threatened by the traffickers that the officers are on the traffickers' side and action will be taken against the victims since they cannot prove the

crime (Surtees, 2007). Hence, initiative such as the Poppy Project helps to create a link between the victims and the authorities that can facilitate in bringing the traffickers to justice.

Besides the NGOs, the United Kingdom also incorporates local authorities in its effort to tackle human trafficking. Society of Local Authority Chief Executives (SOLACE) produced a report in 2009 regarding the role of local authorities in the fight against human trafficking. The report emphasises the critical need for local authorities to improve their responses to human trafficking particularly on identifying and assisting victims (SOLACE, 2009). Five core competencies have been identified for local authorities to focus on in order to provide effective measures against human trafficking: victim identification; victim support; assistance with repatriation of victims; prevention of human trafficking; and working in partnership. The United Kingdom acknowledges the importance of local authorities in providing local leadership in preventing exploitative activities in the community. Local authorities have a responsibility to reduce the demand for services from trafficked victims by monitoring any activities related to the crime particularly for sexual services and illegal working practices.

In the United States, the Department of Justice provides grant funding to 34 NGO service providers to assist foreign trafficked victims and six NGOs for locals and lawful permanent resident victims (U.S. Department of State, 2011). In the same light, the Department of Health and Human Services (HHS) provides funding for more than 100 NGO service providers. HHS is a designated agency under the Trafficking Victims Protection Act (TVPA) to assist trafficked victims become eligible for benefits and services so that they may start a new life in the United States. In order to help identify the trafficked victims, the HHS launched Rescue & Restore Victims of Human Trafficking campaign in 2004 and 2005. Local coalitions were formed to address issues on the ground in both urban and rural communities all over the country. The Rescue

and Restore Victims of Human Trafficking community action groups consist of NGO leaders, academics, students, law enforcement agents and other key stakeholders (U.S. Department of Health and Human Services, 2010). This collaboration involves those who are committed to addressing the problem of human trafficking in their own communities. The first phase of the campaign focuses on outreach initiative especially to individuals who are most likely to encounter suspected victims on a daily basis but may not recognise the characteristics of trafficked victims.

The campaign targets health care providers, social service organisations and law enforcement agencies by educating them about human trafficking. As important intermediaries, they need to be able to look beyond the surface and recognise the suspected victims. Rescue and Restore Regional Programme significantly promotes capacity building of a local anti-trafficking network. It allocates 60 per cent of grant funds to grassroots organisations that identify and work with victims (U.S. Department of Health and Human Services, 2010). Such cohesive and collaborative approach intensifies the efforts to increase local outreach to help trafficked victims especially those reluctant victims for protection purposes.

Fighting human trafficking requires significant collaboration with various partners. To improve detection of potential trafficked victims in Belgium, the Ministry of Justice cooperates with hospitals since they are directly involved with those who seek medical care. Belgium through an NGO also establishes a pilot project to assess the feasibility and efficiency of using medical staff to improve victim identification (U.S. Department of State, 2011). According to the preliminary findings of the project, the trafficked victims are more willing to talk to the medical staff than the police. The Belgium government continues to review the project before expanding it nationwide.

Malaysia has established working relationship with relevant NGOs. The NGOs conduct awareness training programme at the grassroots. They also carry out

recreational activities for trafficked victims at the government shelter homes. Because of their close connection to the grassroots, the NGOs sometimes give information regarding human trafficking activity to the enforcement agencies. Although some of the NGOs provide shelter home for the trafficked victims, they do not receive any funding from the government. As of now, the NGOs' involvement is limited to only awareness raising and minor assistance with trafficked victims.

The effort to integrate local authorities in the fight against human trafficking is only evident in Selangor. Acknowledging sex trafficking as a huge problem, the Selangor State government conducted dialogues with NGOs, asking for information regarding hotspots and what was actually happening in the state. The Selangor state government has identified human trafficking as one of its state agendas. Consequently, local councils have been trained and directed to check high risk places in the state. Selangor is planning to establish a one-stop centre (database, enforcement, victims' protection and public awareness) dealing with human trafficking. This integrated approach should be replicated in other states all over the country. Although various institutions are involved with the fight against human trafficking, Malaysia is still lacking in multi-disciplinary collaboration. At present, there is no formal community involvement in Malaysia for human trafficking.

4.8   International cooperation

Given that human trafficking is a serious threat to human dignity, human rights and national development, concerted international response becomes a necessity to combat all forms of human trafficking. Recognising its importance, the United Nations General Assembly has adopted multiple resolutions urging for cross-border coordination. Resolution A/RES/58/137 on strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking draws attention to the urgent need for international cooperation involving a

multi-disciplinary and balanced global approach including adequate technical assistance (United Nations, 2004). The importance of coordination is reiterated in resolution A/RES/64/178 on improving the coordination of efforts against trafficking in persons. It highlights the significance of having bilateral, sub-regional, regional and international cooperation mechanisms and initiatives that takes into account information exchanges on good practices (United Nations, 2010).

Acknowledging international cooperation is a top priority to counter human trafficking, the United Kingdom exemplifies strong commitment in establishing international cooperation. It provides not only financial contribution to international organisation but also technical assistance to selected countries. In the case of the United States, it strengthens international partnership through formal agreement to enhance intra-government coordination. To develop a meaningful regional partnership, Australia illustrates a proactive approach through funding and capacity building as it becomes a significant counterpart in the Asia Pacific region.

To prevent cross border human trafficking, the United Kingdom provides significant financial contribution to address the cause of human trafficking at its source. Through its Partnership Framework Agreement, the United Kingdom contributes almost £2 million for International Labour Organisation's (ILO) action programme on forced labour (Home Office and Scottish Executive, 2007). It also provides £6 million through the Department for International Development to the second phase of ILO programme at the Greater Mekong sub-region aiming to reduce labour exploitation of children and women (Home Office and Scottish Executive, 2007).

Global capacity building is a top priority for the United Kingdom in the fight against human trafficking. The UK Foreign and Commonwealth Office promotes capacity building through a regional anti-trafficking project in the Western Balkan (Home Office and Scottish Executive, 2007). The project aims to improve operational

exercise in investigating human trafficking cases. Recognising the significance of capacity building, the project has also been extended to the Serbian-Croatian border. In addition to that, cooperation and coordination between relevant law enforcement anti-trafficking agencies of the United Kingdom, Romania and Bulgaria has been intensified. The UK High Commission in Mozambique provided funding for Child Protection and Counter-trafficking Project to raise awareness for protecting children from sexual abuse and human trafficking (U.K. Foreign and Commonwealth Office, 2013). Traditional leaders, mentors of initiation rites and teachers were among 140 people that were trained to publicly identify and denounce these crimes.

To help vulnerable foreign workers coming into the United Kingdom from being trafficked, Department for Trade and Industry has worked with the Foreign and Commonwealth Office and other European countries such as Portugal, Poland and Lithuania in producing bilingual guides of working in the United Kingdom (Home Office and Scottish Executive, 2007). Besides raising awareness among potential victims, the United Kingdom also has adopted a strategy of publicising in source or transit countries successful prosecutions of human trafficking cases (Home Office and Scottish Executive, 2007). The publicised strong action against traffickers through Foreign and Commonwealth Office's overseas network aims to deter traffickers.

Besides conducting awareness raising campaigns in Bulgaria and Romania, UKHTC undertakes a project in the countries involving capability assessment and expertise development for anti-trafficking law enforcement agencies. Such collaboration promotes a positive flow of intelligence between the three countries that entails strong relationship for joint practices. Recognising that establishing good working relationships with foreign law enforcement is essential, UKHTC also engages with various international partners such as Europol, Interpol, United States, Canada, Ireland and Nigeria (Home Office and Scottish Executive, 2007). In addition to that, it

collaborates with trafficking specialist enforcement team from Poland, Holland and France.

Building a formidable international network provides the necessary impact to tackle the transnational nature of the crime of human trafficking. United Nations Office on Drugs and Crime (2008) highlights that working together both locally and internationally has led to positive results in prosecuting the traffickers. Hence, based on evidence that Romanian Roma children have been trafficked into the country, the United Kingdom has been working with the Romanian police to curb the exploitation of Roma children (Home Office and Scottish Executive, 2009). Together with UKHTC, Metropolitan Police Service and Romanian Police have formed Joint Investigation Team to combat Roma child trafficking. The team's work in providing intelligence analysis of the crime has enabled it to give guidance on child trafficking due to an improved understanding of the national scale of the problem. As a result of the joint action, 181 trafficked Romanian children were identified and 26 suspected traffickers were arrested in Romania (U.K. Home Office, 2011).

Various government agencies of the United Kingdom are involved in fighting human trafficking at the international level. The intra-governmental effort includes the work of the Crown Prosecution Service (CPS) in undertaking capacity building to increase the quality of investigation and prosecution of human trafficking offences particularly in the Caribbean, West Africa, China and Afghanistan (Home Office and Scottish Executive, 2009). Not only does CPS work directly with targeted countries, it also forms a partnership with other foreign counterpart to effectively combat human trafficking. In the case of Nigeria, CPS prosecutors collaborate with the Dutch criminal justice partners in providing training to Nigerian judges, prosecutors and investigators to improve their response to the crime of human trafficking. Developing multiple cross-

border partnerships is one of the strategies actively adopted by the United Kingdom in order to strengthen international response to fight against human trafficking.

The United Kingdom through the Department for International Development (DFID) attempts to fight trafficking at its source in 150 countries as part of its long term development programme to address poverty and social injustice (Home Office and Scottish Executive, 2009). This effort significantly contributes towards preventing potential victims from being exploited by dealing with the underlying factors that make people vulnerable of being trafficked. DFID also supports anti-trafficking programmes such as an anti-child trafficking programme in Malawi managed by Salvation Army and a project to reduce the vulnerability of female migrant workers in the Tak Province in Thailand.

Besides the United Kingdom, the United States also works with various partners in the fight against human trafficking. To show its commitment, top government officials comprising Homeland Security Secretary, U.S. Customs and Border Protection Acting Commissioner, U.S. Immigration and Customs Enforcement Director and Department of Health and Human Services Assistant Secretary for International Affairs made a special trip to Central America in February 2012 to meet with their international counterparts (U.S. Department of Homeland Security, 2012). The meeting focuses on strengthening collaboration with international partners in combating transnational crime including human trafficking. Letters of Intent were signed between U.S. Homeland Security Secretary and representatives from the governments of Panama and Guatemala to coordinate actions against human trafficking. The U.S. Homeland Security Secretary and U.S. Attorney General participated in the Cross-Border Crime Forum with Canadian Minister of Justice and Attorney General as well as Canadian Minister of Public Safety that was held in Ottawa, Canada in March 2012 (U.S. Department of Homeland Security, 2012). Memorandum of Understanding (MoU) was signed

between the United States and Canada pledging cooperation among respective agencies in sharing of information regarding smuggling and human trafficking.

In the Asia Pacific region, Australia is recognised as the leader for its efforts in combating human trafficking. To sensitise Australian officials working abroad about human trafficking, the government provides training to Australian diplomats and consular personnel on their obligations to report extraterritorial offenses of serious crimes that includes child sex crimes and human trafficking. Australia has widened its effort throughout Southeast Asia by providing significant funding for law enforcement training, victim assistance programmes and prevention activities. Australian Agency for International Development (AusAID) actively finances various anti-human trafficking programmes in the region involving efforts to improve criminal justice systems and public awareness activities including conducting child protection workshops for hotel staff overseas (U.S. Department of State, 2011).

Intra-agency and intra-governmental mechanisms and initiatives prove to be effective in combating a transnational crime of human trafficking. Malaysia, however, is still lacking in its effort to significantly engage in a more coordinated approach at the international level despite recognising the importance of adopting a global approach in combating transnational crime of human trafficking. In response to that, Malaysia has signed bilateral agreements with Australia, Saudi Arabia, United Kingdom, United States and China as part of smart international partnership strategy. To take a step further in curbing cross border crimes, Malaysian Maritime Enforcement Agency (MMEA) has signed an MoU with Australia Border Protection Command (BPC) (Annuar, 2011). The cooperative agreement in the Asia Pacific region is to enhance effectiveness in fighting the crime while increasing security and safety of the region's maritime zones. Consequently, a joint working group has been established between Malaysia and Australia involving Ministry of Home Affairs, MMEA and BPC. Such

collaboration entails more effective operations and programmes, comprising enforcement, search and rescue, capacity building and sharing of intelligence. Australia proves to be an active partner in promoting cooperation in the region.

In addition to that, bilateral relationship with Australia also involves Malaysia-Australia Working Group in people smuggling and trafficking in persons. According to Australia's Minister of Home Affairs, the Working Group has made significant progress since 2009 (Bernama, 2011). It identifies cooperative activities that cover a wide spectrum of human trafficking policy implementation including border management, legal cooperation, maritime surveillance and interdiction, law enforcement and intelligence sharing. Australia reaffirms its commitment in strengthening and expanding its cooperation with Malaysia in regards to human trafficking that requires a sustainable regional response. The Working Group serves as a testimony of a strong partnership in the region.

Outside the Asia Pacific region, Malaysia signed an MoU with Saudi Arabia regarding exchange of intelligence on cross-border crime and terrorism. The MoU was signed during the Prime Minister's visit to Saudi Arabia in January 2010. Crossing over to Europe, Malaysia signed an MoU with the United Kingdom on 14 July 2011 to develop a framework and formal systematic mechanisms. The MoU mainly focuses on terrorism, organised crime, human trafficking, migrant smuggling, drug smuggling, forged documents, cyber crime and illegal currency exchange (Silva, 2011). Following that, Malaysia signed an MoU on transnational crime with the United States on 18 July 2012. The MoU establishes a working committee between the two countries involving representatives from various agencies such as the Immigration and Customs Departments, central banks, Malaysian special branch[9], Central Intelligence Agency (CIA) and FBI (Sipalan, 2012). In Asia, China becomes the first country that Malaysia

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[9] Special Branch is the Malaysian government intelligence agency. It operates as a branch of the Royal Malaysia Police.

signed an MoU on combating transnational crime. The MoU, which was signed on 2 August 2012, promotes cooperation in four specific areas of law enforcement, capacity building, scientific research and technology exchange (Bernama, 2012).

Realising that human trafficking as transnational crime requires international collaboration, Malaysia is planning to sign more MoUs with relevant countries particularly from labour sending countries. Minister of Home Affairs admitted that as a destination country, Malaysia needed a strategic partnership with countries of origin to ensure proper migration management (Bernama, 2012). This is critical to provide safe movement of people and to avoid from being exploited. Bangladesh, Cambodia and Thailand are among the countries that Malaysia is finalising the bilateral agreement to enable greater cooperation and better intelligence sharing on human trafficking. MoUs place accountability for both Malaysia and countries of origin/destination to take serious action against the crime.

International cooperation promotes global peace and stability. To widen the global network, Malaysia works closely with international organisations. MoUs were signed with internationally recognised partners such as the International Organisation for Migration (IOM) and the United Nations High Commission for Refugees (UNHCR) (Fong, 2012). In addressing human trafficking, Malaysia cannot work in silo. International organisations have vast experience that Malaysia could learn from in order to improve human trafficking policy implementation. With their expertise, Malaysia can better translate the policy into practical mechanisms and effective actions.

4.9   Role of research

Research on human trafficking is of paramount importance in identifying causes of human trafficking and evaluating anti-trafficking measures to fight the crime and to provide support for the victims. The critical role of collecting evidence substantially contributes towards anti-trafficking efforts that are tailored according to the situation at

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hand (United Nations Office on Drugs and Crime, 2008). Research provides a collection of robust data that must be harmonised to provide comprehensive analysis of the nature and extent of human trafficking. Based on the research findings, comparable indicators can be developed in order to formulate effective strategies to combat human trafficking.

Various research initiatives have been adopted by countries worldwide. United Kingdom shows its commitment to address all forms of human trafficking by prioritising research efforts in order to implement effective policies and programmes. In the case of Australia, it utilises its existing government institution of national research and knowledge centre on crime and justice. Belgium and Finland produce transparent report on human trafficking initiatives as part of self-critical approach. The Netherlands exhibits a more progressive approach by establishing a specific rapporteur body on human trafficking. Germany and Norway exemplify the initiative of commissioning studies on human trafficking as a way of evaluating their responses against human trafficking.

In tandem with the importance of research in the fight against human trafficking, the United Kingdom prioritises research efforts in order to provide better understanding of the scale and nature of human trafficking (Home Office and Scottish Executive, 2007). The Home Office and Scottish Executive (2007) reveals that research conducted on organised crime markets including market for trafficked women estimates that up to 4,000 women were trafficked in the United Kingdom in 2003 for sexual exploitation. The research estimates the size of human trafficking market in the United Kingdom was up to £275 million in 2003 with a total economic and social cost of human trafficking for sexual exploitation in the country estimated to be up to £1 billion. The findings enable policy makers and operational officers to gain better knowledge and understanding of the negative impact of human trafficking.

The United Kingdom took the effort to review available literature on trafficking for sexual exploitation and labour exploitation in order to identify knowledge gaps. Using research as a tool to provide greater understanding about human trafficking, the United Kingdom has conducted a scoping study on labour exploitation that illustrates the nature of the crime including details on types of victims and levels of exploitation (Home Office and Scottish Executive, 2009). A study was also conducted to analyse market for facilitated illegal entry into the country by interviewing prisoners involved with organised crime including human trafficking (Home Office and Scottish Executive, 2007). By interviewing convicted perpetrators, the study provides an insight to the world of human traffickers by understanding their motivation and operationalisation as well as ways to combat the crime. To provide data regarding child trafficking into and within the United Kingdom, Child Exploitation and Online Protection was commissioned to undertake an intelligence gathering project by collating information from police forces, immigration services, social services and NGOs (Home Office and Scottish Executive, 2007).

As a proof of strong commitment to continuously learn about human trafficking, UKHTC establishes research group to develop and coordinate research work on human trafficking. Among the projects undertaken by UKHTC research group was to investigate mode and prevalence of internal trafficking of the United Kingdom nationals particularly children and young people (Home Office and Scottish Executive, 2007). UKHTC, in cooperation with Serious Organised Crime Agency (SOCA), becomes a central point for information and data collation on all forms of human trafficking. This initiative is crucial to gain a deeper understanding based on proactive development, collation and sharing of intelligence.

As a serious effort to fight human trafficking, Australia continues to provide an annual funding of USD$600,000 to the Australian Institute of Criminology specifically

to analyse trends in the country as well as in the region (U.S. Department of State, 2011). The long-term research project on human trafficking produces findings of human trafficking situation in Australia. The results are published as a way of evaluating existing measures related to criminal justice response against human trafficking and sustainable partnerships with NGOs objectively.

Germany makes progress in its fight against human trafficking particularly with its research activities and public awareness programme. The government has commissioned several studies on human trafficking in order to improve its response against the crime. To tackle labour trafficking that is regarded as a challenging form of human trafficking, the German government has conducted studies and conferences on labour trafficking to study the issue in depth by looking into best practices that could help in formulating an effective policy for the country (U.S. Department of State, 2011).

The Norwegian government continues to improve its anti-human trafficking efforts with the help of research initiatives. To begin with, the national coordinating unit for victims of human trafficking collects data on human trafficking and publish an annual report for public consumption (U.S. Department of State, 2011). To highlight the importance of research in the fight against human trafficking, Norway requires annual reports on trends, challenges and research needs as clearly stated in its new national action plan. In light with the need of more research efforts, the Norwegian government has commissioned two major studies from research institution. The first study is to delve into the reflection period in which Norway provides a six-month reflection period for trafficked victims without any conditions that allows them to receive immediate care and assistance while considering whether to assist law enforcement. The second study focuses on the collaboration with inter-governmental institutions.

In order to receive an independent review for its anti-trafficking measures, the Netherlands takes a step further to establish the Office of the Dutch National Rapporteur on Trafficking with government funding. It aims to become the monitor of the government's anti-human trafficking efforts (U.S. Department of State, 2011). It published its eighth public report in 2010. A pragmatic, self-critical approach of human trafficking policy implementation entails further improvements in the measures taken in combating the crime.

In the case of Belgium, there is no specific research project on human trafficking. However, the government provided transparent report on its anti-trafficking measures in 2010 (U.S. Department of State, 2011). The Centre for Equal Opportunities and Opposition to Racism becomes the anti-human trafficking national rapporteur for the government. It publishes an annual report on human trafficking and smuggling, highlighting both good and bad practices of government's efforts. Based on the findings, it also provides recommendations for improvement.

Finland recognises an independent entity within the government to act as a national anti-human trafficking rapporteur. The rapporteur through its public report offers extensive analysis of the government's efforts in fighting human trafficking while advocating for specific changes to further improve services provided (U.S. Department of State, 2011). It promotes self-critical policy examination that leads to positive momentum in the Finnish government agenda in combating human trafficking.

In Malaysia, MAPO collects data from relevant agencies on statistics of human trafficking cases involving the 3Ps of prevention, prosecution and protection. The official statistics, however, has limitation because it only covers cases that are identified by the government bureaucrats. Therefore, improvements to existing data source are in dire need in order to provide a comprehensive analysis of human trafficking situation in Malaysia.

At this juncture, it may be premature to establish a special independent body to assess human trafficking policy implementation in Malaysia. Although transparent report especially from an independent entity is vital in tackling implementation challenges, it requires huge resources that can instead be channelled to improve anti-trafficking efforts. Unlike Australia, Malaysia lacks funding for research activities. Most of the research on human trafficking is conducted by research institutions in Malaysia based on their own initiative.

4.10   Conclusion

Looking into a myriad of initiatives taken by various countries, it is obvious that Malaysia has a long way to go in improving its human trafficking policy implementation. Table 4.3 illustrates the summary of strategic responses adopted by selected countries. There is no custom-fit model for a country to follow since different elements may exist in human trafficking policy implementation. Whatever the chosen course of action, clearly effective data collection and scholarly research have immense potential in providing a greater understanding of human trafficking. This becomes an essential tool for improving policy implementation that results in successful response to the problem of human trafficking.

Table 4.3: Strategic Responses Adopted by Selected Countries

Responses	Countries	Recommendation for Malaysia
Institutional Capacity		
Specific coordinating body	• United Kingdom • United States	Yes
Specialised court	• The Netherlands	Yes
Specialised personnel	• Slovakia	Yes
Support for Victims		
Residence permits to trafficked victims with eligibility to receive similar public benefits and services that are available for refugees	• United States	No
Residence permits to trafficked victims with access to compensation	• United Kingdom	No
Open concept shelter home including legal assistance to trafficked victims	• Austria • Croatia	Yes

Table 4.3, continued

Prevention Efforts		
Establish Border Agency's Risk and Liaison Overseas Network to control human trafficking inflow	• United Kingdom	Yes especially at major source countries. It needs to start with strengthening border control through increased competency of the frontline officers.
Utilise confiscated criminal assets to support anti-human trafficking programmes	• Australia	Yes if government budgeting system is flexible
Target youth	• United States • Georgia • Slovenia	Yes
Conduct outreach programme for migrants	• Slovenia • South Korea	Yes
Demand Reduction		
Increase awareness among men	• United Kingdom	Yes
Target businesses that use forced labour	• United States	Yes
Audit federal contracts	• United States	Yes
Take action against employers	• United States	Yes

Table 4.3, continued

Local Partnership		
Work with NGOs	• United Kingdom	Yes
Incorporate local authorities	• United Kingdom	Yes
Collaborate with urban and rural communities	• United States	Yes
Cooperate with hospitals	• Belgium	Yes
International Cooperation		
Provide financial contribution	• United Kingdom	No
Promote capacity building	• United Kingdom	Yes
Raise awareness in countries of origin	• United Kingdom	Yes
Encourage intra-governmental effort	• United Kingdom	Yes
Develop multiple cross-border partnerships	• United Kingdom	Yes
Fight trafficking at its source	• United Kingdom	Yes
Sign MoU	• United States	Yes
Widen regional effort	• Australia	Yes

Table 4.3, continued

Role of Research		
Prioritise research efforts	• United Kingdom	Yes
Establish research group	• United Kingdom	Yes
Provide funding to research institution	• Australia	Yes
Commission study	• Germany • Norway	Yes
Establish independent rapporteur	• The Netherlands	No
Provide transparent report	• Belgium • Finland	Yes

CHAPTER V

HUMAN TRAFFICKING IN MALAYSIA

5.1 Introduction

This chapter explores human trafficking phenomenon in Malaysia, drawing upon Malaysia's experience in dealing with the crime. To bring insight to the human trafficking phenomenon, the chapter presents local human trafficking situation. Implementation of human trafficking policy in Malaysia is also discussed in the chapter. Malaysia is regarded as a destination country for human trafficking due to its geographical location and rapid economic growth. The strategic location of the country and the fact that Malaysia is a labour importing country makes it a fertile ground for human trafficking. It becomes like a magnet attracting those who are in search of a better life in a foreign land. Initiatives are slowly forthcoming to address human trafficking as a serious crime. However, lack of clear and consistent information about human trafficking in Malaysia poses a major impediment to the understanding of the implementation challenges. Constraints faced by the government bureaucrats in responding to human trafficking problem influence policy outcome.

5.2 Human trafficking incidence

Malaysia realises that enforcement measures alone are unlikely to provide solutions to human trafficking problems. As a result, a myriad of policies has evolved in an attempt to address the situation in Malaysia before the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 was finally adopted. The 2007 Act becomes the country's primary policy that guides the implementation measures in combating human trafficking.

Since the implementation of the 2007 Act, Malaysia reported 508 cases of human trafficking involving 398 cases (78.3%) handled by the Royal Malaysia Police,

95 cases (18.7%) by the Immigration Department, seven cases by the Department of Labour (1.4%), six cases (1.2%) by the Malaysian Maritime Enforcement Agency and two cases (0.4%) by the Royal Malaysian Customs Department as indicated in Table 5.1.

Table 5.1: Cases under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 by Enforcement Agencies in Malaysia

Enforcement Agencies	Number of Cases
Royal Malaysia Police	398 (78.3%)
Immigration Department	95 (18.7%)
Labour Department	7 (1.4%)
Malaysian Maritime Enforcement Agency	6 (1.2%)
Royal Malaysian Customs Department	2 (0.4%)
Total	508 (100.0%)

Source: Ministry of Home Affairs (2012).

Based on the official data from the Ministry of Home Affairs (2012), cases of sexual exploitation rank highest on the list of human trafficking in Malaysia (57.9%) followed by forced labour (26.0%). From the implementation effort by the enforcement agencies, 2,814 suspected trafficked victims have been rescued and placed in the government provided shelter homes. Only 1,053 of the rescued victims (37.4%) were identified as actual trafficked victims who received protection order from the magistrate. These numbers are based on official statistics from 28 February 2008 to 31 May 2012, which may under-represent the actual human trafficking cases and trafficked victims. The true extent of human trafficking phenomenon in Malaysia is difficult to quantify because of the clandestine nature of the crime.

Available statistics show that the majority of the trafficked victims (96.0%) were foreigners in search of greater economic opportunities in Malaysia. Table 5.2 shows

that many of them were from countries in the Asian region: Indonesia (32.3%), the Philippines (14.0%), Sri Lanka (10.7%), Myanmar (7.4%), Vietnam (7.1%), China (5.6%), India (5.4%) and Thailand (4.7%). Geographical proximity plays a role in luring the victims from the South East Asia region to come into Malaysia.

Table 5.2: Rescued Victims who Received Protection Order under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 by Countries of Origin

Countries of Origin	Number of Cases	
Indonesia	340	(32.3%)
Philippines	147	(14.0%)
Sri Lanka	113	(10.7%)
Myanmar	78	(7.4%)
Vietnam	75	(7.1%)
China	59	(5.6%)
India	57	(5.4%)
Thailand	49	(4.7%)
Malaysia	42	(4.0%)
Pakistan	38	(3.6%)
Bangladesh	35	(3.3%)
Cambodia	13	(1.2%)
Uganda	4	(0.4%)
Laos	1	(0.1%)
Australia	1	(0.1%)
Nigeria	1	(0.1%)
Total	1,053	(100.0%)

Source: Ministry of Home Affairs (2012).

Most of the reported victims were women (63.0%), followed by men (25.3%) and children[10] (11.8%) as indicated in Table 5.3. Women tend to be the most vulnerable of being trafficked for sex trafficking (Schaeur & Wheaton, 2006). They are also highly

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[10] The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 defines children as those who are under the age of eighteen years.

vulnerable for labour exploitation. This has resulted in large number of female trafficked victims reported in Malaysia.

Table 5.3: Rescued Victims who Received Protection Order under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 by Sex

Trafficked Victims	Number of Cases	
Women	663	(63.0%)
Men	266	(25.2%)
Children: Girls Boys	124 89 35	 (8.5%) (3.3%)
Total	1,053	(100.0%)

Source: Ministry of Home Affairs (2012).

Many cases of human trafficking in Malaysia have been reported in the media. Similarities can be detected across the reported cases: no pay, debt bondage, living in confinement as well as physical and psychological abuse. Despite receiving greater attention, the true nature and extent of human trafficking remains elusive. To illustrate the human trafficking cases in Malaysia, selected reported cases in the media are highlighted in this chapter.

The police busted a major Ugandan sex slave ring involving 21 women, aged ranging from 18 to 42, which were locked up in an apartment in Bandar Sunway, Kuala Lumpur (Hamid, 2011). They worked non-stop for ten hours daily. Their service charge was RM300 per night. As a form of control, the syndicate members beat and raped the victims if they refused to work. The victims had to pay a debt bondage of USD7,000 if they wanted to have their freedom. Even though many of the victims had successfully raised enough money to pay the debt, the syndicate members refused to set them free by lying to them that their debt was still pending. The women from Kampala were lured into the country with promises of lucrative jobs in hotels, opportunities to get college education and high salary of USD1,000 working as maid. To make the offer

seem genuine, the syndicate members also provide passports, flight tickets and other travelling documents. Based on a report made by one of the victims who related her ordeal to an embassy officer who had gone undercover, the police conducted a raid of the premise after having it under surveillance for two weeks. Two women believed to be working for the syndicate were arrested.

Three Vietnamese women, who were forced to work as prostitutes, escaped from a flat where they were kept (No author, 2010). They managed to get help from a taxi driver to drive them to the Immigration Department headquarters in Putrajaya. According to the Immigration Department Enforcement Director, his officers had been monitoring the flat and suspected members of the syndicate for three weeks based on public information. After the victims lodged a report, the Immigration Department immediately picked up the suspects, a 31 year old local man and two Vietnamese women in their thirties from the low-cost flat where the victims were being held. The victims were brought into the country under the pretence of working as waitresses. Instead, they were forced to work as guest relations officers (GROs) at a karaoke outlet and offer sexual services to customers.

Eight Filipino women, aged ranging from 21 to 31 years old, were rescued in a raid at a nightclub in Bandar Sunway, Kuala Lumpur (Bernama, 2010). The raid was a joint operation between the police and the Immigration Department. A Myanmar man and a Filipino woman who are believed to be members of the syndicate were arrested. Follow up to the raid, two more Filipino women were rescued at a house in Puchong, Selangor while a taxi driver and a Filipino female pimp were arrested. In Tawau, Sabah, the police rescued 26 Filipino women including three underage girls believed to be victims of human trafficking (Jiffar, 2010). The girls were 13, 15 and 16 years old. In the first raid, the police rescued a 13 years old girl at a shophouse in Tawau. Follow-up to that, the police rescued two more girls, aged 15 and 16 years old, who were

believed to be the 13 year old girl's sisters. Based on the information provided by the girls, the police found 23 Filipino women that were locked up and were forced to become sex workers. According to the police, the victims had no documents with them. The police found them to be heavily guarded by the syndicate members who were believed to be the male and female pimps. Their modus operandi was to send the victims to the clients after receiving a phone call.

Police rescued a woman from India that was sold by her country mate to a local man as a sex slave for RM1,500 in Jalan Petaling, Kuala Lumpur (No author, 2012). The 37 year old woman was believed to be brought in to work as recruitment agent. However, when she arrived in Malaysia, she was prostituted for 10 days before she was sold to the local man. In another case in Georgetown, Penang, a woman tried to kill herself by jumping off a busy flyover, driven to despair by alleged ill-treatment from her employer (Ngui, 2012). She was among the four women from China who came to Penang to work as reflexologists. Her suicide bid brought the attention to their despair. They claimed to have been mistreated by their employer and their pay was withheld. The employer owed them RM10,000 each and the women claimed that they had to work from 11 in the morning to 11 at night at a reflexology centre near Queensbay Mall. They were not allowed to go anywhere and they were only given 45 minutes twice a week to buy groceries. The women also slept in the centre that was locked from the outside and they did not have a key to exit the building. They came to Malaysia to work to ease the burden of their families. Because of the mistreatment, all they wanted to do was to get their money and to go back to their families.

Malaysian Maritime Enforcement Agency (MMEA) rescued 16 foreign fishermen from four deep sea trawlers of the coast of Tanjung Manis in Central Sarawak (No author, 2010). They were believed to be victims of human trafficking. Five foreign trawler captains were also arrested for further investigation. The joint operation

involved various government agencies such as Marine Fisheries Department, Immigration Department, Fisheries Development Authority and Sarawak Rivers Board. It aimed to combat human trafficking in the coastal area.

Police rescued 10 babies ranging from three months to three years old when they busted a syndicate of baby selling in Klang (Chiew & Kumar, 2009). The investigation revealed that the babies had documents bearing the name of the couples who bought them as biological parents. Modus operandi for the syndicate was to hire women to sleep with men. After nine months, they would take the babies born and sell them to childless couples. The babies were sold from RM15,000 to RM20,000 or more, depending on the looks and health of the infant. The women who were hired to bear the babies were from Indonesia, the Philippines and Vietnam. Two local women who were agents in the syndicate, four Indonesian women who were paid to give birth and one Indonesian man were arrested. The mastermind of the baby selling and her two daughters were charged in the Klang Sessions Court on 16 December 2009 for selling babies.

The Immigration Department officers rescued 105 foreign women that were found at a maid agency in Bandar Baru Klang (Aruna, Lee & Ruban, 2012). They were held captive, locked on three floors of a four-storey building that was occupied by the maid agency. The victims include 95 Indonesians, six Filipinos and four Cambodians who entered into the country with social visit passes. The women claimed they were treated badly and their food was rationed by the agency. Some of them were forced to eat paper as punishment if they asked for salary raise. Although the agency had been operating on a licence for five years, the women did not have valid working permits. The women would be sent to houses around Klang to work as maids and brought back to be confined after work. The agency promised to pay RM700 as their monthly wages, but the women claimed they did not receive their pay because the agency told them a

seven month advance payment was necessary for the women to work in Malaysia. According to the Director of the Selangor Immigration Department, the investigation revealed that the women had been deceived to work as domestic helpers on a monthly and daily basis. They, however, did not receive their salary even after six months of work. The Labour Department would investigate matters regarding job scope and salary arrears. Three of local men believed to be the agency employees and nine foreign women supervisors, comprising five Indonesians, three Cambodians and one Filipino, were arrested. The owner of the maid agency if found guilty under the 2007 Act could face up to 15 years of imprisonment and a fine upon conviction.

Based on the media reported cases, the trafficked victims were vulnerable to promises of better job opportunity in Malaysia. Sex trafficked victims were often tricked into becoming sex workers. They believed that they would be working in a legitimised job such as waitressing and domestic work and only to find out that they were tricked when they entered into the country (Logan et al., 2009). The trafficked victims are misled into thinking they will be working under certain conditions for a specified amount of pay and they were unable to get out of the dire situation. The entrapment makes them stay even after the exploitation. Physical and psychological confinement keeps people from leaving the state of despair that they are in (Logan et al., 2009). Physical confinement relates to abuse and violence while psychological confinement refers to coercion through various methods such as control of money and important personal documents as well as debt bondage.

In line with the official data on human trafficking, the media tends to highlight more sex trafficking cases compared to labour trafficking. As a result, it shows greater number of women being trafficked since it is linked mostly to sexual exploitation cases. Although labour trafficking is on the rise, it seems to be less visible especially to the public. Less media coverage was given to labour trafficking cases unless it involves

mistreatment of abuse and violence. With the media exposure, there is a possibility of the migrants facing a backlash as some of the victims involve foreigners in illegal activities such as prostitution. It is important to note that the cases that were reported in the media may not be representative of the situation in Malaysia.

5.3   Human trafficking policy in Malaysia

Prior to the enforcement of a specific act to tackle human trafficking, Malaysia relied on legal provisions in the existing laws such as Penal Code and Immigration Act 1959/63. Realising that Malaysia has become a destination country as well as a transit and source country to a lesser extent, the government made a commitment to fight human trafficking with the enactment of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007. The 2007 Act as the primary policy for human trafficking provides for the offence, the victims' protection and support, the establishment of MAPO and for matters related to human trafficking. Following the Amendment in 2010, the Act has also been extended to prevent and combat smuggling of migrants and to provide for matters connected therewith. Most importantly, the Amendment has broadened the definition for trafficking in persons to include all actions involved in acquiring or maintaining the labour or services of a person through coercion. Consequently, the 2010 Amendment has also included labour officer as enforcement officer of the Act. Previously, enforcement officers were only from PDRM, Immigration Department, Royal Malaysian Customs and MMEA.

In formulating the 2007 Act, Malaysia used internationally recognised documents as the core based of reference: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and Protocol against the Smuggling of Migrants by Land, Sea and Air. Both of the documents are supplementary Protocols to the United Nations Convention against Transnational Organised Crime, adopted by the General Assembly on 15 November 2000. It is the

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main international instrument in the fight against transnational organised crime. Malaysia signed the Convention on 26 September 2002 and ratified it on 24 September 2004. Malaysia also acceded to the Trafficking Protocol on 26 Feb 2009. The Act is also in accordance with regional and international instruments such as ASEAN Declaration against Trafficking in Persons particularly Women and Children, United Nations Declaration on Human Rights (UDHR) 1949, Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 and Convention on the Rights of the Child (CRC) 1989.

The 2007 Act is the fundamental policy for addressing human trafficking in Malaysia. It provides courses of action for tackling the problem comprising a set of intentions with means to achieve them, along with the designation of governmental entities to ensure its implementation. Most importantly, the 2007 Act provides for the establishment of MAPO to become the critical force to steer the directions for the effective implementation of the Act. The structure of MAPO is illustrated in Figure 5.1.

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                    ┌─────────────────────────────┐
                    │   Minister of Home Affairs  │
                    └─────────────────────────────┘
                                   │
                    ┌─────────────────────────────┐
                    │            MAPO             │
                    │           Chair:            │
                    │  Secretary General Ministry │
                    │      of Home Affairs        │
                    └─────────────────────────────┘
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Members	Members
• Secretary General Ministry of Foreign Affairs • Secretary General Ministry of Women, Family and Community Development (MWFCD) • Secretary General Ministry of Human Resources (MOHR) • Secretary General Ministry of Transport • Secretary General Ministry of Communications and Multimedia (MCM) • Attorney General of Malaysia, Attorney General's Chambers (AGC) • Inspector General of Police, Royal Malaysia Police (PDRM)	• Director General of Immigration • Director General of Customs • Director General of Malaysia Maritime Enforcement Agency (MMEA) • Representative from Ministry of Home Affairs (MOHA) • Representative from Malaysian Human Rights Commission (SUHAKAM) • Representative from National Council of Women's Organisation (NCWO) • Representative from National University of Malaysia

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                                          ┌─────────────┐
                                          │ Secretariat │
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Legislation Committee Chair: AGC	Enforcement Committee Chair: PDRM	Protection and Rehabilitation Committee Chair: MWFCD	Labour Trafficking Committee Chair: MOHR	Media and Publicity Committee Chair: MCM

Figure 5.1: Establishment and Membership of Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO)

MAPO's main function under the 2007 Act includes coordinating the implementation of the Act, formulating policies and programmes to prevent and suppress human trafficking including providing assistance to trafficked victims, and initiating education programme to increase public awareness of the causes and consequences of human trafficking. The 2007 Act significantly provides MAPO with necessary powers in performing its functions as prescribed in the Act. MAPO's responsibility is specifically outlined under the 2007 Act as follows:

(i)   to formulate and oversee the implementation of a national action plan on the prevention and suppression of human trafficking including the support and protection of trafficked victims;

(ii)   to make recommendations to the Minister of Home Affairs on all aspects of prevention and suppression of human trafficking;

(iii)   to monitor the immigration and emigration patterns in Malaysia for evidence of human trafficking and to secure prompt response from relevant government agencies and NGOs on issues brought to them regarding human trafficking;

(iv)   to coordinate the formulation of policies and to monitor its implementation with relevant government agencies and NGOs;

(v)   to formulate and coordinate measures to inform and educate the public including potential trafficked victims on the causes and consequences of human trafficking;

(vi)   to cooperate and coordinate with international bodies and regional bodies on human trafficking issues including victims' support and protection;

(vii)   to advise the government on the human trafficking issues including development at the international level;

(viii) to collect and collate data and information, and to authorise research related to the prevention and suppression of human trafficking; and

(ix)   to perform any other functions as directed by the Minister of Home Affairs for

the proper implementation of the Act.

To ensure effective implementation of the legal mechanisms outlined in the 2007

Act, the government formulated the National Action Plan against Trafficking in Persons

(2010-2015) as a guideline to the national initiative in combating human trafficking. It

supplements the 2007 Act by determining the direction and focusing on efforts to

achieve the main goal of preventing and suppressing the problem of human trafficking.

The Action Plan provides a five-year strategic direction, strategic goals and programme

areas to ensure effective implementation. MAPO members were critically involved in

developing the Action Plan. According to the Secretary General of Ministry of Home

Affairs:

> As the Chairman of the Council for Anti-Trafficking in Persons, I would like to
> record my appreciation and gratitude to the Council members and the drafting
> committee who have worked tirelessly and committed in contributing valuable
> ideas and expertise to produce this Action Plan. The preparation of this Action
> Plan is a cooperative effort that involves many parties. (Council for Anti-
> Trafficking in Persons, 2010, pV).

5.4   Implementation in practice

The establishment of MAPO as the coordinating body with sixteen agencies

including NGOs proves to be a great leap for the government in its fight against human

trafficking. Previously, only PDRM and the Immigration Department were mainly

involved in enforcing and monitoring offences relating to trafficking in persons. As part

of the coordinating measure, MAPO organises monthly meetings and all the committees

give their reports during the meeting. This bureaucracy created to address human

trafficking in Malaysia exemplifies the concept outlined by Max Weber in discussing

the legitimate rule known as rational legal authority (Best, 2002). The bureaucracy as a

form of authority, as explained by Weber, rests on a belief that legally enacted rules

elevate the right to give orders (Best, 2002).

In carrying out its great tasks as the lead coordinator for the implementation of the Act including formulating policies and developing programmes to address human trafficking effectively, MAPO established five committees as follows:

(i)   Legislation Committee headed by AGC to provide legal advice and review the Act;

(ii)   Enforcement Committee headed by PDRM to coordinate enforcement activities including to monitor air and land entry points as well as the national maritime borders;

(iii)   Protection and Rehabilitation Committee headed by MWFCD to provide shelter and assistance to trafficked victims including rehabilitation programme;

(iv)   Labour Trafficking Committee headed by MOHR to monitor labour exploitation; and

(v)   Media and Publicity Committee headed by MICC to promote public awareness regarding human-trafficking.

Despite the effort to coordinate, the bureaucracy-dominated gap between policy adoption and policy outcome still exists. This is in line with Pressman and Wildavsky's finding (1973) that broad agreement on outcomes does not necessarily translate into agreement on the best way to about achieving the goal. Although the Act is fairly unambiguous in indicating the functions of the Council, relevant agencies still need to fill in the specifics of how to implement it through the process of formulating rules. According to Cornellius Kerwin, rules state the specific actions to be taken by the government and rules formation involves a quasi-legislative process in which the machinery is similar to the broader legislative process (as cited in Smith & Larimer, 2009). Coordination issues prevail among the different agencies despite the assumptions that rules are realistic, practical guidelines are available for the bureaucrats

to follow and strong commitment from them (Smith & Larimer, 2009). This may create the gap between policy intent and policy outcome.

In implementing human trafficking policy, many agencies that previously were not considered as security agencies such as MWFCD, MOHR and Immigration Department have to realign their job scope to deal with the transnational crime. Due to the fact that no government agencies should work in silo, each agency is interlinked to one another in ensuring effective policy intervention. Adjusting to the new job scope, however, may not be an easy task for government bureaucrats. Even though the intent of the policy states the need to change, the reality may not be a smooth ride.

The intricate crime of human trafficking requires multi-agency collaboration as it crosses various sectors and boundaries. MAPO has been established given that Malaysia needs to work towards an integrated system between government ministries, agencies and departments including smart partnership with NGOs as well as private sectors. Not only focusing on domestic coordination, Malaysia is also extending the network to include other countries in the fight against the transnational crime of human trafficking. To counter security threat of human trafficking, Malaysia has signed agreements with Australia, the United Kingdom, the United States, Saudi Arabia, and China on increasing collaborations in various areas of work: intelligence exchange; enforcement; search and rescue; and capacity building. The cooperation enables Malaysian government bureaucrats to organise operations and programmes more effectively by providing a framework and formal systematic mechanism to deal with cross-border and transnational crime.

Notwithstanding the implementation of the 2007 Act, Malaysia was placed in Tier 3 in 2009, which indicates that it failed to fully comply with the minimum standards of anti-trafficking and did not make significant efforts to remedy the situation.

The Trafficking in Persons Report[11] downgraded Malaysia from Tier 2 Watch List in 2008 to Tier 3 in 2009 due to lack of efforts in addressing labour trafficking (U.S. Department of State, 2009). Allegations of immigration officers' involvement in trafficking and extorting Burmese refugees further contributed to Malaysia's placement at the lowest ranking. Malaysia was able to move up to Tier 2 Watch List in 2010 with notable implementation against labour trafficking and increased efforts in prosecuting human trafficking related corruption by government officers. As presented in Figure 5.2, Malaysia has never been placed at Tier 1 from 2001 to 2013 but has been placed three times at Tier 3 in 2001, 2007 and 2009.
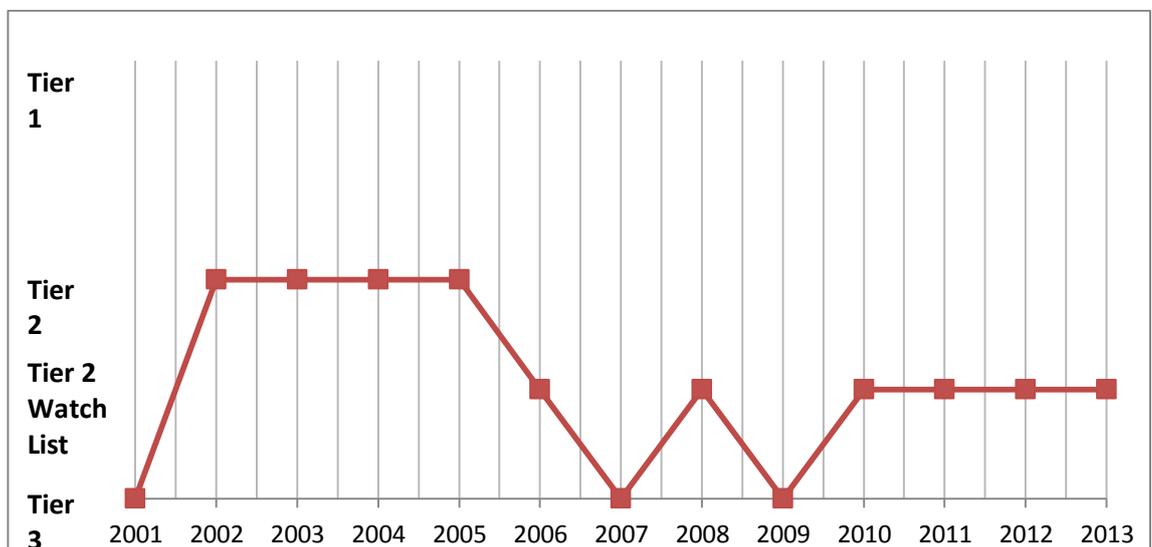
Figure 5.2: Malaysia's Tier Rankings by Year

Source: U.S. Department of State (2009); U.S. Department of State (2013).

Malaysia has been seriously criticised due to its employment practices regarding foreign workers. The Trafficking in Persons Report 2011 identifies the employment

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[11] The Trafficking in Persons Report is prepared annually by the Department of State, United States of America since 2001 using information from U.S. embassies, government officials, non-governmental and international organisations, published reports, regional research trips, and information submitted to tipreport@state.gov. Each country is placed onto one of the three tiers: Tier 1 is for countries that fully comply with Trafficking Victims Protection Act (TVPA); Tier 2 is for countries that do not fully comply with the TVPA's minimum standards but are making significant efforts to improve themselves into becoming fully compliance; Tier 2 Watch List is similar to Tier 2 with absolute number of trafficked victims is very significant, failure to provide evidence of increasing efforts in combating human trafficking from the previous year and decreasing evidence of complicity, and determination is based on commitments by the country to take additional steps over the next year; and Tier 3 is for countries that fail to fully comply with the minimum standards and are not making significant efforts to do so.

practices for foreign workers in Malaysia such as restrictions on movement, deceit and fraud in wages, passport confiscation and debt bondage to the employers or recruiting agents as indicative of human trafficking (U.S. Department of State, 2011). Consequently, Malaysia was placed on the Tier 2 Watch List in the Trafficking in Persons Report 2011, which means that the country does not fully comply with the minimum standards of anti-trafficking but making significant efforts to be in compliance with the standards. Being on the Tier 2 Watch List suggests that Malaysia experienced an increasing number of trafficked victims in Malaysia with decreasing proof of complicity and lack of commitment. Malaysia shared the placement with countries such as Afghanistan, Bangladesh, Chad, Iraq, Russia, Syria and Uzbekistan.

In 2012, Malaysia was once again placed on Tier 2 Watch List consecutively since 2010 (U.S. Department of State, 2012). Although Malaysia was supposed to be downgraded to Tier 3 after the third consecutive year on Tier 2 Watch List, the United States granted Malaysia a waiver[12] after taking into account the formulation of the National Action Plan against Trafficking in Persons (2010-2015). The Action Plan, a supplement to the 2007 Act, was regarded to be an important tool in helping Malaysia to meet the minimum standards for the elimination of human trafficking if given sufficient resources for implementation. The Trafficking in Persons Report 2012 criticises the Malaysian government for confining foreign trafficked victims in substandard facilities without sufficient legal, translation and counselling services (U.S. Department of State, 2012). The victims had no option but to stay at the government shelter homes. Malaysia's 2007 Act was regarded as inadequate in providing protection for victims and there was no action taken to amend the law to allow victims to stay outside the government facilities. Although the report recognised Malaysia's effort in granting three-year work permit for foreign trafficked victims after their release from the shelter

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[12] Without a waiver, Tier 3 countries face restrictions on non-humanitarian and non-trade related assistance from the United States. In certain cases, the restrictions are extended to funding for participation of government officials in education and cultural exchange programmes.

homes, Malaysia was accused of not taking serious steps in structurally reforming the victim's identification and protection regime that could cause further harm to the victims. Frontline bureaucrats were found to be lacking in their ability to recognise indicators of human trafficking that hindered them from assisting victims and from investigating, prosecuting and convicting trafficking offenders.

Malaysia was placed on Tier 2 Watch List for the fourth consecutive year in 2013 due to no significant efforts made to improve its inadequate system in identifying and protecting trafficked victims (U.S. Department of State, 2013). The main concerns include the provision of substandard facilities to trafficked victims and the inability of frontline officers to recognise indicators of human trafficking. The Trafficking in Persons Report 2013 indicates that Malaysian enforcement officers and prosecutors lack expertise in handling human trafficking cases because of insufficient training that leads to failure to consider the best interest of victims (U.S. Department of State, 2013). The report suggests that restrictive coordination with relevant government agencies and NGOs hinder effective sharing of expertise to combat trafficking in Malaysia.

In addressing human trafficking problem, particularly concerning Malaysia as a destination and transit point for trafficking in persons' activities, the government invested in strengthening border and immigration controls as the first line of prevention. Malaysia launched biometric security system in June 2011 at cross-border checkpoint as one of the measures to curb human trafficking (No author, 2011). The issue on border security must be confronted in addressing trafficking in persons' activities due to Malaysia's geographical position. To ensure comprehensive border control, Malaysia, Singapore and Indonesia coordinated air patrols using new surveillance technology to monitor not only sea borders but also land borders effectively from above (McGahan, 2008).

Besides tightening surveillance along the Straits of Malacca, Malaysia also increases land borders security in the state of Sarawak and maritime borders in the state of Sabah. Likewise, Malaysia increases its patrols and military presence along the northern border of the Peninsular Malaysia to prevent illegal cross-border movements. The geographical location of both west and east Malaysia amplifies the difficulty of enforcement. Long coastal line and close proximity to neighbouring countries together with limited human resources and skilled personnel make Malaysia a prime destination for human trafficking.

5.5   Conclusion

Malaysia recognises the undoubtedly serious problem of human trafficking that necessitates policy interventions not only at the national level but also regionally as well as internationally. The adoption of the 2007 Act is essential in the realm of policy implementation as it develops regulatory systems under MAPO. Establishing an integrated counter-trafficking initiative requires all stakeholders to acknowledge the complex interweaving of various elements involved in addressing the problem of human trafficking. Despite certain measures have been taken towards tackling the problem of human trafficking particularly on how such efforts have been instituted by government agencies, combating human trafficking remains a critical challenge that requires an unrelenting commitment from those who are involved in the policy implementation. Thus far, implementation practices leave much room for improvement.

CHAPTER VI

RESEARCH FINDINGS

6.1   Introduction

This chapter reveals the result of the data collection described in Chapter Three. Main method of data collection involves in-depth interviews focusing on government bureaucrats. NGOs and trafficked victims were also interviewed in order to provide perspective from multiple stakeholders for the study. As part of the triangulation process of the findings, the data collection includes document analysis and observations to support the findings of the interviews and offer relevant insights to the research problem. This chapter is arranged according to the three main research questions to present the findings based on the primary and secondary data obtained from the fieldwork. It delves into the problem of human trafficking policy implementation in Malaysia by looking into human trafficking situation (research question 1), human trafficking policy (research question 2) and implementation process (research question 3). Further analysis of the findings and recommendations will be elaborated in the next chapter.

6.2   Human trafficking situation

Majority of the trafficked victims in Malaysia involve migrant workers in search of better economic opportunities in the country. They came to Malaysia mainly from neighbouring countries and also from other regions. Many of them had legal entry into the country, but they tended to misuse the legal documents. For instance, the victims entered with social visit pass, but they overstayed and worked in the country. In certain cases, other parties such as employers or recruiting agents who misuse the documents. Some of the trafficked victims informed that they came into the country with working permit, but the employers or recruiting agents failed to renew their working permit.

6.2.1 Destination country

Malaysia is categorised as a destination country due to its rapid economic growth that offers job opportunities. The tight labour market has led to the increased number of foreign workers in Malaysia over the past decade. Official statistics show that the number of foreign workers has decreased 13.5 per cent from 1.8 million in 2010 to 1.6 million in 2011 (Ministry of Finance, 2012). The decrease in number is due to the need to reduce Malaysia's over-dependence on foreign workers. Despite the smaller number of foreign workers, Malaysia still relies heavily on foreign workers. Based on 2011 labour market indicators, the number of foreign workers remains substantial, accounting for 12.8 per cent of total employment in Malaysia involving mainly manufacturing (37.7%), plantation (19.4%), construction (14.6%) and agriculture (9.1%) sector (Ministry of Finance, 2012). Nearly half of the foreign workers are from Indonesia (48.5%), followed by Nepal (17.7%), Myanmar (8.7%) and Bangladesh (8.5%). To further exacerbate the situation, it has been estimated that there are as many as two million illegal migrants in the country (Maierbrugger, 2013).

The large number of foreign workers including illegal migrants significantly contributes to the magnitude of human trafficking problem. This is demonstrated by the official statistics of human trafficking in Malaysia in which 96.0 per cent of trafficked victims were foreigners[13] (Ministry of Home Affairs, 2012). In his exclusive interview published in the Department of Information's publication on Human Trafficking and Smuggling of Migrants (2011), the Secretary General of Ministry of Home Affairs then, stated that:

> The influx of many foreign workers in the country has led to labour exploitation by local employers. Labour exploitation is one of the activities that contributes towards human trafficking crime and indirectly has negatively affected the country's image and credibility at the international

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[13] Based on the accumulated data from 28 February 2008 to 31 May 2012.

fora. Apart from that, Malaysia is also facing the problem of sexual exploitation particularly that involves women. (p. 8)

All the trafficked victims interviewed under this study acknowledged that they made the decision to come to Malaysia to work and earn more money for their families. When asked if they would return to Malaysia, some said that they would not come back while some were uncertain.

> Many people want to come to Malaysia, but they are scared. If they come again, they would be brought here (shelter home). (FG2)

> I want to come to Malaysia again, but I need to think first. (FG2)

However, a number of the Indonesian female trafficked victims said that they would come to Malaysia again: "We will come back to Malaysia to work because not all Malaysians are bad. It depends on the person." (FG1)

6.2.2 Statistical Analysis

A total of 508 human trafficking cases were reported from 28 February 2008 to 31 May 2012 (Ministry of Home Affairs, 2012). Similar to the global scenario, cases of sexual exploitation rank highest (57.9%) on the list of human trafficking in Malaysia. This could be attributed to the enforcement focus on sex trafficking offenses when the 2007 Act first came into effect in 2008. This is despite the fact that the 2007 Act has already recognised labour trafficking that includes forced labour, slavery or servitude even before the amendments of the Act in 2010 were made. With the amendments, there is a shift towards a more comprehensive enforcement that includes labour trafficking. Forced labour cases rank second with 26.0 per cent. This is in line with many of the findings (Lazcko, 2005; Goździak & Bump, 2008; Musto, 2010; Reid, 2012) indicating that in the course of combating the crime, the focus tends to be on sex trafficking involving mainly female trafficked victims as opposed to labour trafficking that includes men as trafficked victims.

Starting with 17 human trafficking cases in 2008 following the enforcement of the Act on 28 February 2008, the number of cases increased tremendously in 2009 to 151 cases (Ministry of Home Affairs, 2012). It later steadily declined to 132 cases in 2010 and 116 cases in 2011 as presented in Table 6.1. According to a representative from PDRM in Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants, the sharp incline in the data for 2009 was due to greater enforcement effort by various enforcement agencies. The enforcement agencies received the directive from the Ministry of Home Affairs as the head of MAPO to increase their enforcement for human trafficking cases under the 2007 Act. MAPO gave the directive as a result of Malaysia being ranked at Tier 3 in 2009[14] by the U.S. Department of State. Tier 3 implies that Malaysia did not make any significant efforts in the fight against human trafficking. To improve the country's ranking, all enforcement agencies were asked to increase their enforcement effort. The escalation of the enforcement effort indicates that the implementation of human trafficking policy in Malaysia is highly influenced by the top-down approach.

Table 6.1: Human Trafficking Cases in Malaysia under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007

Year	Number of Cases	Change (%)
2008*	17	
2009	151	788.2
2010	132	-12.6
2011	116	-12.1
Total	508	

* Data from 28 February 2008
Source: Ministry of Home Affairs (2012).

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[14] The U.S. Department of State (2009) placed Malaysia at Tier 3 in the Trafficking in Persons Report 2009, which was published in June 2009.

Since the implementation of the 2007 Act, 1,053 trafficked victims have been rescued and placed in the government provided shelter homes. The number of foreign trafficked victims remains high with 100 per cent in 2008, 94.7 per cent in 2009, 97.2 per cent in 2010 and 94.0 per cent in 2011 (Ministry of Home Affairs, 2012). Many of the trafficked victims were from the neighbouring countries mainly Indonesia, the Philippines and Vietnam. This corresponds with the source countries for foreign workers in Malaysia specifically those from the South East Asia region. Most of the victims were women (63.0%) as compared to men (25.3%) and children (11.7%) (Ministry of Home Affairs, 2012). However, these figures may not represent the actual situation in the country due to the fact that those who are undetected are not counted. The underestimate of the official figures indicate the degree of difficulty in obtaining a true picture of the magnitude of the problem.

6.2.3   Legal entry

All of the trafficked victims interviewed informed that they came to Malaysia with a valid tourist visa, student visa or work permit. In Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants, both representatives from PDRM and MMEA regarded loose border control as having significantly contributed to human trafficking proliferation in Malaysia. This could well be true for the trafficked victims that went undetected due to its clandestine nature. However, based on the experience of the trafficked victims at the government shelter homes, they came into the country with legal entry. The main problem is the misuse of the legal documents provided to tourists, foreign students or migrant workers:

> I came with a genuine and valid passport, but the work permit was fake. The recruiting agent in Malaysia provided the fake work permit. (FG1)

> I came to Malaysia with a passport but no work permit. (MV3)

This information gap exists possibly because they viewed their assignment mainly as fulfilling a bureaucratic responsibility, and hence made few efforts to understand the trafficked victims' plight. The misinformation regarding illegal entry of trafficked victims instead of legal entry as revealed by the interviewed victims may also be due to the bureaucrats' lack of direct involvement in dealing with the trafficked victims. Some of the bureaucrats only oversee the overall problem of human trafficking without having to be involved as frontline bureaucrats who operate at the ground level. This exemplifies the top-down approach in the human trafficking policy implementation in Malaysia whereby the information from the ground may have not reached the top management.

At the time of the interviews, there were 49 foreign victims at the women shelter home involving domestic workers, singers and waitresses working in a bar, cleaners and food sellers. The cases for the female trafficked victims encompass sexual and labour exploitation including abused victims. Three focus group interviews were conducted at the women shelter home with each group consisting of 11 to 25 respondents according to the different categories of victims.

The female trafficked victims were brought to the shelter home from various states such as Perlis, Penang, Kuala Lumpur and Johor. Since there is only one shelter home in Peninsular Malaysia for trafficked women, all the victims have to travel to Kuala Lumpur for place of refuge[15]. For most of them, this was their first time coming to Malaysia. Although the victims came into Malaysia using legal documents, there were cases of illegal permits used by the recruitment agencies. Many of the trafficked victims put the blame on the recruitment agencies for deceiving them about the work permit since the agencies handled all matters pertaining to the victims' arrival to Malaysia:

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[15] Another government shelter home for female trafficked victims is in Sabah.

The recruitment agent in Indonesia prepared the normal passport, not the work permit. When we came to Malaysia, employers did not want to make the work permit. (FG1)

Nevertheless, the victims claimed that they knew the kind of work that they would be doing before coming to Malaysia. They knew that some of their salary would be taken by the employers for a certain period of time as part of the payment made to the agencies since they did not make any payment before leaving their country: "I paid RM300 to the agent every month after I started working...that was half of my pay. I have to pay the agent for 8 months to cover the cost." (FG1). In fact, many of the victims were concerned about repaying the agencies back in their home countries once they were repatriated. Some of the victims believed that the agencies should be reported to the police in their respective countries since they were considered to be victims of human trafficking.

As for the men shelter home, there were 81 foreign victims at the time of the researcher's visit involving four separate cases of labour trafficking. For the male victims, many of the labour trafficking cases involved employer's failure to pay wages and to renew annual work permit. Similar to the female trafficked victims, the male victims were brought to the shelter home in the state of Malacca from various states such as Selangor and Johor due to the limited number of shelter homes. Only one shelter home for male trafficked victims is provided by the government for the whole country.

All of the trafficked victims interviewed at the government shelter homes admitted that they came to Malaysia on their own accord. They made their way into the country voluntarily with valid travel documents. Their main purpose being in the country was mainly to earn more money to be sent back to their home country. Although some of the victims made their own arrangement to come to Malaysia, many of the victims had to pay the recruiting agent back in their home country for the air

tickets, social visit passes or work permit, and accommodation in Malaysia. They came to Malaysia in search of a better life, but the risk that they were willing to take has made them an easy target for exploitation.

In the case of Bangladeshi male trafficked victims interviewed at the government shelter home, one of them (MV1) paid RM15,000 for the recruiting agent in Dhaka using money borrowed from family and friends since he came from a poor family. The other victim (MV2) informed that he paid RM12,500 to the recruiting agent in Bangladesh with borrowed money, which had not been paid yet. A trafficked victim from India (MV3) mentioned in his interview that he paid about RM3,000 to his employer before coming to Malaysia using a tourist visa. He still owed him RM 1,500, which he paid RM200 every month before his employer failed to pay his wages for four months. A victim from Pakistan (MV4) informed that he paid RM8,000 for his visa and RM2,000 for his passport. He said that the recruiting agent was a "bad guy". He was provided a place to stay with 50 people in a room. The hostel accommodation was in Ulu Tiram, Johor, but they worked in Senai, Johor (a distance of about 23 kilometres). If he did not go to work for a day, the outsource company would cut his pay for two days. They had to pay their own medical bills although they were told it was free before coming to Malaysia.

6.2.4   Local victims

Although the official statistics indicate that most of the trafficked victims were foreigners, many of the participants raised the issue of local trafficked victims. According to the care providers, the local trafficked victims mainly involved babies. A representative from PDRM in Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants was of the view that human trafficking cases involving local victims were quite rare. This is supported by the official statistic that indicates only 4 per cent of human trafficking in Malaysia involves local victims (Ministry of Home

Affairs, 2012). In fact, most of the local victims (81%) involve babies and children with 34 victims and only a small percentage (19%) involves adult female with nine victims (Ministry of Home Affairs, 2012). Although the number is considered to be relatively small with only 42 local victims compared to 1011 foreign victims, there was a critical need to look into the case of local victims that may be neglected and underreported. According to the NGOs, marginalised groups such as Orang Asli and people from Sabah and Sarawak were vulnerable to being trafficked. One NGO representative claimed:

> In most cases, they became trafficked victims when they were desperate looking for jobs. Therefore, the communities must play an important role in reporting such cases. It helps to widen the reach of enforcement officers in the fight against human trafficking. (NG1)

Not only with internal trafficking, NGOs are also concerned with local victims being trafficked to countries such as Taiwan, Japan, France, Germany and Australia. Although there was no local victims at the government shelter homes at the time of the interviews were conducted, the NGO representatives claimed that the government has been ignoring the issue of local trafficked victims:

> We are not addressing internal trafficking. We have Sabahans and Sarawakians being trafficked to Peninsular Malaysia. We also have our Peninsular Malaysians now are being trafficked to Indonesia, Thailand, Taiwan, Japan, the United States, Australia, France and Germany. Although they are few in number, we still have girls being trafficked there...They went quietly back to their families or to their friends. That is why statistically you do not have the numbers. Therefore, you think it is not happening, but it is happening. It is just that we are not acknowledging it. If we go on in this sense of not acknowledging it, then the issue would become bigger. So that is why we really need to take care about it. We are bypassing our own girls. (NG4)

According to an NGO representative (NG4), the data for Malaysian being trafficked abroad was considered to be insignificant because "people go quietly". Hence, the NGO representative (NG4) urged the government to seriously look into the matter regarding local trafficked victims. A policy administrator (PA1) in his interview

realised that there had been cases of Malaysians being trafficked abroad. However, he admitted that there was lack of capacity to address the issue of local victims seriously.

6.3   Human trafficking policy

The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 is a primary policy that guides the implementation measures focusing on prosecutions, victim identification, protection and prevention measures. Before the 2007 Act came into place, there was no specific law to criminalise the trafficking in persons in Malaysia. Under the 2007 Act, Malaysia established MAPO under the Ministry of Home Affairs as it recognises the importance of a coordinating body to lead the fight against human trafficking. MAPO is given the enormous task of monitoring the implementation of the Act and any issues of human-trafficking involving Malaysia, both domestically and internationally.

6.3.1   Amendments of 2007 Act

The main objective of the 2007 Act is to prevent and combat human trafficking and smuggling of migrants. Before the amendments in 2010, the 2007 Act only focuses on human trafficking. Although the government bureaucrats did not raise any particular concerns about the amendments, all of the NGO representatives in their interviews shared the view that smuggling should not be included in the 2007 Act: "The incorporation of smuggling into the human trafficking act makes it complicated when the two problems are mixed up together" (NG4). The NGOs deemed smuggling as an immigration matter that must be dealt accordingly. An NGO representative (NG2) informed that the parties involved at the early stage of the discussion of the 2007 Act amendments comprising the government bureaucrats and the NGOs had agreed to exclude smuggling and to change only the administrative matters of human trafficking related matters. There was no formal explanation given to the parties involved on why

smuggling was incorporated in the amendments of the 2007 Act. The government bureaucrats included the NGOs in the discussion for the amendments of the 2007 Act. However, the collaboration was only at the initial stage. It failed to integrate other stakeholders' input and to justify the actions taken in formulating the amendments of the 2007 Act.

According to the NGO representative (NG2), the Ministry of Home Affairs gave a short briefing of the finalised amendments to the 2007 Act without really explaining the change made to include smuggling in the 2007 Act. Another NGO representative (NG5) claimed that NGOs' suggestions were not taken into consideration because different government bureaucrats were involved in handling the amendment process: "Officers who have not been involved with human trafficking issues attended the meetings for the amendments of the Act. They have never attended MAPO meetings. They do not know the implementation problem." The lack of synchronisation among the government bureaucrats in the amendment process hinders the comprehensive understanding of the problems involved in policy implementation. As a result, the government bureaucrats could not capture the necessary elements needed for the amendments in order to improve the 2007 Act.

Besides the conflation of human trafficking with human smuggling in the amendments of the 2007 Act, the NGOs were frustrated to find that the 2007 Act was still restrictive for not allowing ungazetted NGOs' shelter homes to be used for the trafficked victims as an alternative to government shelter home. The 2007 Act requires all shelter homes for trafficked victims to be gazetted by the Minister of Home Affairs. The NGOs were against the idea of gazetting the shelter homes because it requires the name of the shelter home and its location to be declared. With the gazette, the shelter homes no longer remain confidential as required by the NGOs for the security of the trafficked victims.

In contrast, the government bureaucrats perceived the amendments of the 2007 Act as a progressive step in the comprehensive effort of combating human trafficking. From the perspective of a legal officer (LO1), the amendments of the 2007 Act helped to expedite the prosecution of the human trafficking case. Previously, recording of evidence of trafficked person under the 2007 Act could only be made in a Magistrate Court. With the amendments, the perpetrator would be charged in the Sessions Court and the recording of evidence would also be made at the Session Court. According to the legal officer (LO1), the prosecution was "more relax" because fewer cases were being heard at the Session Court compared to the Magistrate Court[16]. Hence, the prosecution process takes less time to be heard by the Session Court judge. This will reduce the time for the trafficked victims to provide their recording of evidence that entails less time spent at the shelter homes and speedier process of repatriation.

The amendments of the 2007 Act recognised labour officers as enforcement officers. This promotes greater enforcement regarding labour trafficking instead of heavily focusing on sex trafficking. Nevertheless, the readiness of labour officers to bear the responsibility as enforcement officers under the 2007 Act was questionable. A legal officer (LO2) in his interview highlighted the fact that labour officers original task under the Employment Act 1955 was to perform as protection officers for labour rights. With the amendments of the 2007 Act, they became enforcement officers to handle labour trafficking. The legal officer (LO2) pointed out the significant difference between both Acts in which the 2007 Act was a criminal act to address labour exploitation while relevant labour laws[17] function as social legislation to coordinate and facilitate employer and employee relationship. Consequently, the labour officers need

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[16] A Magistrate Court handles most of the civil and criminal cases in Malaysia that may slow down human trafficking prosecution process to be heard in the same Court.
[17] The relevant labour laws under the purview of the labour officers include Employment Act 1955, Industrial Relations Act 1967 and Trade Unions Act 1959.

proper training to handle human trafficking cases, a shift from quasi-criminal case under the labour laws to pure criminal case under the 2007 Act.

6.3.2   Fundamental guiding principles

To complement the 2007 Act, MAPO has formulated the National Action Plan Against Trafficking in Persons (2010-2015) that outlines the national efforts in combating human trafficking. The Plan clearly states members' responsibility in identifying and implementing measures through enhanced cooperation and coordination of policies and programmes among various sectors. Malaysia is taking positive action to foster policy coordination at the national level through the formulation of the Plan. The Action Plan highlights the need for cooperation among various government agencies and NGOs in formulating an integrated approach in the fight against human trafficking. Five fundamental guiding principles have been identified for the Action Plan:

(i)   government ownership;

(ii)   civil society participation;

(iii)   human rights based treatment of victims;

(iv)   inter-disciplinary coordination at government level and with international organisations and NGOs; and

(v)   systematic evaluation and sustainability.

6.3.2.1 Government ownership

The first guiding principle emphasises the Malaysian government's ownership in dealing with the problem of human trafficking. To show its commitment in fighting human trafficking, the government has placed the fight against human trafficking high on the national agenda by adopting continuous measures to improve human trafficking policy implementation. Implementation of human trafficking policy has been seriously

considered as high priority for the government. A deputy public prosecutor in her presentation at the Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants informed that after the amended Act was enforced on 15 November 2010, the Attorney General's Chambers directed all enforcement agencies to investigate all offences under the 2007 Act before using other Acts. All the enforcement officers interviewed highlighted this new directive. The case then would be referred to the deputy public prosecutor for consideration. According to a legal officer (LO1) in his interview, the decision would be made by the Attorney General's Chambers headquarters whether the case should be charged under the 2007 Act after the investigation was made. He pointed out that "human trafficking case is given priority in which the Attorney General's Chambers gives directive to deputy public prosecutors of no postponement" in handling human trafficking cases. This signifies the importance of the top-down approach focusing on enforcement in dealing with human trafficking in Malaysia.

Malaysia's commitment, however, may have been influenced by the international pressure, particularly the United States as mentioned by many participants in their interviews. The Trafficking in Persons annual report by the US Department of State has put Malaysia in a bad light in which Malaysia has been on the Tier 2 Watch List for the fourth consecutive year since 2010. Tier 2 Watch List indicates that Malaysia fails to fully comply with the minimum standards of the US Trafficking Victims Protection Act despite making significant efforts to bring the country into compliance with the standards. The low ranking implies that there remain many serious concerns regarding human trafficking in Malaysia. An enforcement officer (EO6) claimed that "the US annual trafficking in persons report brought the bureaucrats' attention. It helps in prioritising the problem of human trafficking." This is supported by an NGO representative (NG6) who believed that "the criticisms by the United States

had jolted us (Malaysia) to do something". Sharing the same view, a policy administrator admitted in his interview:

> The United Nations Protocol on trafficking in persons did not really have an impact on the implementation of human trafficking policy in Malaysia as compared to the U.S. Department of State's *Trafficking in Persons Report*…The assessment made by the United States should be taken into positive light because it helped to push the agenda of fighting human trafficking in Malaysia. (PA2)

6.3.2.2 Civil society participation

The second guiding principle acknowledges the importance of incorporating support and cooperation from all sectors including participation of civil society in fighting human trafficking. This has been demonstrated in the appointment of SUHAKAM, NCWO and an academician as MAPO members. To reach the grassroots in disseminating information to the public at large, MAPO has provided funding for NCWO and the academician to conduct public awareness campaign on human trafficking. NCWO focuses on training of trainers' programme using seven core modules: defining the problem, forms of trafficking, root causes, impact and consequences, the 2007 Act, assistance to and protection of victims (National Council of Women's Organisations, 2011). Although the participants were mainly from NGOs, other stakeholders such as relevant government officers, community and women leaders, neighbourhood watch, and youth-based and faith-based organisations also joined the programme. Officers from agencies such as Royal Malaysia Police, Immigration Department, Royal Malaysian Customs, Malaysia Maritime Enforcement Agency, Labour Department, Education Department, Department of Social Welfare, Department of Orang Asli Development, and Department of Community Development (KEMAS) participated in the training of trainers' programme. The training will equip the trainers with the skills to raise awareness at the grassroots to help reduce vulnerability particularly among women and children from becoming victims of human trafficking.

NCWO has trained school teachers in order to make them the medium to spread the knowledge about human trafficking to school children. However, there is no formal incorporation regarding human trafficking in the school curriculum. The capacity building is only to raise awareness among teachers so that they become more knowledgeable about human trafficking. Following the national and state level campaign launch, the NCWO continues to encourage trainers at state level to reach all schools and communities at district level as part of an ongoing awareness raising programme. To complement the public awareness programme conducted by NCWO, the academician conducts public awareness campaign targeting university students and campus community. This is in line with the need to educate the public particularly the youth about human trafficking. The academician highlighted in her interview the importance of having awareness campaign for university students because "they are the future leaders of the country by becoming professionals such as teachers and magistrates". Widespread awareness of human trafficking increases visibility of the crime that enables the community at large to report the crime. Many indicators of human trafficking activities such as no freedom of movement for foreign workers particularly domestic workers are ignored due to lack of knowledge. High level of community awareness ensures more action by the public to assist victims of trafficking.

Although the guiding principle recognises civil society participation, the reality may tell a different story. According to an NGO representative (NG5), the working relationship between government agencies and NGOs is not effectively coordinated. The government is very selective in working with the NGOs in which only some of the NGOs are considered to be a part of the integrative effort. Some of the NGOs participated in government programme only on need basis even though an NGO representative in her interview (NG4) stressed that "working together should be on a more frequent basis (monthly) for information sharing". The NGO representatives

supported the view that the government has acknowledged NGOs' role in the fight against human trafficking. However, the NGOs deemed that there should be more frequent and active interactions between public sector and NGOs. An NGO representative described the significance of the relationships and interpersonal interactions with the government bureaucrats:

> The NGOs need to know what the government operating system is, so that they can help the government as best as possible in fighting human trafficking. The NGOs need to get feedback from operating agencies such as the police after they rescue the victims. This is important so that the NGOs know what is happening to the victims after being rescued since they have helped with the rescue process. (NG4)

The NGOs have been helping the government in many ways such as providing information regarding human trafficking cases and participating in rehabilitation programmes for trafficked victims at the government shelter homes. Enforcement officers interviewed revealed that they sometimes used the NGO service to provide shelter for trafficked victims under special circumstances such as logistic problem. In fact, an enforcement officer in his interview (EO2) admitted that the NGOs gave better care to the trafficked victims compared to the services provided at the government shelter homes. This could be because the NGO staff members had more knowledge in dealing with trafficked victims since they were more welfare-focused. He provided an example in dealing with trafficked victims from Thailand: "…the NGO representative was always by their side even when female immigration officer was present. The government service should be at least at par with the NGOs." Even a policy administrator (PA2) emphasised that every government agency should work for greater cooperation with the NGOs. However, the NGOs sometimes had to deal with uncooperative government officers. An NGO representative (NG5) recalled her experience with government officers in dealing with human trafficking: "Sometimes, officers do not appreciate of what the NGOs are doing. We just want to help improve the U.S. Trafficking in Persons Report on Malaysia."

6.3.2.3 Human rights based treatment of victims

The third guiding principle focuses on human rights treatment of the trafficked victims as a crucial element in human trafficking policy implementation. The government has established places of refuge for trafficked victims. Victims receive protection at the place of refuge until their recording of evidence is completed. Five government shelter homes for trafficked victims are in operation: three[18] for the women, one for the men and one for the children. The shelter homes provide accommodation, meals, counselling and recreational activities. A care provider in her presentation at the Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants highlighted the protection service provided at the women shelter homes: "The shelter homes give 'special treatment' for the victims. Their comfortable accommodation has a reading section and an entertainment section. They eat catered food five times a day."

Based on the observation of the researcher from the visits to the selected government shelter homes for the trafficked victims, Malaysia aims to provide a place of accommodation that brings the ambience of a home rather than a detention centre. Nevertheless, the reality may provide a different impression. To begin with, the shelter homes were in discreet locations with secure compounds equipped with guards and security cameras. Although the shelter homes included living areas, toilets, kitchens, gardens and yards, they were closed shelters whereby the victims were not allowed to move freely outside the accommodation building and all trips outside the shelter homes had to be escorted by the police. The trips outside shelter homes were limited to hospital visits, court appearances and transfers for repatriation. Consequently, the shelter homes still resemble detention centres only with better amenities.

The women shelter home was a double storey old bungalow equipped with a kitchen and a living room. However, no cooking was allowed in the kitchen. All the

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[18] Two of the government provided shelter homes for female victims are in Kuala Lumpur while one is in Sabah. However, only one shelter home in Kuala Lumpur is in operation due to renovation.

utensils and sharp objects were taken away to avoid accidents and self-inflicted injuries. There was a 40" television in the lounge for the victims to watch news and entertainment programmes. However, they had to ask permission from the staff to switch on the television. Since they could not do much inside the shelter home, the victims spent most of their time either sleeping in the bedroom or watching TV. The house could cater for 20 trafficked victims with maximum capacity of 40 people at one time. At the time of the visit, there were 49 female trafficked victims at the shelter home. Since the house was operating more than its full capacity, the victims had to share the mattress. The mattress was actually meant for one person, but in times of over-capacity, there was no other alternative.

The men shelter home premise consisted of eight buildings of 16 single-storey semi-detached houses, which were originally built for government quarters. Each house comprised 5 to 15 victims although it could accommodate up to 16 people. The three-bedroom house for the trafficked victims was equipped with a water cooler and a 32" flat screen television. The victims were allowed to watch the television until 12.00 midnight. The kitchen, however, was not equipped for security reason. The houses inside the premise used metal grill doors and they would be locked at night. The victims were also locked inside the house from 1.00 to 3.00 p.m. for round-up checking purposes in order to ensure all victims were in their homes. Two RELA officers were placed to guard each house round the clock. The victims had to follow strict rules under the supervision of the care providers.

Despite efforts by the government to make the shelter homes user-friendly such as by providing television, recreational activities and skills upgrading, they were still regarded by those in these homes as a place of confinement. This was undoubtedly because the trafficked victims had limited freedom: they could not go out of the premises; they were unable to earn income; and they had restricted visitation rights.

Due to the scarcity of the shelter homes, the trafficked victims had to suffer over-crowded facilities provided by the government. Because of this, the government shelter homes are perceived to be just like another detention centre despite the government's efforts to upgrade physical infrastructure.

Nonetheless, many of the interviewed government bureaucrats and NGOs pointed out the fact that Malaysia was still lacking in protecting human rights of the trafficked victims. The NGOs at the Trafficked Victims' Protection and Rehabilitation Committee Meeting indicated the need for a change of emphasis from a detention-centred to victim-centred approach in managing the shelter home. According to the NGOs, quality of protection and rehabilitation at the shelter home for trafficked victims must be aligned with the international standards of human rights related to the basic needs of trafficked victim involving physical, emotional, vocational and spiritual needs. In a similar note, a policy administrator in his interview (PA1) emphasised the need for Malaysia to learn from other countries by adopting more of victim-centred approach rather than prosecution-centred approach. The victims are considered to be an important part of the policy implementation because of their significant role in providing evidence for prosecution. The policy administrator commented the government bureaucrats' perception towards the shelter homes:

> The bureaucrats who were involved in human trafficking policy implementation tended to view shelter homes only as a place of refuge for the victims while waiting for them to be sent home after recording their evidence in court. Therefore, there was lack of proper rehabilitation initiatives at the shelter homes. (PA1)

Trafficked victims have very limited freedom once they are placed at the government shelter homes. Their confinement makes them traumatised all over again with the strict rules being enforced inside the homes. The victims are left idle at the shelter homes without having the right to work outside the shelter home's premise. They have limited access to visitors and phone calls. Majority of the male trafficked

victims shared similar views that they should not have reported their cases while some female victims also felt the same way:

It was stressful to be in the shelter homes for a long time. (FG1)

Being in the shelter home is like being in a prison. (FG2)

The NGOs agreed as one NGO representative claimed (NG1): "The victims had no freedom to move. They were treated like criminals." Another NGO representative (NG5) supported the view: "We can never take the victims out of the shelter home. It is not a detention centre but kind of like a detention centre." An NGO representative (NG4) commented that the experience for the trafficked victims of being confined to the shelter home was similar to being locked up by the traffickers. Even the bureaucrats themselves acknowledged the violation of the victims' human rights as one policy administrator admitted (PA2): "The trafficked victims should be given more flexibility. They should not be confined involuntarily." The victims were also dismayed by how human trafficking cases were handled:

When we reported the case to the police, we thought that the police could straight away ask the employer to pay (unpaid salary). If we had known, we would just run away from the employer. (MV1)

I do not want to enter Malaysia again. If we reported to the police, it took so long. I have three friends who chose to run away from the employer instead of reporting to the police. They made RM1,500 every month working with a different employer. (MV2)

I have worked in Abu Dhabi for three years and Dubai for two years, but Malaysia is the worst. (MV4)

NGO representatives highlighted the need for human trafficking policy implementation to acknowledge the trafficked victims' rights: "They (trafficked victims) should be entitled to legal rights." (NG4) The trafficked victims have no legal redress and no access to claim for compensation. An NGO representative (NG4) claimed that trafficked victims tended to give weak testimonies on their own behalf in any inquiry held because of fear and ignorance. The IOM representative at the training

session for care providers commented that in Malaysia, trafficked victims had no choice. They were placed in the shelter home and had to go to the Court for recording of evidence. The victims have no individual legal rights such as to sue for compensation. This indicates the gap between the policy intent of providing protection to the victims and the actual situation regarding trafficked victims.

In providing services to the trafficked victims, the challenge for Malaysia is to provide security for the victims without encroaching upon victims' human rights. There is a concern for the safety of the victims if they were allowed to go outside the premise of the shelter home. An NGO representative (NG5) was of the opinion that security issue in relation to the safety of the victims might not be applicable for all victims. For instance, domestic workers case may not be high risk as compared to cases involving sex trafficking syndicate. Hence, there should be less restriction on movements on a case-by-case basis.

Given that many of the trafficked victims came to Malaysia to earn money, the government shelter homes initiated income generating activity for the victims. This is supported by the labour officers who "do not want workers to be left idle" at the shelter homes. The NGOs agreed that since it would be a security issue for the victims to go out from the shelter home, the work should come to them. As a result, the shelter homes created an opportunity for the victims to earn money by bringing the work into the premise such as making buttons and pins, cleaning anchovies and folding paper bags. However, the income generating activity inside the shelter homes only provides very minimal earnings (RM2 to RM3 a day). This is a pittance considering that the victims came to Malaysia in search of better opportunities to earn more money.

Lack of freedom was only one dimension, albeit among the most important, of what the residents of shelter homes and NGOs felt to be the denial of their rights. The trafficked victims were uncertain of the legal process and were fearful of the

consequences if they were repatriated. Some of the victims voiced their concern about their debts with the recruiting agent back in their home countries. Their major concern was losing the ability to earn income. This is because of their responsibilities to the families back home and the need to pay the money that was loaned by their friends and relatives. They came to Malaysia with one purpose – to earn more money to bring back home. It is clear that many of those interviewed were not involuntarily trafficked, but the practice of managing foreign workers in Malaysia has made them vulnerable to being trafficked.

6.3.2.4 Inter-agency coordination

The fourth principle highlights the importance of establishing strong coordination among relevant government agencies including state governments and local authorities to successfully address the problem of human trafficking. The Action Plan sets an equal importance of close engagements with NGOs, private sector, interested parties including international organisations. A policy administrator in his interview (PA2) informed that the formulation of the Action Plan involved consultation process with government agencies, NGOs, foreign embassies and international organisations such as IOM.

Collaboration with various stakeholders is an enormous task to be materialised as evident in the interviews. Although the government bureaucrats acknowledged the importance of working together, they still face the existing barriers such as territorial and hierarchical issues. Even in the inter-governmental setting, the barriers that separate numerous agencies and different levels of bureaucratic positions are difficult to overcome. This is demonstrated in the case of managing trafficked victims whereby care providers claimed that they were not informed by the enforcement officers regarding the case progress. The trafficked victims kept on asking the status of their case particularly on when they get to leave the shelter home. Hence, the care providers

were left in vain to handle the trafficked victims since they cannot relay the needed information to the trafficked victims who needed to know the status of their case so that they could return to their countries as soon as possible.

Hierarchical relations involving superior and subordinate command among government bureaucrats is present in dealing with the problem of human trafficking in Malaysia. In government meetings, NGO representatives commented how the government frontline personnel's inputs were not taken into serious consideration by the Chair as described by an NGO representative (NG6): "In meeting, government officers do not want to speak out especially the young ones. Hence, the need for NGOs to voice out the issue." The government bureaucrats admitted that they cannot voice out their concerns freely. Even during meetings, they were asked to restrain themselves from bringing up challenges that they faced in implementing human trafficking policy.

At the onset of adopting the integrated approach, NGOs reported that the government bureaucrats seemed to regard NGOs as interference. They were reluctant to fully integrate NGOs in the fight against human trafficking. However, the perception regarding NGOs slowly changed as the government bureaucrats realised the genuine efforts of the NGOs in helping to combat the crime. One NGO representative (NG5) noted that the government bureaucrats had become "more flexible and cooperative". Nevertheless, the NGOs needed to continuously build a close rapport with the government bureaucrats as the officers who were in charge of human trafficking kept on changing within a short amount of time: "The biggest problem that we face is that it is difficult to get continuity of work." (NG5)

Given that the majority of trafficked victims involve foreigners, Malaysia needs to incorporate foreign embassies in dealing with human trafficking. Most importantly, foreign embassies have a crucial role in identifying the trafficked victims from their countries. The members of the foreign embassies staff are also important in helping

government bureaucrats to overcome the language barriers when interacting with the trafficked victims. In case of repatriation, foreign embassies are vital since Malaysia has no jurisdiction once the trafficked victims are sent back to their countries. However, cooperation from foreign embassies may not be easily forthcoming. Taking that into consideration, one enforcement officer strongly expressed his opinion (EO3): "Source countries must take responsibilities." Some foreign embassies offer temporary shelter for the trafficked victims who have ended their protection order while waiting for their departure date. Thai, Indonesian and the Philippines embassies give their full cooperation by willing to pay for the airfares and place the trafficked victims under their care before they leave Malaysia. On the other hand, Vietnamese embassy proves to be difficult in providing cooperation to help the trafficked victims based on the experience of enforcement officers who have to deal directly with the embassy. Gaining cooperation from all foreign embassies substantiates the complexity of implementing human trafficking policy.

International organisations have always been an important part in the global fight against human trafficking. In the case of Malaysia, IOM has been providing assistance to improve the protection of trafficked victims. Office for Population and International Migration under the U.S. Department of State's Bureau of Population, Refugees and Migration provides funding for IOM based on the 2010 U.S. Trafficking in Persons Report that Malaysia was still lacking in victims' protection. Among them were the resemblance of government shelter homes to immigration detention centres that denies basic freedom of trafficked victims as well as lack of medical officers and trained counsellors at the shelter homes (U.S. Trafficking in Persons Report, 2010). IOM conducted a study in 2010 to assess Malaysia's shelter homes for trafficked victims (International Organisation for Migration, 2010). Another study was conducted in 2011 focusing on mental health assessment of the trafficked victims and the staff in

the government run women's shelter home (International Organisation for Migration, 2011). Using the findings from both studies as explained in Chapter 2, IOM proposed recommendations for the improvement of trafficked victims' protection in Malaysia.

To ensure care providers in the shelter homes are sensitive to the needs of trafficked victims, IOM organised a series of workshop on the provision of assistance for trafficked victims in the shelter homes. Based on the observation made at one of the IOM training sessions, IOM may not be able to reach its target group because of the language barrier. The workshop that was conducted in English failed to take into consideration that half of its participants were not comfortable using English. The participants kept on asking: "Can I speak in Malay?" This was not possible since the trainers were Thais and the IOM officers were not Malaysians. The communication problem hinders the participants from truly optimising the lessons taught and experience shared at the workshop.

According to an enforcement officer in his interview (EO3), IOM also provides assistance to repatriate trafficked victims by covering their airfare cost. They interview the victims before sending them home in order to verify their victims' status. In the case of refugee trafficked victims, the Immigration officers collaborate with United Nations High Commissioner for Refugees (UNHCR). UNHCR helps to send the victims to receiving countries of refugees. The immigration officers also work with UNHCR regarding stateless victims.

6.3.2.5 Systematic evaluation and sustainability

The fifth guiding principle focuses on ensuring sustainability of the outlined measures. Systematic evaluation becomes a vital tool to assess the effectiveness of the policy implementation. The adoption of a number of programmes may have a number of impacts, both positive and negative, on the fight against human trafficking.

Therefore, a systematic evaluation helps to promote policy implementation sustainability.

Enhanced capacity is crucial to generate coherence among programmes and policy implementers. Many of the government bureaucrats in the interviews attended training programmes to equip them with the needed skills to handle human trafficking. The level of knowledge acquisition, however, may vary from one officer to another depending on the attendance frequency and the courses conducted.

Most of the relevant government agencies have their own training institutions that develop specific training programme in order to address human trafficking. According to a legal officer (LO1) in his interview, Judicial and Legal Training Institute (ILKAP) had conducted a course on human trafficking since 2008. Lectures were given by the prosecution officers, MWFCD and PDRM. The courses conducted at ILKAP were based on the inputs from AGC. ILKAP is a medium to channel knowledge for the judicial and legal officers. Hence, it meets with AGC annually to improve the content of the courses provided. Despite having various agencies involved as guest speakers at the training session, there is no standard training material for all the bureaucrats. The training content is not coordinated and each agency develops its own training programme based on its own interpretation of the policy.

For a main enforcement agency, PDRM conducts in-service training on the subject of human trafficking for 3 to 4 days all over Malaysia. The training session covers the 2007 Act, enforcement power and procedures. It focuses on the role of investigation officer in implementing the policy. The specialised team in investigating human trafficking cases established at the police headquarters provides training for law enforcers on human trafficking activities and victim's identification. However, the enforcement officer admitted that there were still some investigation officers who did

not know about human trafficking. Hence, PDRM planned "to provide human trafficking training for every investigation officer down to the district level".

As a form of evaluation, human trafficking was included in MMEA's key performance index (KPI). According to the enforcement officer, the KPI would be presented to the Director General annually. This enabled the government bureaucrats at every level of the organisation to assess their policy implementation. Besides the formal recognition of the importance of evaluation system, certain enforcement agencies are more creative in their approach to capture the implementation performance result. As part of the effort to encourage effective implementation, one enforcement officer informed that the Immigration Department held Enforcement Activity League Competition as an annual event beginning 2011. The winning criteria were based on frequency of operations and prosecutions including handling of cases. The enforcement officer deemed increased cases of human trafficking to be attributed to "more diligent work and enhanced officers' skills".

6.3.3   Strategic Goals of the Action Plan

To ensure effective implementation of the Action Plan, MAPO has set nine main goals to be achieved within the five year period (2010-2015). In order to achieve the strategic goals, MAPO has also identified nine programme areas corresponding to each goal. These goals become the driving force to steer national efforts in combating human trafficking.

6.3.3.1 Improved anti-trafficking response by strengthening legal framework

In the area of legal framework, the Action Plan deems effective implementation depends on reviewing and improving the laws especially in investigation and prosecution. This shows that the legal framework in Malaysia is highly enforcement-focused instead of victim-centred approach. The Action Plan also highlights the need to

review the existing standard operating procedures (SOPs) as required in order to provide better investigation, protection and prosecution based on changing situation.

There are SOPs for law enforcement as well as SOP for protection of trafficked victims. The enforcement officers and protection officers religiously abide by the existing SOP as mentioned in their interviews. Each agency involved follows the relevant SOPs as their guidelines for the policy implementation on a practical basis. Malaysia has demonstrated positive development in its continuous effort to review existing laws. Amendments have been made to the Second Schedule of the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 to include human trafficking offences in order to deter potential perpetrators from committing the crime. To further strengthen the legal framework, Malaysia has succeeded in amending the 2007 Act only after three years of its enactment. The 2010 Amendments to the 2007 Act includes many changes including incorporating human smuggling to the Act. The most critical amendment to the 2007 Act is to take into account labour officers as enforcement officers. This provides the necessary mandate to pursue labour trafficking as an offence albeit the recognition of labour exploitation in the original version of the 2007 Act. The amendments, however, only focus on the legal framework. The actual capacity of the labour officers are still lacking especially in terms of knowledge, skills and equipments. According to a legal officer (LO2), the direction from AGC for the labour officers is "to just do it" in handling human trafficking cases.

6.3.3.2 Integrated action among enforcement agencies

In the area of integrated action, the Action Plan specifically mentions information sharing, entry point control, delimitation, prevention, investigation and prosecution in order to ensure trafficked victims are given timely protection and perpetrators are punished. The implementation of integrated action among enforcement agencies focuses on coordinated operation, ad-hoc raids and modern equipment

utilisation to locate the crime such as the use of close circuit television (CCTV). The Action Plan also emphasises the need for the enforcement agencies to facilitate the public in reporting human trafficking activity by establishing reporting system and hotline service that are user-friendly and efficient. The enforcement agencies must submit to MAPO an integrated data on a regular basis.

Although the Action Plan's intention is for integrated action, the programme area only focuses on enforcement agencies without taking into consideration the importance of holistic integration with other government agencies particularly those who are in charge of protection of trafficked victims. Enforcement officers revealed in their interviews that they had no problem working together to conduct joint operations involving other enforcement agencies: "I do not see any coordination issues. We are one of the good teams." (EO6) On the other hand, the protection officers and care providers complained that they did not get the necessary information from the enforcement officers regarding the case status of the trafficked victims in the shelter home: "Victims always ask for their release date. When we ask the enforcement officer, we did not get the answer." (Care providers at the training session) Hence, Malaysia is still missing the holistic integration in implementing human trafficking policy even among inter-government agencies.

6.3.3.3 Public awareness through information dissemination

In the area of public awareness and prevention, the Action Plan stresses the importance of creating a responsible and responsive society towards the problem of human trafficking. In order to educate the public, Malaysia shall conduct a full scale publicity programme using all forms of mass communication regarding the seriousness and dangers of trafficking in persons as well as its implications to human rights and national security. The Action Plan also outlines the public awareness programme focusing on the 2007 Act, protection of victims and punishment to offenders. To this

end, capacity building and community support is vital in shaping public opinion and actions towards human trafficking. In this programme area, the Action Plan states the importance of coordination of public awareness and prevention programme. Information on human trafficking will be distributed nationwide particularly for men, employers, recruitment agency, tourist agency and entertainment outlets.

Findings indicate that public awareness programme is being conducted by the NGOs and an academician expert at the grassroots and universities respectively. To reach a larger audience, the Department of Information has taken the responsibility to disseminate human trafficking information through radio and television broadcast. Special programmes and public notice on anti-trafficking have been broadcasted to inform the public. Public notice has also been placed in the newspaper. However, there is no information available on the specific awareness programmes for targeted audience such as men, employers, recruiting agency, tourist agency and entertainment outlets. Although the Action Plan specifically outlines the necessary measures to raise awareness, it lacks measurable indicators to evaluate the output and outcome of the programme.

6.3.3.4 Protection and rehabilitation services that conform to international standards through collaboration with NGOs

In the protection and rehabilitation area, the Action Plan recognises the need for places of refuge and other necessary facilities conforming to the international minimum standards. Victim's comfort should be a priority so that they feel safe, secure and protected. The Action Plan also points out that victim friendly rehabilitation services based on best practices should be made available to help the victim in the recovery process. Mental and emotional well-being of the victims is considered to be important in assisting the investigation and prosecution matter. To empower the trafficked victims, the Action Plan promotes collaboration with NGOs in order to provide training

for income generating skills as well as educational and recreational activities. Income generating skills gives the victims an opportunity to earn income while in the shelter home. For safe repatriation and reintegration of the victims, the Action Plan acknowledges a wider network involving NGOs, foreign embassies and relevant authority. Collaboration with countries of origin is essential to avoid them from being re-trafficked.

Malaysia has only five government shelter homes that cater for trafficked victims involving women, men and children. Based on observation, the shelter homes give different services to the trafficked victims. The shelter home provides training involving language, cooking and sewing class for female trafficked victims. For the male trafficked victims, the training is more limited because of the shelter home location is further away from the Klang Valley and most of the NGOs involved are used to deal only with female victims. However, the male victims were given the opportunity to generate income at the shelter home through collaboration with a manufacturing company. The product was brought into the shelter home and the victims would receive average payment of RM30 a month depending on the hours that they put in for their work. Recreational activities are available although restricted to the shelter home premise. Because of limited freedom, trafficked victims informed that being in the shelter homes were like being in a confinement. Despite having mostly foreign victims, there is little evidence of coordination initiative with countries of origin. There is no quantitative measure for protection and rehabilitation programmes that leads to improvement in services provided.

6.3.3.5 Actions against labour trafficking

In labour trafficking area, the Action Plan acknowledges the pull factor of Malaysia attracting migrants because of its prosperity. At the same time, Malaysia also needs foreign workers to make up for the labour shortage in certain sectors such as

construction, plantation and manufacturing. It is the hope of the government that the enforcement of the 2007 Act together with the Employment Act 1955 and other labour legislations will be able to curb labour exploitation. The Action Plan highlights the MOUs with source countries to regulate the recruitment of foreign workers. It also puts the limelight on the Special Committee for Labour Trafficking under MAPO that is tasked to deal with labour exploitation.

The Action Plan, however, sets combating labour trafficking as a general goal without specific action to be taken to address the crime. It will be challenging for MAPO to monitor the area of labour trafficking without specific and measurable goal. The official statistics show cases involving labour exploitation take second place (26.0%) in terms of occurrence with sexual exploitation at the first place (57.8%) (Ministry of Home Affairs, 2012). Labour exploitation, however, is on the rise: no case in 2008, 25 cases (16.5%) in 2009, 34 cases (25.7%) in 2010, and 45 cases (38.8%) in 2011 (Ministry of Home Affairs, 2012). To properly address labour exploitation, the agencies involved must be equipped with the necessary knowledge and expertise. Based on the interview, Department of Labour that is in charge of handling labour trafficking is still grappling with the need for a paradigm shift from handling quasi-criminal case under the Employment Act 1955 to pure criminal case under the 2007 Act as observed by a legal officer in his interview (LO2): "Labour officers originally act as protection officers as prescribed under the Employment Act. However, they are now appointed as enforcement officers under the anti-trafficking act (2007 Act)." This change in itself is critical from the implementation aspect as the labour officers need to be prepared to ensure effective enforcement.

6.3.3.6 Integrated training of personnel in implementing the 2007 Act

In the capacity building area, the Action Plan recognises the importance of having relevant knowledge and skills particularly on policy, prevention, protection,

rehabilitation and prosecution. Professional development programme for implementers of human trafficking policy requires sharing of knowledge and experience with relevant experts. The Action Plan realises the need for strategic alliance with foreign partners in order to equip government officers and NGO representatives with adequate knowledge and skills.

In the interviews, many of the participants highlighted training programmes on human trafficking that were conducted at each agency: "We make sure officers understand the objective of the 2007 Act to get their commitment." (E03). Some of the programmes involved trainers from other agencies taking into consideration that human trafficking required a multi-sector approach. However, the content was not standardised because each agency would use its own training module. Foreign experts had been involved with specific training programme involving prosecution and protection of victims. Countries such as Australia and the United States had conducted their own training programmes for Malaysian bureaucrats and NGOs. IOM was also involved in training care providers on provision of assistance for trafficked victims at the shelter homes.

Despite the effort to train all relevant officers, enforcement officers still had problems in identifying victims as demonstrated by the official data whereby only 37.4 per cent of suspected victims were true victims. Some of the suspected victims were those who willingly chose to work in certain sectors without being exploited such as the sex industry. The bureaucrats are still having problems in identifying true victims and it becomes more challenging when the victims themselves do not want to be identified as victims. Such problem may occur when the victims do not trust and fear the authority.

> The police lied so much. They said I help you…You stay here only for 3 months...I help you to go back to Vietnam. If 6 months or 9 months, you left me here…you cannot take care of me, you tell me the truth. We (have) stayed here for a long time. (FG2)

I do not think the police help because if you go to the police station and make your report, they bring you here (shelter home) and you go crazy. In here, it is crazy. (FG2)

The trafficked victims may feel as if they are being re-victimised all over again when they have to be confined to the shelter homes. An NGO representative (NG5) reported: "Trafficked victims were afraid and felt intimidated and were suspicious of authorities. They were in a foreign country. Language was a problem." Without the right skills to gain the trust of the victims, the bureaucrats may not be able to get the cooperation needed from the victims.

Lack of cooperation from the trafficked victims may contribute to low conviction rate. Malaysia experiences only 48.6 per cent of conviction rate for the period 2008 to 2012[19] with only less than half of the completed cases were successfully convicted (Attorney General's Chambers, 2012). Lack of investigation and prosecution skills in handling human trafficking cases affect the effectiveness of the policy implementation. This is demonstrated by the low percentage of convictions over criminal charges of human trafficking - 20.9 per cent based on collective data from 2008 to 2012[20] (Attorney General's Chambers, 2012).

6.3.3.7 Information management system for related government agencies

In the area of information management, the Action Plan highlights the involvement of crime syndicates in human trafficking activity. Given that crime syndicates operate in organised, structured and well established networks, the Action Plan stresses the need for systematic and effective information management to ensure better coordination and integration among relevant agencies. This promotes intelligence sharing that helps the government agencies in gathering latest information and reliable data promptly.

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[19] Data from 28 February 2008 to 31 May 2012.
[20] Data from 28 February 2008 to 31 May 2012.

MAPO collects information from various sources: enforcement agencies for the number of human trafficking cases based on types of exploitation; government shelter homes for the number of trafficked victims based on categories of interim protection order (14 days for investigation and enquiry) and protection order (not more than 2 years for locals and not exceeding three months for foreigners in order to provide recording of evidence in court) according to sex and countries of origin; and AGC for the number of human trafficking cases according to their status (prosecution, on trial and completed) as well as the number of people being charged and convicted. Derived from data received, MAPO establishes its own database using Microsoft Office Excel as its spreadsheet software. No integrated information management system for human trafficking is in existence. Government agencies are able to request the data from MAPO, but the data is not easily shared with other stakeholders. Dissemination of information is still limited based on needs. An NGO representative (NG4) mentioned that it was easier to get certain information such as a copy of MOU signed by Malaysia from other countries than getting it from Malaysian authorities: "We need to establish trust. We work for the same goal."

6.3.3.8 Smart partnership

In the area of smart partnership, the Action Plan mentions the on-going relationship of the government with relevant stakeholders such as NGOs, private sector and general public in fighting human trafficking. Bilateral and multilateral cooperation at regional and international level including involvement of international organisations is also an important part of strategic collaboration. The collaboration comprises intelligence sharing, mutual legal assistance, extradition, capacity building and public awareness.

Malaysia establishes relationship with various stakeholders albeit limited collaboration. Based on the interviews, there was evidence of NGO's involvement in

providing information to enforcement officers, assisting with protection and rehabilitation for trafficked victims and raising awareness at the grassroots. Private sector was also involved in bringing work to the shelter homes so that trafficked victims could generate income. To strengthen cooperation between countries, Malaysia has signed MoU with Australia, Saudi Arabia, the United Kingdom, the United States and China. Malaysia has also worked with IOM and Australia as well as the United States for capacity building on the aspect of protection for victims, legal framework and law enforcement. There is still limitation in promoting smart partnership as indicated in the interviews: between different levels of bureaucrats, among different government agencies, limited collaboration with NGOs and private sector, and lack of local and international cooperation. This is admitted by the bureaucrats and supported by the NGOs. A policy administrator (PA2) described the coordination efforts as "non-inclusive approach" and "territorial issues" while an NGO representative (NG1) pointed out that "MAPO as a coordinating agency needs to be more comprehensive".

6.3.3.9 Evaluation based approach

In the area of measuring performance and sustainability, the Action Plan draws attention to the importance of evaluation based approach to ensure effectiveness of the programmes and activities of anti-trafficking. KPI and Key Performance Target will be used to measure the performance and monitor the progress in tackling human trafficking. The set indicators will facilitate Malaysia's efforts to achieve its goals as outlined in the Action Plan.

The Action Plan, however, is lacking clear quantifiable measures that Malaysia can utilise to assess performance against the strategic goals. Only one of the participants in the interviews (EO6) mentioned about his agency's KPI specifically on human trafficking: "We present the KPI to the Director General yearly and it includes human trafficking and migrant smuggling as one of its 21 KPIs. By doing so, key

personnel are exposed to the issue." In general, human trafficking is included in the National Key Results Area *(NKRA)* to reduce crime rate in the country. This KPI, however, is too broad to be used as a measurement tool. Without specific indicators, it will be almost impossible for Malaysia to effectively measure the performance to curb human trafficking.

Although goal setting usually involves five characteristics of specific, measurable, achievable, realistic and time-targeted goals, the strategic goals of the Action Plan demonstrates some flaws. It does not have a specific target for each of the goals and it does not state any quantifiable target. Nevertheless, the realistic goals are fair and they can be achieved within stated time provided that the government is committed and gives its full support to human trafficking policy implementation.

6.4   Implementation process

In this study, the implementation process focuses on the decisions and actions taken by the government bureaucrats in putting into effect the human trafficking policy. The study captures a myriad of implementation experiences involving policy administrators, enforcement officers, protection officers, legal officers and care providers supported by the inputs from NGOs and trafficked victims. The 2007 Act as the primary human trafficking policy in Malaysia identifies the government bureaucrats who are essential in implementing the Act particularly enforcement officers and protection officers besides the members of MAPO. Enforcement officers from relevant government agencies who are automatically given the powers under the 2007 Act include police officers, immigration officers, customs officers, maritime officers and labour officers. The new addition of labour officers as enforcement officers aims to address more effectively the issue of forced labour considering the labour officers' familiarity in dealing with labour issues.

Protection officers refer to those who are in charge of victims' care and protection including care providers at government shelter homes. Most of the protection officers involve social welfare officers. There are exceptional cases of prison officers who were appointed as protection officers to monitor male trafficked victims at the government shelter home. This was for security reason given that a number of the trafficked victims had escaped from Kuala Lumpur International Airport (KLIA) Immigration Detention Centre. Unlike the enforcement officers who are automatically recognised according to their enforcement agencies, the protection officers must be appointed by the Minister of Home Affairs after consultation with the Minister of Women, Family and Community Development. The 2007 Act outlines the duty of the protection officers:

(i)   oversee the care and protection of trafficked victims at the shelter home;

(ii)   carry out an enquiry to prepare a background report of trafficked victims;

(iii)   supervise trafficked victims upon order by the Magistrate or direction by the Minister of Home Affairs; and

(iv)   possess other powers , duties and functions as prescribed by the Minister of Home Affairs.

Enforcement and protection officers are the frontline personnel in dealing with human trafficking. They are the bureaucrats who deal face-to-face with the trafficked victims. As key actors in implementing human trafficking policy, they critically influence the service delivery of the policy to the targeted group. To facilitate the frontline personnel, legal officers are crucial in giving advice on the implementation of the law regarding human trafficking. In ensuring a holistic implementation of the human trafficking policy, policy administrators are vital to coordinate various measures carried out by different agencies. NGOs are also incorporated in the implementation process to support the government bureaucrats in translating the policy into practice.

Besides raising awareness at the grassroots, the NGOs also help in conducting activities at the shelter homes. The integrated efforts are important to curb the crime and to provide for the best interest of the trafficked victims. Trafficked victims as the targeted beneficiaries stand to gain from effective policy implementation.

The enforcement officers initiate investigation based on their intelligence reports and sometimes they receive information from the NGOs. After rescuing the suspected victims, the enforcement officers place them at the shelter home under the purview of the protection officers. The suspected victims receive Interim Protection Order (IPO) for 14 days from the magistrate while investigation and enquiry are being conducted. Those that are identified as real victims are given Protection Order (PO) for not more than three months for foreign nationals and not more than two years for local victims. After the PO has ended, the local non-trafficked persons are released and the foreign nationals are repatriated. The suspected victims who are found to be as non-trafficked person will be released if they are local citizen while foreigners will be released to an immigration officer for necessary action under the Immigration Act 1959/63. Policy administrators are responsible to oversee and coordinate the implementation efforts while legal officers are in charge of giving advice on the implementation of the law as well as prosecuting the case. The summary of the human trafficking policy implementation process based on interviews, observations and document analysis is illustrated in Figure 6.1.
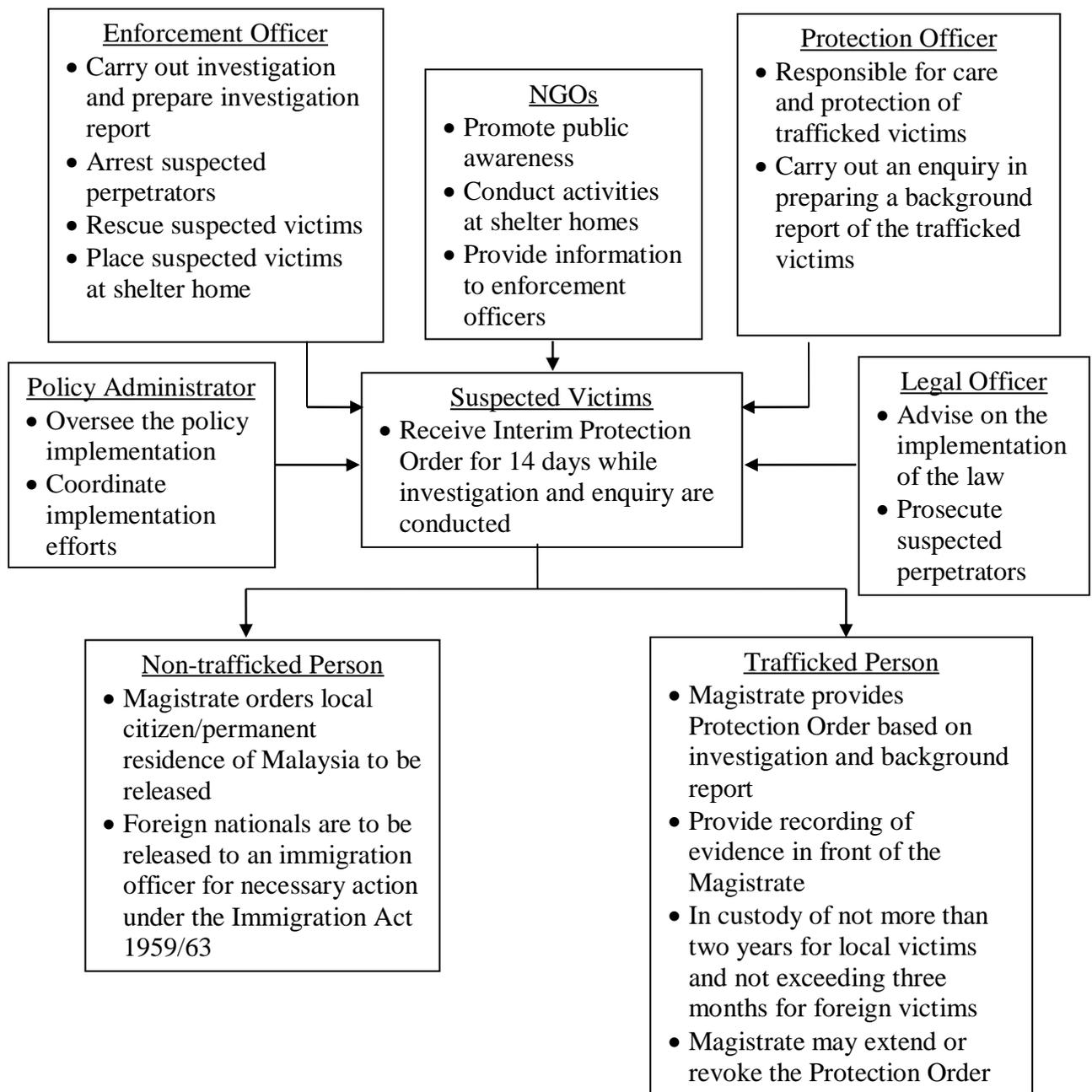
Figure 6.1: Implementation Process of Human Trafficking Policy in

Malaysia

There are various ways of how human trafficking cases in Malaysia are handled by relevant agencies. Enforcement agencies such as the PDRM and the Immigration Department conduct an intelligence exercise to gather information before taking proper action. In certain times, the enforcement agencies receive information from the NGOs as indicated by the interviewed NGOs and the enforcement officers. The trafficked victim is also a source of information when he or she reports the case directly to the enforcement agencies as in the case of some of the victims in the study. If the human trafficking case involves more than one agency, the matter will be taken up in the relevant Committee Meeting such as the Enforcement Committee and a joint operation will be coordinated. MAPO's monthly meeting sets the platform to bring together all relevant stakeholders such as government bureaucrats and NGOs with different focus, e.g. enforcement versus protection, to discuss issues at a higher level as part of the coordinating process. Periodical report is submitted monthly to MAPO to update the policy implementation status regarding human trafficking.

The government bureaucrats encounter numerous challenges in their attempt to implement human trafficking policy in Malaysia. Based on the individual and focus group interviews as well as field observations and written documents, nine main implementation challenges were identified. The bureaucrats' concerns were corroborated by the evidence from the trafficked victims as the direct beneficiaries and the NGOs as the voice of the grassroots communities.

Based on the implementation challenges, the notion of bureaucratic failings is evident in human trafficking policy implementation in Malaysia. The bureaucratic failings play an active role in the implementation process. By highlighting accounts that demonstrate bureaucratic failings, the study reveals the constraints faced by the government bureaucrats as the main policy implementers. Even though bureaucratic

failings may not be the only reason for implementation challenges, these relates to the main scope of the study that focuses on the bureaucratic implementation process.[21]

6.4.1   Lack of sensitivity

Many of the bureaucrats who participated in the interviews had been involved with the human trafficking policy implementation since the introduction of the 2007 Act. The greatest concern was the lack of sensitivity of the relevant bureaucrats, be they from the enforcement or protection officers, to the trafficked victims' needs. As one policy administrator noted:

> Human trafficking measures were not viewed as a humanitarian approach. There had been negative perception regarding foreign victims because the government had to spend large amount of money in order to rescue and protect them. (PA1)

The lack of sensitivity of the bureaucrats is evident from the statements of trafficked victims and NGOs. The trafficked victims (FG1) complained that the staff members at the shelter home should be more understanding of the victims' situation: "When we wanted to watch the television, we were not allowed to watch it because there was a little fight. We are already stressed here and it becomes even worse with staff members like that. We cannot even laugh or joke around with our friends." This is supported by an NGO representative (NG4) who highlighted the need for the government bureaucrats to be more sensitive to the victims' situations: "For example, sex trafficked victims cannot have lights off early because they have been conditioned to work at night."

The bureaucrats recognise that they are in need of more sensitivity training. A protection officer (PO1) pointed out: "All officers involved with human trafficking policy implementation should be well-versed in social welfare issues. By doing so, then only they can provide the best of care for the trafficked victims." Lacking sensitivity

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[21] There are other possibilities that may affect human trafficking policy implementation such as flaws in the legal system and tokenistic policy stance. However, the focus of the study is on the government bureaucrats as the main policy implementers.

makes the policy implementation even more problematic as the bureaucrats face difficulty in gaining the cooperation from the trafficked victims. This is demonstrated by a policy administrator's concern (PA1): "Protection part is vital. It should be seen as a crucial part because it helps in getting evidence and rehabilitation for the trafficked victims." Although some bureaucrats may be aware of the importance of being sensitive to the victims' needs, they do not have adequate influence to make significant changes in the treatment of victims.

6.4.2 Lack of knowledge

Lack of knowledge impedes the effectiveness of human trafficking policy implementation. Many of the interviewees recognised that this led to the setback of the implementation process. As one policy administrator (PA1) commented: "I received no formal training in the beginning. All officers involved including judiciary received minimal training if any to handle the problem of human trafficking." An enforcement officer (EO5) revealed that not all investigation officers know about human trafficking. This was exemplified in cases where magistrates and enforcement officers who were less familiar with the subject of human trafficking had caused delay in the investigation and prosecution process that brought about the problem of overcrowded shelter homes.

NGOs and trafficked victims also highlighted the bureaucrats' lack of knowledge. The NGO representative (NG4) emphasised: "There are new forms of human trafficking. Those who are involved with human trafficking need to understand the various forms of trafficking." This is acknowledged by the trafficked victims as they shared their experience with the bureaucrats at the shelter home (FG1): "There was a staff member. She was angry with us because we were laughing. We felt stressed."

The bureaucrats admitted that acquiring the right knowledge requires time and effort. The pace for improvement, however, proves to be slower than desired. One policy administrator (PA1) pointed out: "The implementation process is getting better,

but it is slow." Majority of the government bureaucrats including the NGOs viewed the implementation of human trafficking policy was improving albeit slower than expected: "It is a work in progress…Learning process takes time." (NG6) An NGO representative concurred:

> Enforcement needs to master the skills to handle human trafficking cases. However, the process of learning for the enforcement officers is rather slow. It takes time for the officers to learn and train others. Such weaknesses could be due to the infancy of the Act. (NG2)

6.4.3 Budget constraint

One of the important challenges is the overcrowded shelter homes. Two shelter homes for trafficked women and one shelter home for trafficked men in Peninsular Malaysia are inadequate as they tend to operate beyond their capacity due to a large number of victims. According to a care provider (CP1), the shelter home often operated more than its maximum capacity because of the direction from top management that allows enforcement agencies to place the victims at the shelter home. The testimony of the government officers demonstrates the financial constraint faced by the implementers:

> The shelter home operates under limited budgeting. Due to limited space, a tent was set up outside the house to place the victims' belongings. The tent has termites, but there is no funding to exterminate the termites. (CP1)

> We ask the victims (men) to shave their beard, but we are out of new razors. The victims wanted a new one. Where would we find it? I don't think we should use our own money. (CP3)

> Ad-hoc operations for human trafficking were not budgeted. (EO6)

The interviewed participants concurred that budget is a constraint in pushing the human trafficking agenda forward. Trafficked victims have to bear the consequence of limited resources for the shelter home. They lamented: "Facilities were inadequate. For instance, there was not enough drying line for us to dry our clothes." (FG1) and "A tube of toothpaste to be shared by 11 people for a week was not enough for everyone." (FG3) This problem is evident based on field observations particularly when the shelter home

faced the problem of overcrowding. The NGOs also recognise the limitation in the implementation process as one NGO representative commented (NG1): "There are constraints of manpower and budget in addressing the problem of human trafficking. The fight against the crime has to be a gradual movement in order to make it truly effective." According to an enforcement officer, travelling from where the case was investigated to the shelter home "increases the operational cost and takes up more time". The logistic cost is high as a result of limited shelter homes in the country.

6.4.4   Different policy interpretation

Policy interpretation is not necessarily consistent among various actors. For instance, a deputy public prosecutor in the Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants highlighted the fact that judges might have different interpretation of the 2007 Act. This had led to court's decision to dismiss the case and to acquit the perpetrators. In the case of selling babies, an enforcement officer at the Awareness Campaign Seminar recalled how a deputy public prosecutor had lost the case because the judge could not give his sentencing. The judges had their own interpretation regarding exploitation in the case of selling babies. They were of the view that bringing up the abandoned babies was for a good cause. To avoid diverse interpretations of the 2007 Act, a meeting between the judiciary and the legislative sectors would be convened to discuss the interpretation in details. This shows how policy intent can be interpreted differently by the implementers.

Likewise, a labour officer at the Awareness Campaign Seminar related his experience when the prosecution lost two cases on forced labour. He attributed the loss to the judge's opinion that employers should not be imprisoned. The judge's argument was that if the employer went to prison, other workers would become jobless. The variation in defining the 2007 Act leads to uncertainty in the policy implementation. This entails low morale as the enforcement officers become dejected when they lose the

case in court. The labour officer informed that the enforcement officers put tremendous effort in investigating a human trafficking case: "…two nights of stakeout before taking action."

6.4.5   Weak coordination

Although MAPO has been established to coordinate all efforts in the fight against human trafficking, it faces a daunting task as each bureaucratic agency has its own agenda. Each agency tends to carry out its own mandate and this hinders the effort of an inclusive approach in fighting human trafficking.   Implementation typically becomes more challenging as the number of agencies increases due to more people involve in getting consensus. Despite recognising the importance of coordination, the reality of the relationship among various stakeholders proves to be a challenge. One policy administrator viewed the task as a crucial problem throughout the implementation process:

> The implementation of human trafficking policy in Malaysia tended to be based on a non-inclusive approach in which each agency would take individual action according to its own agenda without involving others. There were also territorial issues among the agencies whereby they were very protective about the subjects that were under their control. (PA2)

In the inter-governmental setting, the coordination may not come easy. It is even more difficult to promote coordination with other stakeholders.   Instead of focusing only on MAPO to initiate coordination effort, a policy administrator (PA2) in his interview urged all government agencies to incorporate NGOs in fighting human trafficking: "Every agency should work for greater cooperation with the NGOs." The NGOs viewed MAPO needs to be strengthened so that it can provide clear guidance to be followed by other relevant agencies. They voiced their criticisms of the way coordination was construed, particularly on "the need to get people on the ground involved". An NGO representative (NG5) admitted that she preferred to work directly with relevant government agencies "because things get done faster". She regarded

MAPO, a coordinating agency on human trafficking was to be "just collecting report".

One NGO representative expressed her concern:

> Coordination is not efficient. How many people down the line get to know the top decision? The policy decision must be translated to the ground. Top people must come down and go to the grassroots…The problem of human trafficking should be handled together. Each organisation needs to partner in different forms and to effectively play its roles at the same time. (NG4)

Due to lack of coordination, the trafficked victims expressed their dissatisfaction over the treatment they received at the shelter home. They were privy to little information about their duration of stay at the shelter home. One trafficked victim raised the issue of transparency (FG2): "We should have been informed at the beginning the exact length of our stay rather than keeping on waiting to leave the shelter home, but the day never came according to what the enforcement agencies had informed us."

6.4.6 Lack of ownership

Lack of ownership hinders serious commitment from the bureaucrats in carrying out their duties. The respondents concurred that the bureaucrats involved in implementing the human trafficking policy view it as an extra workload that needs to be carried out. The policy administrators interviewed acknowledged the problem:

> Each committee and every agency involved in human trafficking is selfish. They did not really feel the issue of human trafficking falls under their responsibilities. (PA2)

> In implementing human trafficking policy, there had been many instances of passing the buck. Relevant agencies were reluctant to take the responsibility in handling human trafficking cases…The implementing officers such as prosecutor, enforcement officer and protection officer tended to view human trafficking as another job to be done to their routine duties. (PA1)

> Implementing human trafficking policy was regarded as just extra job. Officials involved did not provide much attention to the policy implementation. (PA1)

With such bureaucratic attitudes, the policy may lose its intent in the implementation stage. The bureaucrats may have no motivation in implementing the human trafficking policy as they perceive it to be a burden and not as a critical part of

their work. The NGOs reported cases of "loss of files" by the bureaucrats when no actions were taken against human trafficking. One NGO representative (NG4) pointed out: "Not enough investigation is being made to tackle the problem of human trafficking in Malaysia. The effort to fight against human trafficking is missing passion and commitment."

The bureaucrats' lack of ownership negatively influenced the implementation of human trafficking policy. From the trafficked victims' point of view (FG1), the implementation process took a long time that hindered them from going home without delay: "We wanted to be able to go home as soon as possible. The investigation and prosecution process takes so long." One trafficked victim (FG2) even said that "I did not want to wait for the government to pay the ticket. My family would be willing to pay for the airfare."

6.4.7 Strong hierarchical influence

All of the administrative structures that implement human trafficking policy in Malaysia have a hierarchical structuring of personnel and authority. Based on interviews and observations, the top in the hierarchy is responsible for making decisions that are binding for all members in the organisations. A clear chain of command plays an important role for the bureaucrats to carry out their duties as instructed. This is reflected in an enforcement officer's interview:

> To handle human trafficking cases, it should involve those at higher positions…We must make sure to do it the right way. It is a command issue…People do not see the huge responsibility involved in handling human trafficking cases. (EO4)

The bureaucrats highlighted the significance of hierarchical influence in implementing human trafficking policy. A care provider (CP1) noted: "Matters have been raised to the Department, but we cannot break through the bureaucracy. We just have to follow orders." An enforcement officer commented:

It is important to have command and control post in the organisation to coordinate initiatives regarding human trafficking. Some of the directors are not happy to take on the extra task of handling human trafficking. They may negatively influence others. Because of that, desk officer and investigation officer (in charge of human trafficking) that are currently in junior level grade should be upgraded to higher position. This is to enable them to give direction for others to follow. (EO4)

An NGO representative (NG6) confirmed that the government officers especially the junior ranks were reluctant to speak out in meetings. The situation was made worse by the top level's lack of involvement at the operational level. A care provider (CP1) complained: "Nobody from the headquarters came to see the operation at the grassroots. They should be familiar with the operations involved in managing the shelter home such as the process of sending victims back home."

The top management is expected to make all the decisions, strategically and operationally. Although operational decisions require input from the frontline personnel, they might not have the opportunity to raise their concern regarding the implementation of the policy since there was no venue for them to do so. The frontline personnel who dealt directly with human trafficking cases were rarely involved in meetings involving top management. Consequently, the top management required SOP as a form of control. The SOP was supposed to incorporate all the feedback from the operational officers as well as the NGOs in order to improve the services provided particularly for the trafficked victims.

In a formal meeting of one of the committees under MAPO attended by the researcher, Deputy Secretary General of a relevant ministry who chaired the meeting gave his order and expected it to be executed by the relevant agencies. It was mentioned in the meeting how promises were made by the members to take immediate actions but without actual delivery. Hence, the Chairperson representing the top management stressed the importance of follow-up actions to ensure actual delivery of service. In a hierarchical bureaucracy, the best way of getting immediate actions is to bring the issue

to the top management's attention as demonstrated in the meeting. The top management of the committee under MAPO indicated the importance of highlighting the matter directly to the Chair of MAPO in order "to get the actions done as soon as possible".

As an example of the top management's influence, the shelter home for male trafficked victims was set up based on the direction from the Secretary General of Ministry of Home Affairs. The shelter home was not originally in the development plan of the ministry. It was an ad-hoc project to cater for the male trafficked victims involving mainly labour trafficking cases. According to the government bureaucrats who attended the training session for care providers, "the top management's order was to make it work". To operationalise the men shelter home, the care providers received their official letters to start duty on 12 August 2010 and the place of refuge was officially operationalised on 15 August 2010. They were informed only three days before starting their duty as the protection officers at the shelter home. This is such a big change for them considering they were prison officers who were in charge of offenders instead of victims.

6.4.8 Lack of discretionary power

Despite the implementation constraints, the bureaucrats claimed that they followed SOP in carrying out their duties. This is because strict disciplinary action will be taken for those who fail to do so. The government bureaucrats expressed the importance of abiding by the rules:

> Discretion is not allowed. The agency uses the SOPs from MAPO for enforcement agencies. It is very structured. (EO6)

> No discretion for the officers. Their actions are based on procedures. (EO5)

The implementation of human trafficking policy in Malaysia leaves no room for discretion as the bureaucrats will try their best to follow provided guidelines or face

negative consequence. However, the rigidity may hinder the bureaucrats from tackling the issue of human trafficking holistically as they tend to address the matter only by using prescribed standardised methods. The trafficked victims as the service beneficiaries bear the direct consequence of the rigidity of the bureaucrats:

> We have to follow strict rules. Even when we wanted to watch television, we had to get the permission from the staff member. (FG1)

> There used to be a karaoke DVD player at the shelter home as a stress reliever. The player was installed at the living room before, but it was taken away for no reason. (FG1)

Although discretion may be seen as the source for potential abuse of authority by the bureaucrats, the flexibility and discretion of the bureaucrats has been positively acknowledged (Lipsky, 1980; Goodsell, 1981; Meier, 1993; Kerwin 1994). Nevertheless, the bureaucrats made sure that they received approval from the top management before practising any discretion in managing their work: "We get the blessing from the Director General." (E03) This, however, maybe a challenge for the government bureaucrats as pointed out by the NGO representatives:

> Since the officers at the lower level do not have a real understanding of human trafficking, they do not know how to use their discretion in identifying victims of human trafficking. (NG6)

> Government officers may not have enough knowledge to use discretion for more positive impact. (NG3)

In regard to the legal perspective, a legal officer (LO1) in his interview regarded that "discretion needs to be used wisely". According to the legal officer, the government bureaucrats must follow SOPs on enforcement, prosecution and protection. The SOPs are continuously being enhanced based on needs. A protection officer in her interview also agreed that government bureaucrats tended to follow the rules:

> We followed SOP as much as possible despite time constraints and lack of resources. If not, we will be facing with disciplinary action. However, there may be exceptional cases. For example, when we need to send victims to the hospital for emergency cases, we cannot just wait for police escort. We use other ways of transportation. (PO1)

While some discretionary power is necessary because each case may differ and require specific treatment, too much discretion can lead to abuses. The enforcement officer at the Awareness Campaign Seminar on Human Trafficking and Smuggling of Migrants admitted of corruption cases involving immigration officers. Eight immigration officers were detained under the Internal Security Act 1960 on suspicion of human trafficking in October 2010 at KLIA and Low Cost Carrier Terminal (LCCT) (Koshy, 2011). They, however, have been released after admitting their involvement, showing remorse and cooperating in investigations.

6.4.9 Detrimental bureaucrats' well-being

The bureaucrats dealing with human trafficking experienced detrimental effects such as worker burnout, low employee morale and occupational safety. Similar to the findings by IOM in 2011, the care providers at the shelter home admitted that they suffered from stressful working conditions:

> Even though the job may seem like a routine job, it is very stressful for the officer to handle various types of victims. It may seem easy, but it leads to physical and mental stress for the staff members. Thus, the staff members should be able to transfer to a different place after serving at the shelter home for a period of time. (CP1)

> Discipline among the victims is very bad…they fight with each other. It is difficult to discipline them… They thought those who work here work for them…very rude. Like we work under them, like they are the one who pay our salary…They assume they can ask for anything here (shelter home) and it will be given to them. (CP3)

Some frontline personnel felt trapped in the bureaucratic system. Because of conflicting priorities, the care providers found the work of handling the victims to be stressful: "We cannot scold them, but at the same time cannot be too nice to them." (CP2). The care providers had to deal with the victims' traumatic experience while trying to maintain order at the shelter home. On the one hand, they are answerable to the top management while at the same time they are responsible for the victims' well-being. To address the different needs, a protection officer (PO1) emphasised the

importance of social welfare knowledge: "We are dealing with human issues. Because of that, every officer on the ground must have the knowledge to deal with human issues."

Managing trafficked victims was stressful particularly in cases involving drug abuse, pregnancy and suicidal attempt. Although the frontline personnel referred to SOPs and rules of the shelter home, certain cases were peculiar to specific circumstances that were not prescribed by any of the existing documents. No guideline was provided in the SOPs or rules for cases such as suicide-prone victims, drug-influenced victims or victims suffering from mental illness.

Trafficked victims are at risk of acquiring various communicable and non-communicable diseases as well as of poor health conditions (Gulshulak & MacPherson, 2000). This is especially important in relation to sexual and reproductive health (Decker, Oram, Gupta & Silverman, 2009). As a result, the government bureaucrats are vulnerable to communicable diseases when dealing with trafficked victims. Despite the known risk, no vaccination is provided to the frontline personnel such as for Hepatitis. In fact, the frontline personnel had to handle HIV/AIDS trafficked victims without any medical protection.

Besides health concern, the government bureaucrats are also exposed to safety risk in implementing the policy. For instance, a labour officer at the Awareness Campaign Seminar reported that they sometimes received threats when handling human trafficking cases. Previously, labour officers only handled civil cases and not criminal cases. Unlike other enforcement officers, labour officers took the risk of conducting raids related to human trafficking without having proper uniform and weapon. Some employers owned a gun permit and they could shoot anybody without uniform found to be in their premise. Hence, the Labour Department had made a request for custom-

made uniform so that the labour officers could be identified as enforcement officers who were on official duty.

6.5   Conclusion

These findings contribute to the knowledge expansion regarding human trafficking policy implementation in Malaysia. Most importantly, the findings provide new insights for the government bureaucrats regardless of their positions in the organisation, higher or lower echelons of the bureaucracy. Besides government bureaucrats, other stakeholders including the NGOs are able to reflect on the implementation challenges in translating the intent of the 2007 Act and the National Action Plan into practice. The findings bring into focus eclectic factors that lead towards the implementation gaps. The revelation of the human trafficking situation, the existing policy and the implementation process prompts the need to critically address the challenges in order to achieve the primary goal of curbing the crime. Insight into the human trafficking policy implementation serves as catalyst for better understanding of the intricate subject. The findings provide for further insights into how the implementation process influences the actual service delivery. Table 6.2 presents the summary of the findings depicting the implementation gaps in human trafficking policy in Malaysia. The implementation gaps highlight the policy intent and the actual implementation based on the research findings. The research findings are categorised into thematic findings that will be discussed further in Chapter 7.

Table 6.2: Implementation Gaps in Human Trafficking Policy Implementation in Malaysia

Policy Intent	Actual Implementation	Thematic Findings
Improved anti-trafficking responses	- Different policy interpretation - Limited collaboration with other stakeholders - Lack of integration of other stakeholders' inputs - Insufficient preparation to adopt the legal amendments	❖ Incomprehensive coordination ❖ Incompatible resources
Integrated actions among enforcement agencies	- Focus only on enforcement agencies and not on the critical holistic integration - Lack of synchronisation with other agencies	❖ Criminal approach ❖ Incomprehensive coordination
Increased public awareness	- Lack of men's participation in awareness raising programmes - Inadequate labour migration management - Lack of private sector involvement as employers	❖ Incomprehensive coordination
Protection and rehabilitation services provision	- Lack of sensitivity - Lack of knowledge - Budget constraint - Resemblance of shelter homes to detention centres - Limited freedom for victims - No legal rights for victims - Over-crowded facilities - Victim's lack of cooperation	❖ Incompatible resources ❖ Criminal approach ❖ Incomprehensive coordination

Table 6.2, continued

Actions against labour trafficking	• No specific action to strategically address labour trafficking • Need a paradigm shift from handling quasi-criminal case to pure criminal case	❖ Paradigm shift imperative
Integrated capacity building	• Limited training programmes • Uncoordinated training content	❖ Incomprehensive coordination
Development of information management system	• Misinformed bureaucrats • Underreported local victims • No formal feedback from frontline personnel, victims and NGOs • No integrated information management system • Limited dissemination of information	❖ Critical information flows
Establishment of smart partnership	• Weak coordination among government agencies • Selective in working with NGOs • Lack of cooperation from foreign embassies • Limited involvement with international organisations • Minimal interaction with international counterparts	❖ Incomprehensive coordination
Evaluation based approach	• Lack of ownership • Strong hierarchical influence • Lack of discretionary power • Enforcement efforts follow instruction from the top • Influence by international pressure • Detrimental government bureaucrats' well-being • Lack clear quantifiable measures	❖ Hierarchical control ❖ Low discretion

CHAPTER VII

DISCUSSION AND RECOMMENDATIONS

7.1   Introduction

This chapter reveals emerging themes derive from the research findings against the backdrop of the theoretical underpinnings. The emerging themes lead to policy implications that convey the impact of the implementation process. Hence, this chapter also provides recommendations to enhance human trafficking policy implementation in Malaysia. Future research is also suggested to further enrich the knowledge and contribute towards the growth of the evidence-based research on human trafficking particularly on policy implementation.

7.2   Emerging themes

Based on data analysis through the process of coding the interview transcripts and field note entries, several themes emerge from the research findings.   The themes were identified according to the meanings given by the study participants related to the implementation process of translating the policy into actual implementation.   They correspond to the literature review and theoretical underpinnings that link to the conceptual framework.   The thematic findings presented below are derived from primary data interpretation discussed in Chapter Six. Hence, Figure 7.1 provides the revised conceptual framework drawn from the empirical evidence. It illustrates the factors involved in influencing human trafficking policy implementation in Malaysia.

```
+-------------------------------------------------------------------------+
|                   HUMAN TRAFFICKING IN MALAYSIA                          |
|                                                                         |
|                          +---------------+                              |
|                          |    POLICY     |                              |
|                          |    INTENT     |                              |
|                          +---------------+                              |
|  +----------------+               |                                     |
|  | Incomprehensive|               v                                     |
|  |  Coordination  |       +---------------+      +----------------+      |
|  +----------------+       | BUREAUCRATIC  |      |   Hierarchical |      |
|                           | IMPLEMENTERS  |      |     Control    |      |
|  +----------------+       +---------------+      +----------------+      |
|  |  Incompatible  |               |                                     |
|  |   Resources    |               v              +----------------+      |
|  +----------------+       +---------------+       |      Low       |      |
|                          | IMPLEMENTATION |       |   Discretion   |      |
|  +----------------+      |    PROCESS     |       +----------------+      |
|  |    Criminal    |      +---------------+                               |
|  |    Approach    |               |              +----------------+      |
|  +----------------+               v              | Paradigm Shift |      |
|                          +---------------+       |   Imperative   |      |
|  +----------------+      |    ACTUAL     |        +----------------+      |
|  |    Critical    |      | IMPLEMENTATION|                               |
|  |Information Flows|     +---------------+                               |
|  +----------------+                                                     |
+-------------------------------------------------------------------------+
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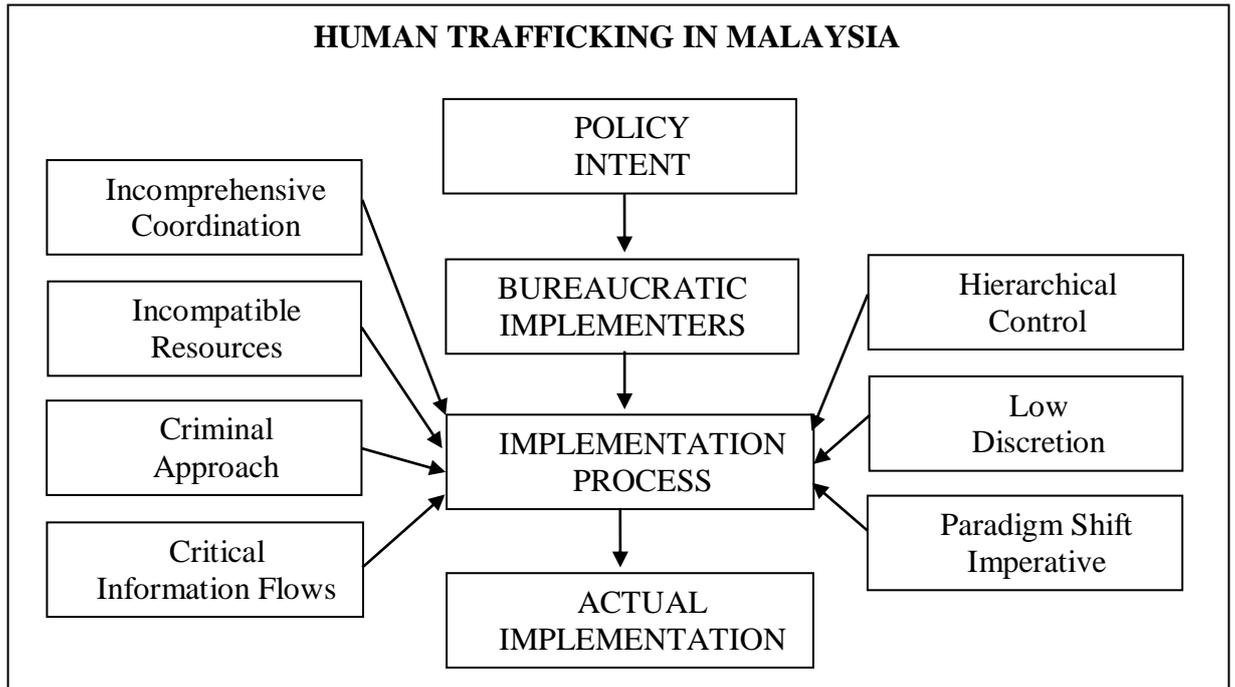
Figure 7.1: Conceptual Framework of the Policy Implementation Process

Based on Empirical Research

7.2.1   Incomprehensive coordination

The findings reveal coordination as one of the main challenges of human trafficking policy implementation in Malaysia.   Coordination is crucial to address the crime due to its complex nature: transnational forms, cross-sectoral and multiple layers of bureaucratic actors.   MAPO is the main coordinating body under the Ministry of Home Affairs that practices formal methods of communication through scheduled meetings, written policies and formal rules.   The chair of MAPO is the Secretary General of Ministry of Home Affairs and members of MAPO include representatives from various government agencies and NGOs.   The administrative coordination of formal communication methods (Alter & Hage, 1993) proves to be inadequate for the operational level of the human trafficking policy implementation.   This is supported by Brinkerhoff (1996) that formal structures negatively affect coordination of highly complex and interdependent situation.

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Human trafficking policy implementation is a complex task with interdependent variables such as prevention, enforcement, prosecution and protection. This situation may create a bureaucratic problem involving a multiplicity of actors under MAPO. The formal mechanisms enforced by a central unit such as MAPO leads to coordination threats as described by Brinkerhoff (1996) as challenge to autonomy, lack of task consensus and conflict between vertical and horizontal linkages. With the need to integrate information and tasks across functional areas and hierarchical levels, coordination is difficult to achieve in the public sector (Alter & Hage, 1993). The small committees under MAPO were perceived to be more efficient in managing human trafficking cases. This supports Brinkerhoff's findings (1996) that implementation coordination requires significant interactions among network actors instead of formal control mechanisms in order to promote performance and problem-solving capacities. These might take the form of formal procedures being combined with informal mechanisms (Brinkerhoff 1996).

MAPO has established linkages with various actors in its systemic network: inter-governmental agencies, non-governmental organisations, international organisations and various countries. However, the coordination with government agencies is limited only to those that are perceived to be relevant to human trafficking issues. There is lack of recognition to integrate all government agencies in the fight against human trafficking. Every government agency should be involved from federal to state and even local authorities. The coordination must not be confined to only those who are appointed as MAPO members. Effective links with a wide range of various actors are required if human trafficking policy implementation is going to be comprehensive. Farrell, McDevitt and Fahy (2008) demonstrate that task forces involving joint action are more successful in investigating human trafficking cases compared to non-task force agencies.

Although Malaysia acknowledges the importance of collaborating with NGOs, MAPO only works with selected NGOs. This may create more suspicion among those that are not included in the smart partnership approach. The selectiveness indicates lack of trust in the human trafficking policy implementation network. Based on an empirical research on inter-organisational relationship, increased cooperation highly depends on the level of trust (Smith et al., 1995). Despite having the same goal of fighting human trafficking, MAPO fails to incorporate all the stakeholders due to low level of mutual trust. Such incomprehensive coordination affects the effectiveness of the human trafficking policy implementation given that implementation relies on joint efforts (Lundin, 2007).

Most of the government bureaucrats in Malaysia work in silo without having any international cooperation initiative in dealing with human trafficking. PDRM, however, has its own network in dealing with human trafficking. For instance, Association of Southeast Asian Nations (ASEAN) Chiefs of Police (ASEANAPOL) annual conference creates a platform for the ASEAN police to discuss the issue of human trafficking. PDRM also works with Indonesia under a special team called *Tim Perancang Operasi Kepolisan* (Police Operation Planning Team) (TPOK) to discuss human trafficking issues such as repatriation. It is a part of information sharing effort between the two countries. In the Criminal Investigation Department (CID) Liaison meeting that is held twice a year with Singapore, PDRM will discuss any types of crime including human trafficking. PDRM also works with Thailand under the Border Committee. PDRM is a member of a tripartite meeting involving Malaysia, Brunei and Indonesia.

In light of human trafficking involves a cross-border activity, international cooperation is vital to effectively curb the crime. Some agencies established international cooperation with their counterparts as in the case of the legal technical

working group. The technical working group with Australia focuses on three main scopes of cooperation:

(i)   harmonising the law on people smuggling and proceeds of crime laws;

(ii)   the legal framework on international cooperation; and

(iii)   maximising opportunities for the successful prosecution of people smuggling and related activity.

Malaysia has limited international coordination with other countries particularly source countries. Through MAPO and certain government agencies such as AGC and PDRM, Malaysia establishes working relationship with selected countries such as Australia and United States of America. No coordination effort has been made with source countries except for MOUs with China on combating transnational crime. Malaysia is in the process of finalising bilateral agreement with Bangladesh, Cambodia and Thailand to ensure proper management of foreign workers (Bernama, 2012). Given that human trafficking is a transnational crime, greater efforts must be made to promote international coordination. Besides government to government agreement, Malaysia lacks involvement with international organisations. Malaysia only works closely with IOM and UNHCR as international organisational partners. Coordination with more international organisations helps to promote performance and problem-solving capacities of the network by learning from others' experiences in handling human trafficking situation.

Despite promoting an integrated approach in addressing human trafficking, Malaysia is still lacking in the coordination effort. Many interviewed participants realised the need for enhanced cooperation between government agencies. Sharing of information should be the start for a greater trust in the intergovernmental setting. Not only that, the government bureaucrats in their interviews highlighted the need for more engagement with NGOs and foreign embassies. The NGOs' assistance is important to

raise awareness at the grassroots and to help with the management of trafficked victims including providing information regarding human trafficking cases. Cooperation with foreign embassies is significant taken into consideration that the majority of trafficked victims are foreign nationals. Besides that, foreign embassies such as American embassy and Australian embassy provided human trafficking training for Malaysian government bureaucrats through a series of workshop.

Interviews of bureaucrats revealed issues beyond inter-stakeholder coordination. Internal coordination among MAPO members was also felt to be lacking. Protection officers and care providers lamented that they were not getting the needed information from the enforcement officers. For instance, when trafficked victims asked about the status of their case, the protection officers and the care providers were not able to provide the information. This was because they were not being informed by the enforcement officers. No proper coordination existed among the involved parties: enforcement and protection officers as well as trafficked victims. Coordination, however, was good among the MAPO members that were involved with enforcement that could be due to their similar line of work. Although MAPO members share mutual trust, their different priorities such as enforcement instead of protection affects the level of coordination. The general perception from the bureaucrats was therefore of a lack of cohesiveness among MAPO members given the divergent priorities of the institutions they represented. Divergent priorities likely stemmed from the following contrasting perspectives: local and international; internal and external; and public and civil society.

7.2.2 Incompatible resources

The issue of resource compatibility also loomed large among responses from bureaucrats and NGO representatives. The findings indicate that limited bureaucratic capacity in terms of expertise and financial resources hinders an effective implementation process. Mobilisation of sufficient resources and appropriate actions

defines the implementation process that shapes the policy implications. This is consistent with the findings of Logan, Walker and Hunt (2009) that one of the frequently mentioned barriers to human trafficking policy implementation in the United States is the problem of inadequate resources, funding and staffing. Malaysia is no different as the country faces similar problem of incompatible resources allocated to address human trafficking.

Given that the 2007 Act was implemented in 2008, many of the bureaucrats have not gained the required expertise to handle human trafficking cases. All of the bureaucrats that were interviewed admitted their lack of expertise in carrying out their duties regarding human trafficking. They were assigned to handle human trafficking without having the necessary knowledge of how to implement human trafficking policy effectively. Despite recognising the limitations faced by the government bureaucrats in handling human trafficking as "teething problem", the NGOs perceived the need for the learning process to be expedited so that the government bureaucrats could master the needed skills promptly. The bureaucrats' lack of competency may hinder the investigation process. Both the bureaucrats and the NGO representatives in their interviews agreed that Malaysia experienced manpower and budget constraints in the fight against human trafficking.

Many of the bureaucrats shared the NGO representatives' concern that the task of handling human trafficking was assigned to them without adequate resources. An observation conducted during visits to the shelter homes confirmed their views. Only care providers and security guards were available at the premise. No councillors or medical officers were stationed at the shelter home to cater to the needs of the trafficked victims some of whom were physically or emotionally traumatized.

Arguably more damaging was the bureaucrats' tendency to perceive human trafficking to be a burden to their existing workload. This attitude invariably leads to

lack of focus and commitment to deal with this important work. Such deficiency in the human trafficking policy implementation will eventually impede the comprehensiveness of the service delivery that requires availability of expertise and adequate resources to meet the diversified needs (Alter & Hage, 1993). To ensure the government's response is effective, many government bureaucrats strongly believed that a dedicated unit should be set up in each agency to effectively oversee the implementation of human trafficking policy. They perceived a dedicated unit would enable the bureaucrats to focus on the issue of human trafficking.

Budget constraints affect various aspects of human trafficking policy implementation. In the interviews, the bureaucrats and the NGO representatives raised the issue of overcrowded facilities at the shelter homes. The limited number of shelter homes creates logistic problem when human trafficking cases occur in other parts of the country. The trafficked victims had to be transported to the shelter home and brought to the court of where the crime took place. This is costly depending on the distance, the number of victims and the frequency of the need to travel to court.

Incompatible resources for human trafficking policy implementation in Malaysia encompass the common conditions that should promote street-level bureaucracy as described by Lipsky (1980). However, street-level bureaucracy fails to dominate the human trafficking policy implementation in Malaysia despite the incompatible resources. Notwithstanding the constraints in managing their work, the bureaucrats tend to comply according to the specified rules. They continue to follow orders without trying to cater to the different needs of trafficked victims as well as the changing situation of human trafficking. This could be due to the limitations in their knowledge and ability that leads to a strong reliance on existing rules.

7.2.3 Critical information flows

The enforcement bureaucrats acknowledged that most of the trafficked victims involved foreign nationals. This is supported by the official statistics of the trafficked victims at the government shelter homes that indicates 96.0 per cent of the victims were foreigners (Ministry of Home Affairs, 2012). The influx of migrants into Malaysia contributes to the high incidence of foreign nationals involved in human trafficking activities. As evident in many studies on human trafficking (Chuang, 2006; Hanley et al., 2006; Mahmoud & Tresbech, 2010; Reid, 2012), Malaysia exhibits similar findings of the significance of labour migration in the propagation of human trafficking. Labour migration has been identified as a major contribution in many areas of human trafficking research such as economic framework (Mahmoud & Tresbech, 2010) and legal study (Chuang, 2006).

Despite the acknowledgement of the important role of migration, this study critically highlights the fact that Malaysians are also vulnerable of being trafficked either domestically or abroad. All the NGO representatives in the study mentioned the prevalence of human trafficking among locals. While the NGOs urged the government to acknowledge the problem of human trafficking among local victims, the enforcement bureaucrats insisted that Malaysia's strategic location due to its loose border control induces human trafficking activities involving foreign migrants. Loose border control refers to wide area of coverage such as the coastal area of Peninsular Malaysia as well as Sabah and Sarawak. On the other hand, majority of the trafficked victims interviewed at the government shelter homes admitted that they entered Malaysia with legal documentation such as work permit, student visa and social visit pass. However, they tended to misuse their legal entry due to deception by the recruiting agency or the employers. Although Immigration front line personnel conduct screening for foreigners coming into the country, many of them were able to gain entry as bona fide visitors

using their legal documentation. Hence, the problem of human trafficking may not only lie with the loose border control but the employment practice for foreign workers in Malaysia.

The study indicates that many of the trafficked victims in Malaysia had legal entry as opposed to various studies that show trafficked victims usually involve undocumented migrants (Mahmoud & Tresbech, 2010; Hanley et al., 2006). Not only did they have legal entry, the victims were involved in legalised work as demonstrated by majority of the trafficked victims at the time of the interviews. Their trafficking cases were mostly related to the management of foreign workers that is indicative of human trafficking: withholding salary, passport confiscation and limited freedom of movement. However, it is important to note that the absence of illegal migrants in the study as identified trafficked victims may be due to the clandestine nature of the human trafficking activity and not because they are not vulnerable to being trafficked. Mahmoud and Tresbech (2010) reveal that illegal migration increases the risk of being trafficked. The undocumented migrants can face severe isolation due to their illegal status that they remain under the radar of the enforcement officers.

The government bureaucrats operate under misleading information that may affect the action and decision taken in translating the policy. Lack of attention on local victims may result in more Malaysians are being trafficked internally or abroad. On the other hand, having legal entry for foreign trafficked victims indicates that cross-border management must be more stringent in identifying bona fide visitors. This may require fluid information flow with the border countries.

Due to its complexity and intricate linkages, human trafficking policy implementation critically requires information feedback. Alter and Hage (1993) recognise that information feedback becomes more crucial as complexity increases. Complex and intricate work environment indicate that the tasks required to deal with the

situation cannot be specified ahead of time. Hence, it cannot be controlled by simple rules of coordination. This is especially vital in the case of human trafficking whereby the problem holds different dimensions involving numerous actors with multiple objectives and issues. Critical information flows are essential to connect significant linkages involving multiple layers of bureaucracy, numerous agencies and different sectors in order to achieve performance objectives.

7.2.4 Criminal approach

Similar to Willman's (2009) findings that many countries adopt crime control approach, Malaysia exhibits its main approach to human trafficking is enforcement focused rather than protection of victims' rights. The humanitarian approach is lost when trafficked victims are considered important only in providing evidence for criminal prosecution purposes. Hence, a place of protection is merely considered as a place to put the trafficked victim while the investigation is made. This may go against the United Nations Recommended Principles and Guidelines in Human Rights and Human Trafficking that stresses victims' protection should take precedence over combating organised crime (United Nations Economic and Social Council, 2002).

Given that Malaysia lacks human rights awareness in handling trafficked victims as claimed by the NGOs, the government bureaucrats realised the need for victim-centred approach rather than investigation-centred. To increase sensitivity in dealing with the trafficked victims, relevant bureaucrats should be well-equipped in dealing with social welfare issues. The bureaucrats, however, acknowledged the challenge of balancing between providing victims' security and protecting victims' rights.

Malaysia has chosen to partially comply with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons with three critical approaches widely known as 3Ps: prevention, protection and prosecution (United Nations, 2000) by focusing only on prosecution through enforcement efforts. This deviates from Cho and

Vadlamannati's findings (2012) that show countries tend to comply with the Protocol by strategically emphasising prevention compared to two other approaches because of the lower cost of compliance. As part of its criminal approach in fighting the crime, the Malaysian government was willing to provide new budget allocation to deal with human trafficking and specifically adopted new legislation to combat human trafficking.

Prosecution alone, however, is not enough to combat human trafficking. Protection of victims and prevention efforts must be given its due attention. Better treatment of victims will encourage more people coming forward to testify against human trafficking. Trafficked victims are afraid that they will be kept in the shelter home without any freedom to move around. This prevents the suspected victims from acknowledging themselves as victims of trafficking. They are afraid to testify against the suspected perpetrators because they do not want to be categorised as trafficked victims who are required to be placed at the shelter home without being able to earn any income.

Interviews with the bureaucrats revealed that getting cooperation from trafficked victims is difficult because these victims feared retribution from the traffickers against them or their kin. Other reasons cited was that the trafficked victims did not want to cooperate once they learned that they had to stay at the shelter home for at least three months. Because of that, many trafficked victims chose not to provide any information to the enforcement officer. In such cases, the NGOs were summoned to help the bureaucrats in getting the information from trafficked victims. Given that trafficked victims were in a mental state of fear and mistrust of the government, the bureaucrats dealing with these victims should be trained to manage the victims in order to gain their trust.

The trafficked victims voiced their frustration over the ineffective and inefficient handling of the human trafficking situation by the Malaysian government. They had

lack of trust for the bureaucrats who handled their cases. Given no information during their confinement at the home, they never thought that the legal process took so long. They cannot work to earn money to be sent back to their family. The bureaucratic process takes a long time - sometimes even more than two years - before the victims are free to leave the shelter home.

Despite efforts by the government to make the shelter homes user-friendly such as by providing television, recreational activities and skills upgrading, they were still regarded by those in these homes as a place of confinement. This was undoubtedly because the trafficked victims had limited freedom: they could not go out of the premises; they were unable to earn real income; and they had restricted visitation rights. Due to the scarcity of the shelter homes, the trafficked victims had to suffer overcrowded facilities provided by the government. Not only they are few in number, the shelter homes also need to upgrade their facilities to be more user-friendly. It is little wonder that shelter homes are perceived to be just like another detention centre despite the government's efforts to make them more accommodating to the needs of the trafficked victims.

Beginning in 2012, Malaysia became more sensitive to the need of the foreign trafficked victims who initially came into the country to earn higher income than they were able to at home. Consequently, the victims were allowed to work up to three years depending on a case-by-case basis. Previously, the trafficked victims were repatriated as soon as they provided the recording of evidence to the court. This change in policy significantly provides the victims a chance to earn their loss of income after being trafficked and confined to the shelter home.

7.2.5 Hierarchical control

The government bureaucrats in implementing human trafficking policy are understandably hierarchically organised and controlled. This essentially entails

domination from the top management. The formal prescription from the top, however, is a challenge because the top management has to rely on the operational officers to implement the policy at the grassroots. The problem occurs when the intent of the policy cannot be translated as expected. As demonstrated in the findings, the government bureaucrats at the operational level faced various difficulties in implementing the policy. Besides operational challenges such as limited resources and lack of cooperation from trafficked victims, they encountered challenges that were not anticipated by the top management in dealing with trafficked victims: drug abuse, pregnancy and suicidal attempt. Existing standard operating procedures (SOPs) do not cater for every specific case. Hence, the bureaucrats may not be able to provide the best of service in implementing the policy.

The hierarchical bureaucracy that is imposed on the lower echelons of the bureaucracy forces them to protect themselves by complying with the rules rather than carrying out personal initiatives. Their strict compliance with the rules, however, may reduce the effectiveness of the policy implementation. It impedes flexible response to changing circumstances in dealing with human trafficking. Focusing on command and control takes the power and ability of the government bureaucrats to operate in an effective manner. In the case of human trafficking, flexibility is a critical element considering the different types of cases involving trafficked victims of different sexes, ages and origins.

The hierarchy of authority in a bureaucracy provides the chain of command. In implementing human trafficking policy in Malaysia, the top management makes the decisions and they are binding for all the bureaucrats in each relevant organisation. The bureaucrats were of the view that those who were in charge of human trafficking should be of higher position to enable them to give direction for others to follow. This is critical because according to the interviewed bureaucrats, some of the senior officers

were not happy to take on the extra task of handling human trafficking. The senior officers could negatively influence others that would hinder the effectiveness of the human trafficking policy implementation. While needed to create uniformity of action among the personnel within an organization (Peters, 2010), this structure exacts a price in the form of being insensitive to the different needs of the clients, in this case trafficked victims. In implementing human trafficking policy in Malaysia, decisions made at the top are binding on all the bureaucrats at the ground level, robbing them of all discretion in a situation where flexibility is critical given the diversity of situations facing trafficked victims.

In dealing with human trafficking, the top management strongly relies on the frontline personnel who are directly involved in handling the cases and the trafficked victims. Existing hierarchical structure, however, discouraged feedback from frontline personnel to the top management as decision-makers. Interviews of the bureaucrats revealed that there exists a wide perception gap[22] between frontline personnel and their superiors at the top. Because of this, the frontline personnel were reluctant to raise their concerns.

The perception gap among the bureaucrats may hinder the top management from making effective decision as they are not handling human trafficking issues directly but solely depending on the frontline personnel. The frontline personnel need greater understanding from the top management regarding human trafficking policy implementation so that relevant and useful guidelines can be developed for them to follow. Lack of involvement of the top management at the grassroots affects the decision making. Hence, hierarchical control may have adverse consequences in achieving the objectives of human trafficking policy implementation. Goals can be

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[22] The perception gap refers to the gap that exists between what the top management perceives and what the frontline personnel experience at the ground level.

obtained through control and central direction, but policy outcome may suffer from inflexibility and limitation of response to changing needs (John, 2011).

7.2.6   Low discretion

The findings suggest that the bureaucrats tend not to use their discretion but to follow rules and procedures as best as they could despite ambiguities and uncertainties in the policy dealing with human trafficking. Following the standardised procedures in doing their duties is preferred by the bureaucrats because it is a safe option in terms of their career development. However, as cautioned by Weber himself, bureaucracy may result in a highly mechanical approach in dealing with the situation at hand that may require more than what is prescribed (Denhardt and Denhardt, 2009) in order to effectively address the problem of human trafficking.

The bureaucrats have the tendency to strictly follow the rules and directives. The bureaucrats that were interviewed vouched that they followed the SOPs despite the operational constraints involving time and resources. This is because non-compliance results in disciplinary action. The lower echelons need to protect themselves by complying with the rules. Instead of working towards attaining the policy goal, the bureaucrats tend to follow the rules as they become an end to themselves rather than a means to accomplish the goal (Peters, 2010). Consequently, the bureaucrats often find themselves severely constrained by the rules that hinder them from responding to specific need in dealing with human trafficking.

Human trafficking policy implementation in Malaysia involves common conditions that operate in such particular work environment comprising critically inadequate resources, increasing demand, ambiguous, vague or conflicting goal expectation, performance management difficulty and non-voluntary clients. Such working conditions described by Lipsky (1980) endorse street-level bureaucrats with high discretion. Despite undergoing similar conditions when dealing with human

trafficking, the bureaucrats displayed low discretion in carrying out their duties and interacting with the trafficked victims as the clients. The bureaucrats must follow SOPs for enforcement, prosecution and protection. This is simply to avoid the abuse of power by the bureaucrats. Discretion, however, is important in responding to client's special needs, in pursuing more equitable outcomes and in allocating resources where they are most needed (Lipsky, 1980; Goodsell, 1981).

Despite a genuine commitment to provide quality services, the bureaucrats face great difficulty in responding adequately to the different needs of the human trafficking cases and the trafficked victims. Limited resources and escalating demand for the service create detrimental effect to the bureaucrats' well-being because they cannot exercise their discretion to manage their work accordingly. Discretion is inevitable and necessary in human trafficking policy implementation due to the fact that many circumstances faced by the bureaucrats cannot be specified in advance such as placement of exceptionally large number of trafficked victims in a particular case, suicidal attempts of trafficked victims and breaking-up fights among trafficked victims at the shelter homes.

A small number of bureaucrats in their interviews showed they had utilised discretion in their line of duties albeit very few instances. The most prominent practice of discretion in implementing human trafficking in Malaysia is repatriation of trafficked victims. While waiting for the victims' departure date, discretion has enabled the bureaucrats to place them at an appropriate place instead of being sent to an immigration depot after being discharged from the shelter home as prescribed in the Immigration Act 1959/63. This is possible through the help of local and international NGOs, embassies and international organisations such as UNHCR. The bureaucrats' use of discretion proves to be effective and efficient. With discretion, the bureaucrats are able to establish greater cooperation among other stakeholders. They were able to

save the government's spending for accommodation and airfare of trafficked victims. At the same time, the trafficked victims did not have to go through another confinement period at the immigration depot after having been released from the shelter home.

Although discretion can lead to better performance in implementing human trafficking policy, it requires the bureaucrats to have the right knowledge based on their professional training and expertise (Smith, 2003). Lack of knowledge has been a hindrance in applying discretion to the human trafficking policy implementation in Malaysia. NGO representatives felt that the bureaucrats' lack of discretionary was due to their ineptitude. The bureaucrats must have the understanding of human trafficking and its various forms in order to exercise discretion. The bureaucrats should have a comprehensive knowledge regarding every aspect of human trafficking policy measures particularly the United Nations' 3Ps: prevention, protection and prosecution. Such knowledge helps them to apply discretion in providing responsive services to address the problem of human trafficking.

7.2.7 Paradigm shift imperative

Despite the lack of incentive to respond innovatively and flexibly, given the bureaucratic structure of which they are a part, as well as resource constraints they faced, the bureaucrats were aware of the need for change. There was a general agreement among the bureaucrats that human trafficking policy implementation requires a paradigm shift. Human trafficking is a crime that involves exploitation of victims. Previously, trafficked victims were treated as offenders in cases of sexual exploitation. Meanwhile, foreign trafficked victims were considered as migrant issues instead of human rights issues. By acknowledging human trafficking as a violation of human rights, trafficked victims must be protected. For instance, the Immigration Act 1959/63 focuses more on immigration violators while the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 aims to prosecute traffickers and provide protection to

trafficked victims. As a result, the enforcement officers had to apply different techniques in handling human trafficking cases. They used debriefing technique to gain information from the trafficked victims rather than using interrogation technique. Hence, enforcement officers need to change their views regarding the victims as those who are in need of protection instead of punishment.

Under the 2007 Act amendment in 2010, labour officers have been empowered as enforcement officers. Previously, labour officers act as protection officers in charge of labour rights under the Employment Act 1955. The 1955 Act is a social legislation to coordinate and facilitate employer and employee relationship. On the other hand, the 2007 Act is a criminal legislation to address exploitation of human being. The labour officers were not equipped to handle criminal cases as they did not possess proper uniform and weapons. They need to shift their way of working from handling a social legislation to a criminal legislation.

The care providers in charge of the shelter home for male trafficked victims were from the Prison Department. Their line of work used to be on disciplinary formulation and moral development of the prisoners. In contrast, those who were placed at the shelter homes were victims who needed protection. In dealing with human trafficking, it is imperative that the bureaucrats acquire the knowledge of handling the victims' welfare. They must acknowledge the victims' rights and needs. Musto (2010) highlighted the importance of a paradigm shift from rescuing trafficked migrants to protecting victim's human rights, which requires coordinated training.

The NGO representatives supported the need for a paradigm shift as they felt that the problem of human trafficking should be given priority. Despite having the fight against human trafficking high on the national agenda, Malaysia is still lacking in the actual implementation. Given that the bureaucrats are the main implementers of human trafficking policy, they assume the critical role as the agent of change. The bureaucrats

must change their views and attitudes regarding human trafficking. Despite having the National Action Plan Against Trafficking in Persons (2010-2015), combating human trafficking in Malaysia is a general goal without specific and measurable goal. Hence, establishing a set of quantifiable measures and clear indicators encourages the bureaucrats to achieve the goal based on specified tasks. This enables Malaysia to accomplish the national goal to prevent and suppress the problem of human trafficking as outlined in the Action Plan.

7.3   Policy implications and recommendations

Human trafficking policy implementation in Malaysia appears to be influenced by the characteristics of the bureaucracy. The empirical findings indicate that the implementation process of translating the policy's intent into action has been shaped by numerous factors as discussed in Section 7.2. The bureaucrats act based on their bureaucratic values despite limitation of capacities when carrying out their specific duties. In the face of implementation complexity (various actors, time span, numerous programmes, policy debates and situational distortion) as described by Sabatier (2007) and challenging work condition (inadequate resources, increasing demand, conflicting goal expectation, performance management difficulty and non-voluntary clients) as recognised by Lipsky (1980), bureaucracy prevails and this hinders the implementation process of translating the policy intent into actual implementation as indicated in the findings. Consequently, human trafficking policy implementation in Malaysia becomes rigid that affects the effectiveness of the policy. Based on new insights from the literature review and the empirical findings, this study attempts to identify policy implications and provide recommendations that may have constructive consequences for policy implementation.

To further enhance human trafficking policy implementation in Malaysia, several areas must be fortified as identified in the thematic findings. Various initiatives

to reduce the implementation gaps are already in the government's pipeline such as establishing more shelter homes, increasing the number of officers dealing with human trafficking and revising SOPs to take into account current issues. While these efforts are commendable, the points remain that human trafficking policy implementation in Malaysia requires further improvement.

Given the complexity of human trafficking, coordination and adequate resources are necessary for successful anti-trafficking measures (Newton, Mulcahy and Martin, 2008; Farrell, McDevitt and Fahy, 2008; Logan, Walker and Hunt, 2009). The government bureaucrats realised the implementation challenges that hindered Malaysia from achieving its policy goal in preventing and combating human trafficking. Therefore, besides analysing information from the literature review for suitable recommendations, this section also takes into consideration the suggestions of the participants in the interviews based on their experience in implementing human trafficking policy.

7.3.1 Strengthening smart partnership

Human trafficking policy implementation requires smart partnership between multiple agencies, cross-sectors and across borders. In the case of Malaysia, incomprehensive coordination has emerged as one of the thematic findings that shape the policy implementation. Hence, Malaysia needs to play a more active role in promoting smart partnership, a collaborative network among all different levels of bureaucrats, different agencies, NGOs and private sector, and local and international fora. Concerted action against human trafficking is vital although it is difficult to coordinate. Despite increased acknowledgement of the need for an effective internationally coordinated action against human trafficking, most countries face considerable difficulties in putting it into practice (Gallagher & Holmes, 2008). Comprehensive coordination mechanisms specify the roles and responsibilities of

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various parties. This enables relevant party to take appropriate actions to curb the crime. The success of smart partnership depends on the continuous support and strong commitment of the government, financially and materially.

7.3.1.1 Local collaboration

The diagnosis of the implementation gaps suggest that all stakeholders involved in fighting human trafficking should strengthen their ties. They must take steps to enhance their collaboration in the deliberative possibilities of effective implementation. Opportunities for dialogues among different actors involved in human trafficking policy implementation encourage positive rapport. Increased interaction contributes towards reducing power imbalances in the partnership as various concerns, needs and interest are discussed openly. An emphasis on communication and cross-learning among government departments, NGOs, private sector and community is critical in promoting local collaboration.

Although research indicates that it is common for differences exist between rhetoric and action in policy implementation (Sundewall et al., 2010), Malaysia must work towards bridging the implementation gap through collaboration. Collaboration should begin among government agencies involving various sectors. Studies have shown the success of multi-agency task forces in improving law enforcement response to human trafficking by investigating more cases (increased from 15 to 36 cases on average) and making more arrests (increased from 8 to 12 arrests on average) (Farrell et al., 2008). Increased collaboration among federal, state, local law enforcement agencies, prosecutors and victim service providers are pivotal in fighting human trafficking (Clawson et al., 2006). Collaboration enables stakeholders to build on the expertise and knowledge of each member that leads to better performance.

Although coordinated actions between government agencies and NGOs are difficult due to many sensitivities that have to be carefully managed (International

Labour Organisation, 2008), greater involvement of the NGOs should be welcomed by the government due to their experience in dealing with human trafficking. The United Kingdom promotes victim-centred approach by collaborating with the NGOs through the Poppy Project that provides a range of support to trafficked victims including safe accommodation and resettlement services for women who have been trafficked into the United Kingdom for sexual exploitation (Home Office and Scottish Executive, 2007). Building trust between government agencies and the NGOs should be inculcated so as to improve the service provided. Research has shown that building trust is the key for collaboration between law enforcement and local NGOS in the face of lack of communication and uncertainty to work together (Clawson, Dutch & Cummings, 2006). Trust also plays an important role in strengthening trafficked victims' identification. Without trust, trafficked victims tend not to provide information necessary to bring the perpetrators to justice and to provide protection for the victims. Quite often, the victims tend to cooperate better with the help of NGOs because their fear of authority as indicated in the findings.

All states in Malaysia should incorporate local councils in human trafficking policy implementation. Such practice has helped the United Kingdom to prevent exploitative activities in local communities (SOLACE, 2009). In order to do so, they must be given adequate training to enable them to identify human trafficking situation. Each local council should establish a one-stop centre complete with referral system, database, enforcement measures, victims' temporary protection and public awareness initiatives.

Community participation is also an integral part of the concerted effort. Using the concept of social capital and shared values, communities can be mobilised to address the problem of human trafficking as demonstrated by the United States through Rescue and Restore Victims of Human Trafficking community action groups. The

groups consist of NGO leaders, academics, students, law enforcement agents and other key stakeholders (U.S. Department of Health and Human Services, 2010). The community can bring people together to become eyes and ears for enforcement agencies. Any suspicious activity can be reported as soon as possible so that actions can be taken promptly. Community involvement helps to prevent exploitation from further occurring.

More effective partnering across sectors is vital for human trafficking policy implementation due to multiple sectors' involvement. To promote multi-disciplinary collaboration, Malaysia could learn from Belgium to incorporate hospital's cooperation in identifying trafficked victims (U.S. Department of State, 2011). As part of mass campaign against human trafficking, awareness raising programmes have been conducted in schools but not in hospitals. Besides hospitals, Malaysia needs to educate various institutions such as airline companies and the media to help properly identified the problem of human trafficking. The United Kingdom provides training to airline staff regarding proper documentation in order to prevent human trafficking before potential victims enter the country (U.K. Home Office, 2011). Collaboration with the media enables countries to raise awareness regarding human trafficking (United Nations, 2000).

7.3.1.2 International cooperation

Given that foreign workers are highly vulnerable of being exploited, Malaysia has to address the root of the problem at the countries of origin to mitigate the supply of human as commodities. Thus, engaging with prevalent countries such as Indonesia, the Philippines and Myanmar is critical due to the fact that many of the trafficked victims hail from the neighbouring nations. One of the very essential components that Malaysia requires to establish strong partnership with countries of origin is adequate resources. Malaysia has limited resources, namely expertise and funding, to undertake extensive

international project. Nevertheless, such limitation should not stop Malaysia from taking the first step to promote cooperation and coordination among governmental counterparts especially in strengthening prevention and protection policies and programmes. This is crucial particularly for vulnerable foreigners who come to Malaysia in search of better opportunities to generate income.

Many of the trafficked victims fear for their safety particularly the repercussion back in their home countries if they cooperate with the local authorities. Through cooperation with the source country, Malaysia can help to ensure the safety of the trafficked victims after repatriation. The involvement of the source country is important to prevent the vulnerable victims from being re-trafficked. Hence, Malaysia needs to establish smart partnership to ensure the victims' safe return as well as improved livelihood in the country of origin. The networking should consider incorporating various stakeholders locally and internationally. To establish the foundation of international cooperation, each government agency should begin with their counterparts abroad as exemplified by the NGOs. The smart partnership enables the receiving country such as Malaysia to work with the source country to curb the human trafficking activities at the root of the problem. The United Nations (2010) recognises the importance of having bilateral, sub-regional, regional and international cooperation mechanisms and initiatives that takes into account information exchanges on good practices.

The large number of foreign trafficked victims in Malaysia reflects the acute need for international cooperation. Hence, Malaysia should learn from Australia to materialise regional initiative particularly with ASEAN countries (U.S. Department of State, 2011). Based on official statistics, majority of the trafficked victims (66.8%) in Malaysia were from ASEAN countries (Ministry of Home Affairs, 2012). Therefore, such initiative helps to develop an excellent bilateral relation in deterring human

trafficking in the region. The Asia Pacific region has experienced an increasing level of multi-lateral collaboration that suggests a more unified approach in tackling human trafficking (Emmers et al., 2006). Malaysia may also want to consider multiple cross-border partnerships as practiced by the United Kingdom in countries of origin (Home Office and Scottish Executive, 2009). To expand its international cooperation, Malaysia should also look at the possibility of engaging with more international agencies similar to IOM and UNHCR. This allows Malaysia to bring together the practical knowledge of the bureaucrats from various parts of the world and the global experience of international agencies.

7.3.2 Enhancing institutional capacity

To begin addressing incompatible resources as indicated by the findings, the government should show its commitment by providing sufficient funding to ensure sustainable measures beyond the enactment of the 2007 Act. The funding should be in the form of an annual budget instead of an ad-hoc basis. Better facilities for victims can be provided with adequate funding by establishing more shelter homes and upgrading the infrastructures. The bureaucrats need proper funding so that they can be trained in order to develop the required expertise in handling human trafficking cases. Sufficient resources are the essence for successful implementation (Mazmanian & Sabatier, 1983).

To acquire and expedite a better understanding of human trafficking, personnel training should be enhanced to reach every member of relevant organisation. Education and training is vital for effective law enforcement against human trafficking as shown in the reports produced by Newton, Mulcahy and Martin (2008) and Farrell, McDevitt and Fahy (2008). A more standardised and rigorous training programme is vital to ensure all relevant officers and stakeholders possess the knowledge to handle human trafficking cases. It is particularly important to bring the understanding of human trafficking to the grassroot level of each relevant organisation. For large organisations

such as PDRM, the Immigration Department and the Social Welfare Department, the training programme must reach every staff member down to the district level. Besides reaching the bottom stratum of the organisation, capacity building programme for top management is equally important to ensure continuous commitment to address the problem of human trafficking. This is important given that the policy implementation practice is hierarchical. To ensure more people in the organisations are aware about human trafficking, some enforcement organisations have been diligent in extending the training programme to include non-uniform staff members. Increased understanding of human trafficking and the role that they need to play enable the bureaucrats to identify areas that they need support in order to improve their responses to the victims (Clawson et al., 2006).

Lack of competency should be addressed accordingly by investing in a more effective training programme. The programme is vital because frontline personnel must have the competency to identify victims. Determining trafficked victims is a great challenge as they tend to be afraid to talk to the authority. An enforcement officer related an incident whereby a perpetrator was mistakenly placed with the trafficked victims due to lack of competency of the officers in charge to identify victims correctly. As a result, enforcement officers failed to get any information from the trafficked victims because they were afraid of the perpetrator. Without trafficked victims' statement, no case could be made by the deputy public prosecutor against the suspected perpetrators.

Training programmes are conducted by each agency using its own module. To promote integrated approach in capacity building, it is essential to develop a standardised training programme together with specific module based on the different responsibilities of each agency. Most importantly, a comprehensive training programme involving bureaucrats from various agencies, NGO representatives and

community leaders must be conducted from time to time to provide a holistic view of human trafficking policy implementation. This systematic learning incorporates various bureaucrats to not only induce a better understanding of the policy implementation but also to encourage interaction and to develop rapport among the training participants. Established working relationship helps to improve coordination in handling human trafficking cases.

Having the experts from various fields working together, committed and focused in a dedicated division for human trafficking policy implementation generates better responses from the bureaucrats as demonstrated by UKHTC in United Kingdom (Home Office and Scottish Executive, 2007) and ACTeams in United States (U.S. Department of State, 2011). By being permanently assigned to a dedicated division for central point of expertise and coordination, the bureaucrats establish significant rapport among them as well as with NGOs and other stakeholders. This facilitates cross-sector coordination as well as promotes sustainability of the policy implementation. The specialised personnel create significant link to their respective agencies as well as establish new network with other interested parties locally or internationally.

MAPO functions as a secretariat with administrative personnel rather than specialists. It relies on the special committees led by relevant agencies that are established to assist MAPO in performing its functions under the 2007 Act. Instead of relying on these committees, the experts on human trafficking groomed in a dedicated unit such as MAPO can offer their service to help other agencies by developing standardised training content for capacity building with inputs from all relevant parties. More experts from diverse background can be trained and they can be placed at each relevant agency all over the country. Specialised personnel entail better investigation process, improved victim's identification and greater protection of victims. The

complexity of human trafficking requires a multi-agency with flexibility and collaborative responses (United Nations Office on Drugs and Crime, 2008).

Based on the findings of the study, PDRM and Immigration Department have demonstrated that a specialised unit for human trafficking proves to be more effective. They are among the most active enforcement agencies in conducting operations against human trafficking with 78.3 per cent and 18.7 per cent respectively (Ministry of Home Affairs, 2012). A specialised unit established in the organisation to address human trafficking helps the bureaucrats to give their undivided attention in carrying out the mandate. Other enforcement agencies such as Department of Labour and Malaysia Maritime Enforcement Agency do not have a specialised unit for human trafficking. Other critical agencies such as Department of Social Welfare that provides protection and rehabilitation of trafficked victims as well as Attorney General's Chambers that prosecutes human trafficking cases are still lacking in forming a specialised unit that focuses on human trafficking related issues.

The establishment of a specialised unit responsible for human trafficking in each relevant agency may address the ownership issue since its reason of existence is evident. It promotes improved communication internally as well as externally with various counterparts, which leads to an effective intra-organisational network. This helps in achieving critical information flows among the government machinery as the officers are able to fully commit to the specifically assigned task of dealing with human trafficking. Studies have shown that the establishment of a specialised unit within national police forces widens the networking by creating a focal point that promotes direct bilateral and multi-lateral relations between enforcement officers across international borders (Gallagher & Holmes, 2008).

7.3.3   Promoting research imperative

Available, accessible and relevant data on human trafficking is critical to assess policy implementation in order to improve the policy design and targeted outcome. Malaysia, however, is still grappling with systematic data collection as indicated in the findings. Research initiative on human trafficking can be in many forms based on the capacity of each country. However, it remains as a critical element in gaining better understanding of various issues related to human trafficking such as root causes, factors in destination countries that facilitate the crime, current trends regarding victims, traffickers and criminal networks, methods of operation, travel routes and different forms of exploitation. Hence, Malaysia must acknowledge research as a top priority in combating human trafficking. Although research is a challenge due to the clandestine nature of human trafficking, methodological rigour and transparency in trafficking research helps Malaysia to systematically learn from the findings. A self-critical approach as exemplified by Belgium, Finland and the Netherlands (U.S. Department of State, 2011) is important for Malaysia to identify the implementation gaps so that further actions can be taken to close the gaps.

In the effort of pursuing evidence-based research, Malaysia may want to consider designating a unit at the MAPO secretariat to coordinate research initiatives for reliable data as demonstrated by the United Kingdom (Home Office and Scottish Executive, 2007). This will set in motion the critical research initiatives for human trafficking. In light of limited resources, Malaysia may want to consider the possibility of utilising existing institution as exemplified by Australia (U.S. Department of State, 2011). Research institutions with experts on the subject of human trafficking will be suitable to conduct relevant studies. The institution will help to provide a critical analysis of the anti-trafficking activities undertaken by the country with the intention of highlighting good practices while promoting enhancements where appropriate.

Budget should also be allocated to commission independent studies on human trafficking such as in the case of Germany and Norway (U.S. Department of State, 2011). The studies conducted can develop recommendations on how to address specific challenges in combating human trafficking. Due to the dearth of knowledge regarding human trafficking in Malaysia, it is timely for the government to push for innovative and exploratory research. Despite having the pivotal role of research specifically outlined in the 2007 Act, the actual implementation is lacking as the importance of research becomes lost in the mission to fight human trafficking. The support for research must be elevated in order to effectively deal with the crime. Research substantially contributes towards establishing anti-trafficking efforts that are tailored according to the situation at hand (United Nations Office on Drugs and Crime, 2008).

Given that timely access to accurate information helps to promote a robust policy, model indicators should be developed as a basis for policy evaluation. The lack of clear indicators to monitor the effectiveness of human trafficking policy implementation means that Malaysia provides little explanation of how government measures are evaluated. Without appropriate indicators, it would be difficult to monitor the progress of the policy implementation.

7.3.4 Respecting victims' rights

The thematic findings reveal that Malaysia practices a criminal approach in dealing with human trafficking whereby victims are considered to be important in providing evidence against the perpetrators. They are confined to the shelter home without given any choice. The victims lose their freedom instead of being treated fairly and with respect to one's dignity. Malaysia is not an exception as protection of victims remains a problem with many countries as they adopt a criminal approach instead of a human rights approach (Willman, 2009). To provide friendly support for the trafficked victims, Malaysia may want to consider adopting an open shelter home whereby it

provides all the necessary standard of care for the victims without forcing them to stay there. The trafficked victims should be able to come and go as they please so that they are able to earn money. An open shelter home as practised in Austria (U.S. Department of State, 2011) and Croatia (U.S. Department of State, 2012) enables the victims to exercise greater freedom of choice. They should have the rights to choose either to stay or leave the shelter home at any time they want. Their basic human rights are denied once they are placed at the shelter home. However, careful consideration must be given in deliberating the intricacy of balancing the safety issue and the victims' human rights.

Trafficked victims should be given the opportunity to earn an income while staying at the shelter homes. Initiatives have been made at the men and women shelter homes to bring work to the trafficked victims. However, the pay was very minimal that enabled the trafficked victims to earn only up to RM30 per month depending on the number of pieces they could produce. They should be allowed to work outside the shelter premise through specific arrangement between the government and potential employers in order for them to earn substantive income instead of meagre earning. This is the right of the victims to have the opportunity to generate income instead of being idle and non-productive at the shelter home.

The findings show that long delays in the legal procedures have led the trafficked victims refusing to be identified themselves as such. To gain trafficked victims' cooperation, the legal procedures must be expedited so that the victims do not need to stay at the shelter home for a long period of time. The establishment of a special court in Kuala Lumpur has helped to expedite the case hearing. Hence, there is a need to increase the number of specialised courts as practiced in the Netherlands (U.S. Department of State, 2011).

Being in a shelter home in reality further victimises the victims. Hence, it is a challenge for the bureaucrats to provide security for the trafficked victims while

respecting the victims' rights. The government may want to consider separating the trafficked victims who have been in the shelter home for a period of time from the newly suspected trafficked victims waiting for their investigation process to be completed. The separation is able to avoid the suspected trafficked victims from being influenced by the other victims of not to cooperate with the bureaucrats.

Most importantly, trafficked victims in Malaysia should know their rights so that they can make informed decisions regarding their status. Due to their lack of understanding about their rights, trafficked victims tend not to come forward and accept assistance (Clawson et al., 2006). After going through the traumatic experience of being trafficked, victims should have legal avenues to request for compensation particularly from the perpetrators who are responsible for the crime. Free legal aid will be a great help for the victims to claim their rights. Empowerment of trafficked victims is dependent upon government assistance that is contingent upon the victim's cooperation with law enforcement authority (Musto, 2010). Malaysia may want to review the provision of assistance to gain victims' cooperation and whether it should be conditional. According to the existing practice, trafficked victims must be placed at the government shelter home under a strict monitoring until they provide recording of evidence in court.

There is a pressing need for a more comprehensive approach to the policy implementation in order to achieve the intent of the 2007 Act. Malaysia, however, should have its own mould in tackling human trafficking. It should seriously consider a human rights-based, gender and age sensitive approach in dealing with human trafficking as underlined in the United Nations Global Plan of Action to Combat Trafficking in Persons (United Nations, 2010). Hence, Malaysia must adopt a practical and need-based approach to curb the crime.

7.3.5   Synergising formal and informal mechanisms

The findings suggest that the bureaucrats who implement human trafficking policy are understandably hierarchically organised and controlled. Hierarchical control is to create uniformity in the bureaucrats' action in order to ensure fair treatments of clients and their rights are respected (Peters, 2010). However, Peters (2010) indicates that it consequently leads to strata isolation between top and lower echelons of the bureaucrats. It also entails formalistic compliance that may reduce the effectiveness and efficiency of the bureaucrats. In highly complex and inter-dependent situation of human trafficking policy implementation, synergising formal and informal mechanisms is the key to accommodate the need for standardisation and flexibility. Combining formal procedures with supportive informal mechanisms increases the bureaucrats' capability to effectively address the problem of human trafficking.

Informal mechanisms are often established through personal rapport among the relevant parties that allow a dynamic exchange of information, experience and resources (Brinkerhoff, 1996). They can be in various forms such as unscheduled meetings and informal network. Establishing personal rapport requires positive interaction that promotes better communication and familiarisation with various actors. Through a comprehensive training session and a holistic work retreat engaging diverse stakeholders (government, NGOs, private sector, and community), all relevant parties have the opportunity to build strong relationship regardless of hierarchical structure. These activities must incorporate the bureaucrats from all bureaucratic levels involving various functions such as operational, administrative and planning. The established relationship promotes trust that allows relevant parties to address specific issue directly with each other without going through formal procedures. This expedites human trafficking policy implementation process in the country.

Given that policy implementation transcends across organisational boundaries (Brinkerhoff, 1996), informal linkages promotes cross-sectoral connections that enable communication flows among parties with different goals at various levels. Despite the importance of informal mechanisms, MAPO as a central coordinating body should provide clear guidance with an accepted set of rules while simultaneously promoting informal mechanisms that allows highly interactive implementation process. These shared protocols help to facilitate a streamlined response in order to increase organisations' ability to identify and respond to the needs of trafficked victims (Clawson et al., 2004). Due to the intricacy of human trafficking policy implementation, centralisation is still vital to ensure effective monitoring towards better performance management whereas informality facilitates service improvement through timely and effective delivery. By combining formal and informal mechanisms, MAPO will be able to attain its policy goals effectively.

7.3.6 Increasing responsiveness

The findings show that low discretion among the bureaucrats leads to inability to specifically cater to trafficked victims' needs. Weber's characterisation of bureaucratic attributes indicate tasks and responsibilities are established according to a fixed and stable structure that is operated based on rules and regulations (Blau, 1966). However, in order to increase the bureaucrats' responsiveness, the top management must allow some flexibility for the bureaucrats to carry out their duties. Given that the top management may not have the first-hand experience in dealing with human trafficking cases, they should not be imposing strict guidelines that may not be applicable every time. Instead, the top management needs to promote flexibility that leads to innovation and development. The frontline personnel have the best of knowledge in terms of implementing the policy because they work directly with all parties involved with human trafficking including trafficked victims. Hence, it is important to tap the

knowledge of the frontline personnel by incorporating their views through interactive channels such as intellectual discourse, capacity building workshops and multi-level dialogues.

Top management must recognise the importance of empowering the frontline personnel to respond effectively to the trafficked victims' needs. They, however, must remain accountable through a monitoring system to avoid abuse of power. This can be made possible through increased visibility and transparency of the bureaucrats' actions. The complexity of human trafficking policy implementation increases the need for discretionary judgements by the frontline bureaucrats. Restricting the bureaucrats' professional discretion through the promulgation of detailed rules and procedures may lead to the loss of innovative strategies that can be more effective and efficient in dealing with human trafficking. This is because discretion may well be the remedy needed to humanise a rigid, machine-like social structure of bureaucracy because it essentially dictates the implementation of the public policy.

7.3.7   Improving service delivery

To provide better services, the bureaucrats recognised the need to change their way of dealing with human trafficking. As highlighted in Section 6.4.1 and Section 7.2.7, the bureaucrats tend to view victims as offenders in cases of sexual exploitation while treating their problem as migrant issues instead of human rights issues. According to Schauer and Wheaton (2006), enforcement officers in the United States respond to trafficking-related behaviour to a prostitution paradigm whereby female victims are considered to be an accomplice and they have a choice in their actions. They need to change their views to a trafficking paradigm in which trafficked victims need to be treated as a person who is exploited due to the use of force, coercion and fraud among others.

The bureaucrats must be taught and trained to understand human trafficking. In developing expertise among the bureaucrats, it is crucial that the bureaucrats learn every aspect involved in handling a human trafficking case. This is because bureaucrats typically focus only on the task assigned to them with little communication among them. Thus, the issue of unfamiliarity with what the others are doing is common for the bureaucrats despite being in the same organisation and sharing the same office. Taking into consideration that the characteristic of a bureaucratic organisation involves a fixed division of labour and a hierarchy of offices (Scott, 1981), bureaucrats must understand the implementation process right from the beginning of rescuing trafficked victims to the end of repatriating them safely home. By learning all the process involved in tackling human trafficking, the bureaucrats will be able to provide better services despite various problems that may emerge at different phases of the implementation process.

To begin with, the bureaucrats need to change their perception regarding the trafficked victims. The victims tend to be regarded as those who break the law either as illegal migrants or conspirators to an illicit activity such as prostitution. A PDRM officer in his newspaper interview claimed that the human trafficking cases investigated by the police in Malaysia mostly involved people who came on their own accord (Gunaratnam, 2009). Two thirds of the 333 women and men investigated were not forced, coerced or tricked by unscrupulous groups. The officer believed that many foreign women who worked in the sex trade made up stories of being trafficked into Malaysia by syndicates when they were picked up in police raids or when trying to get away from the syndicates they worked for (Gunaratnam, 2009). According to the officer, the women confessed that they came to Malaysia as sex workers because they were able to earn more money than in their own countries.

This is supported by the enforcement officers who participated in the study. They experienced cases whereby the suspected victims pretended to be trafficked victims so that they would not be prosecuted for the offenses. The negative perception towards potential victims may create an oversight of the need to protect people who are most vulnerable to trafficking such as exploited sex workers and abused migrants. NGO representatives claimed that some enforcement officers were of the view that women wanted to be exploited. Therefore, a paradigm shift among the bureaucrats is imperative in order to materialise a holistic and comprehensive enforcement and protection effort. The bureaucrats must recognise the importance of victims' protection in order to reduce the risk of re-victimisation, increase prosecution of traffickers and offer a responsive framework to address the victims' human rights abuse as indicated by Musto (2010). There needs to be a paradigm shift for the bureaucrats from rescuing trafficked migrants to protecting victim's human rights, promoting a vital shift from viewing human trafficking as migrant issues to human rights issues.

Dealing with the traumatic trafficking cases causes the bureaucrats to suffer from burnout and other adverse effects on their psychological and physical health (International Organisation for Migration, 2011; Kliner & Stroud, 2012). Due to the high level of complexity in implementing human trafficking policy that leads to severe stress, the bureaucrats must be rotated frequently. The bureaucrats that deal directly with human trafficking cases should only work for a relatively short period of time. The time period should be around three years to avoid burnout and poor quality of services.

Strong support from the top management is vital to ensure adequate support is available to continue improving the quality of the service delivery. Support should be in the form of an open channel to highlight the bureaucrats' problem at the operational level and proper training to handle human trafficking cases. Management support is significant to ensure sustainability of quality service delivery (Kliner & Stroud, 2012).

Developing an adequate support system for the bureaucrats ensures sustainable high quality services in the fight against human trafficking.

7.3.8   Managing labour migration

The study indicates that majority of the trafficked victims were those who came into the country legally in search of better economic opportunities. This could be due to Malaysia's weakness in managing international labour migration effectively. Sketchy policy responses towards foreign workers increase their vulnerability of being trafficked mostly by employers or employment agents. International migration plays an important role in exacerbating the human trafficking situation as indicated in various studies (Chuang, 2006; Hanley, Oxman-Martinez, Lacroix and Gal, 2006; Mahmoud and Tresbech, 2010; International Organisation for Migration, 2012). The foreign workers, who are in various sectors such as plantation, construction, manufacturing and domestic work, face practices indicative of human trafficking: restriction on movement, deceit and fraud in wages, passport confiscation and debt bondage (U.S. Department of State, 2011). Malaysia is in dire need for initiatives that successfully educate foreign workers of their rights as demonstrated by South Korea, a major destination country for migrant labour (Seoul Metropolitan City Government, 2011). Well-informed foreign workers will be equipped with the right knowledge from being exploited and losing their freedom. Such an effort helps to ensure the well-being of foreign workers who are highly vulnerable to being trafficked.

Taken into consideration trafficked victims enter Malaysia with legal document, every border control officer in Malaysia must have the skills to identify non-bona fide visitors to the country as exhibited by the United Kingdom Border Agency's Risk and Liaison Overseas Network (RALON) (Home Office and Scottish Executive, 2007). The border control officers involve mainly immigration officers who are in charge of document screening of all United Kingdom-bound passengers at key international

gateways. Intensive training is required in order to ensure border control officers play their part effectively to counter the arrival of inadmissible passengers. This will be a challenge as the visitors may enter the country with valid document, but they may overstay or abuse the obtained visa.

In dealing with human trafficking, it is important for Malaysia to recognise that it is no longer a migration issue or regular crime activity. Even in the context of irregular migration or illegal activities, the problem has become a human rights issue. The denial of the victims' rights, the routine detention and the prosecution of trafficked person negatively affect the country's efforts to investigate and prosecute traffickers (Gallagher & Holmes, 2008). Hence, trafficked victims must be treated as crime victims rather than collaborators to the crime. Human rights of the trafficked victims must be respected at all times and they must be given protection and assistance instead of imprisonment and punishment.

7.3.9 Mitigating human trafficking demand

Most of the human trafficking programmes in Malaysia are targeted towards women as mentioned by an NGO representative in the interview. In fact, MAPO appointed National Council of Women's Organisations as its member considering that women are vulnerable to being trafficked. However, it is important for Malaysia to recognise that incorporation of men in the fight against human trafficking helps to elevate the efforts towards mitigating the crime. A comprehensive awareness programme inclusive of men, women, youth and children will help Malaysia to educate the public in general about human trafficking.

Malaysian society should become more aware of their role to prevent human trafficking by increasing the demand for fair trade products, which is produced by those who practice ethically acceptable labour standards. Growing awareness from the consumers helps to reduce the risk of labour exploitation. However, it will be a

challenge to harness this market power because of limitation of products available in the Malaysian market. Consumers may not be ready to switch to the limited choice of fair trade products in Malaysia while probably paying premium price for the products. In response to that, the government needs to play a bigger role in promoting consumer awareness and ethical purchasing habits.

The Malaysian government can take a step further as exemplified by the United States (U.S. Department of State, 2011) to strictly monitor government procurement supply chains. The policy should also be extended to government contractors preventing them from using forced labour. Consequently, contractors who violate the law should be blacklisted from participating in any government contract. The government ought to include in the procurement system to check for abuse regarding human trafficking. National Audit Department should assume vital role in looking beyond financial performance of government agencies but also their connection to human trafficking in government procurement and contracts. This induces transparency in supply chains and government contracts in order to significantly reduce the demand that leads to labour exploitation.

In reducing the demand side of human trafficking, private sector must take the initiative to complement the government's effort on demand reduction. Businesses should be more conscious of using supply that promotes ethical trading such as practiced by the British company Mark & Spencer (Mark & Spencer, 2013) and the American company Starbuck (Starbuck, 2012). The private sector needs to incorporate mandatory zero-tolerance to labour exploitation. To ensure the success of the demand reduction strategy, public and private partnership requires sufficient resources for training, technical assistance and auditing.

7.4 Contribution to knowledge

There is a need to concretise the human trafficking theory. According to Tydlum (2010), theoretically oriented studies for the development of the human trafficking concept are in great need. At the same time, it is also important to improve the understanding of implementation theory in the context of human trafficking. The academic knowledge gained from the study is of importance to the relationship between theory and practice since there is a strong demand for solid empirical research to satisfy the policy demands for data and numbers.

Human trafficking is a complex development issue that has many different dimensions of economic, legal, gender and health (United Nations Development Programme, 2007). Thus, studies on human trafficking tend to focus on those multi-dimensional issues. Different perspectives based on the primary research area provide greater understanding that facilitates the development of the human trafficking concept, which is still lacking. Hence, this study widens the theoretical exploration of human trafficking through the policy implementation lens. The empirical evidence of human trafficking policy implementation in Malaysia provides a better understanding of the problem in order to curb the crime. To increase the understanding of human trafficking, Tydlum (2010) supports qualitative data collection with small-scale, thematically focused local studies on clearly defined population. Given that the sample population of this study involves on-the-job government bureaucrats, significant NGOs and stigmatised victims, direct interviews through qualitative research are important to build the trust in order to gather the information.

The main contribution of this study is in the understanding of human trafficking policy implementation in Malaysia based on the experience of the bureaucrats, supported by multiple perspectives from the NGOs and trafficked victims. To begin with, the study presents human trafficking situation in Malaysia in order to indicate the

magnitude of the problem. This is followed by the discussion of human trafficking policy in Malaysia and the diagnosis of the policy implementation gaps. Seven main themes have been identified that influence the implementation process of translating the policy into actual implementation. The empirical findings greatly contribute to the development of the human trafficking concept considering that no other studies have attempted to analyse the implementation gaps particularly in the case of Malaysia.

This case study covers all forms of trafficking reported in Malaysia and not restricted to only sexual exploitation. It also provides views not only from the bureaucrats but also the NGOs as the connection to the grassroots and trafficked victims as the main beneficiaries. This helps to incorporate a holistic view of human trafficking policy implementation from various actors and to avoid bias towards individualised explanations. By providing a holistic understanding of the human trafficking phenomenon through the perspectives of various actors, it enables the researcher to address the research gap whereby most of the studies tend to focus only on trafficked victims (Lazcko, 2005).

To enrich the knowledge, this study takes a step beyond the gendered perspective in the development of human trafficking concept. It reflects the perspectives from not only female trafficked victims but also male trafficked victims. Male victims have been neglected in the discussion of human trafficking when the attention was only given towards sexual exploitation. The incorporation of male victims in the study enables the study to highlight labour migration as a major contributing factor to the human trafficking problem in Malaysia. Previously, majority of human trafficking research tend to focus on women and children involved in sexual exploitation (Lazcko, 2005).

The findings support the implementation theory of the importance of the government bureaucrats' role as the implementers and the difficulties faced by them in

translating the policy into practice. Even though human trafficking policy implementation in Malaysia faces the complexity as described by Sabatier (2007), it does not follow Lipsky's (1980) street-level bureaucracy theory. The findings reveal that Weberian's bureaucracy prevails in human trafficking policy implementation in Malaysia despite the complexity. The findings also indicate that a top-down approach in the implementation theory seems to be more prominent compared to a bottom-up approach in human trafficking policy implementation in Malaysia. Notwithstanding incompatible resources, the government bureaucrats prefer to minimise discretion and follow procedures. Even with incomprehensive coordination and lack of information flows, they choose to follow established rules. As such, they tend to emphasise crime-control approach rather than focus on victims' protection. Under hierarchical control with low discretion, the government bureaucrats become strict implementers disregarding specific needs of the trafficked victims. Hence, human trafficking policy implementation requires a paradigm shift in the way the bureaucrats view the victims (offenders instead of victims) and undertake the work responsibility (protecting instead of enforcing) in order to ensure effective implementation.

7.5   Future research

The findings of the study lay the foundation for future research on human trafficking policy implementation. Most importantly, future research on human trafficking needs to be more inclusive. The study must acknowledge the importance of the role of traffickers and employers in promoting the crime. The views of the perpetrators are critical to provide better understanding of how human trafficking takes place in order to target effective policy implementation. Understanding the perpetrators is a way of building information regarding the demand side of human trafficking. There is a paucity of data and detailed information regarding perpetrators (Goodey, 2008) that could be due to the complication in getting their cooperation.

The study also needs to incorporate foreign embassies' inputs regarding their involvement in preventing people from their countries from being trafficked as well as protecting those who become trafficked victims. It is also important to investigate the root of the problem at the country of labour origin. Understanding human trafficking phenomenon at both source and destination countries is critical as labour migration is increasingly gaining significance over time. This will help to understand human trafficking as a global crisis that requires international cooperation.

This study focuses on the bureaucrats at the federal level, mainly those at the headquarters. To provide a more comprehensive study, greater attention should be given to the different roles of state and district level bureaucracy in human trafficking policy implementation. Multiple sites of research would allow a better understanding of the implementation process that takes place at different sites nationwide. The implementation process may differ based on the different sites.

Many of the participants in the study consist of the bureaucrats who are at the middle level management in the organisation. Further studies that incorporate multiple bureaucratic levels offer an insight on how the bureaucratic implementers at different levels in the organisation use their level of authority in shaping the policy implementation. This insight helps to identify the factors that systematically influence the implementation process.

Conducting a similar study of policy implementation involving other international crimes such as drug trafficking or crimes against humanity such as rape add value to the knowledge. These types of studies enable comparison to be made whether similar factors involved in the implementation process. The new findings can either complement or refute this study's findings. In the case of similar findings, this study can be generalised to comparable criminal policy implementation.

This study does not specifically address the extent to which human trafficking is voluntary. Hence, to further strengthen and extend a very relevant research on human trafficking policy implementation, a future research on potential victims such as by sectors and by location help to enrich the understanding of human trafficking in general. In this study, many of the male victims were from the manufacturing sector while the female victims came from the entertainment sector and service industry. The findings may be similar or different for other sectors such as plantation and construction. These sectors employ many foreign workers that tend to be highly vulnerable of being trafficked. Location of potential victims between major cities and rural areas can also play a factor in influencing the implementation process of human trafficking policy in Malaysia.

This case study is a step forward in building the foundation of knowledge to address the problem of human trafficking. For future work, the intricacy of human trafficking requires more rigorous analysis and multi-disciplinary perspectives on the policy implementation process in order to explore possible solutions towards abating the crime. The case study is only a small step in understanding the reality of human trafficking in Malaysia. The suggested general directions for future research on human trafficking policy implementation should be explored through a more nuanced lens by investing in resources that contribute towards guiding relevant policy and practice. Hence, further research and more in-depth investigations of the subject merits deeper consideration.

7.6   Conclusion

An important challenge in human trafficking policy implementation is to adequately address the numerous factors that influence the translation of the policy intent into actions. This task is even more challenging as the problem of human trafficking is a globalised crime that has multi-dimensional aspects with cross-sectoral

issues. Despite the limitation of the study, it offers insights into policy implications of human trafficking policy implementation in Malaysia and provides recommendations based on the case study as illustrated in Table 7.1. Empirical research with primary data collection has contributed to the understanding of human trafficking through the policy implementation lens. Further study, however, is necessary to strengthen the theoretical development of the human trafficking concept.

Table 7.1: Recommendations for Human Trafficking Policy Implementation in Malaysia

Policy Implications	Recommendations
❖ Strengthening smart partnership (a) Local collaboration	- Increase dialogues among different actors - Emphasise communication and cross-learning among government departments, NGOs, private sector and community - Build trust between government agencies and the NGOs as well as with trafficked victims - Incorporate local councils' involvement - Mobilise community participation - Promote multi-disciplinary collaboration
(b) International cooperation	- Engage with countries of origin to address the root of the problem - Promote cooperation and coordination among governmental counterparts - Initiate regional action particularly with ASEAN countries - Collaborate with more international agencies similar to IOM and UNHCR
❖ Enhancing institutional capacity	- Provide sufficient funding in the form of an annual budget instead of an ad-hoc basis - Enhance personnel training including at the grassroot level and top management of each organisation - Extend training programme to include non-uniform staff members - Promote integrated approach in capacity building - Develop a standardised training programme together with specific module based on the different responsibilities of each agency - Conduct a comprehensive training programme involving bureaucrats from various agencies, NGO representatives and community leaders - Establish a dedicated unit with experts from various fields - Form a specialised unit in each relevant agency

Table 7.1, continued

❖ Respecting victims' rights	• Allow trafficked victims to work outside the shelter premise to earn substantive income • Adopt an open shelter home that provides all the necessary standard of care for the victims without forcing them to stay there • Increase specialised courts to expedite legal procedures • Separate existing trafficked victims from the newly suspected trafficked victims to avoid negative influence • Create legal avenues for trafficked victims • Review the provision of assistance to gain victims' cooperation
❖ Promoting research imperative	• Prioritise research to systematically learn from the findings • Promote self-critical approach to identify the implementation gaps • Designate a unit at the MAPO secretariat to coordinate research initiatives • Utilise existing research institutions • Commission independent studies
❖ Synergising formal and informal mechanisms	• Combine formal procedures with supportive informal mechanisms • Promote interaction and familiarisation with various actors • Build strong relationship through a comprehensive training session and holistic work retreat engaging diverse stakeholders • Incorporate bureaucrats from all bureaucratic levels involving various functions such as operational, administrative and planning • Establish informal linkages • Provide clear guidance while promoting informal mechanisms

Table 7.1, continued

❖ Increasing responsiveness	• Promote flexibility that leads to innovation and development • Tap the knowledge of the frontline bureaucrats by incorporating their views through interactive channels • Empower the frontline bureaucrats with accountability • Increase visibility and transparency of the bureaucrats' actions
❖ Improving service delivery	• Learn every aspect involved in handling a human trafficking case • Understand the implementation process right from the beginning of rescuing trafficked victims to the end of repatriating them safely home • Rotate the bureaucrats frequently to avoid burnout and poor quality of services • Develop an adequate support system for the bureaucrats
❖ Managing labour migration	• Educate foreign workers of their rights • Ensure the well-being of foreign workers • Possess the skills to identify non-bona fide visitors to the country • Treat trafficked victims as crime victims rather than collaborators to the crime
❖ Mitigating human trafficking demand	• Incorporate men in the fight against human trafficking • Increase the demand for fair trade products that is produced by those who practice ethically acceptable labour standards • Promote consumer awareness and ethical purchasing habits • Monitor government procurement supply chains and government contractors to check for abuse regarding human trafficking • Use supply that promotes ethical trading • Incorporate mandatory zero-tolerance to labour exploitation • Require sufficient resources for training, technical assistance and auditing

CHAPTER VIII

CONCLUSION

Human trafficking is a complex global crime as evidenced by the case study of Malaysia. The complexity of the problem has led to various challenges in its policy implementation as it involves various actors across different sectors and international boundaries. Using the implementation lens leads to the discovery of a myriad of factors that influence the implementation process. The factors based on the thematic findings explain the implementation gap between policy intent and actual implementation. Seven main themes are identified that influence the implementation process of translating the intent of the 2007 Act into practice: incomprehensive coordination, incompatible resources, critical information flows, criminal approach, hierarchical control, low discretion and paradigm shift imperative.

Despite its generalisability limitation, the case study of Malaysia indicates findings that are suggestive of the state of human trafficking policy implementation worldwide. The thematic findings support most of the evidence from past studies on human trafficking. The findings suggest that incomprehensive coordination exists because of the complexity of human trafficking. Studies on human trafficking in the United States highlight the importance of systematised inter-agency cooperation, cross training and openness to partnering in order to improve policy response (Farrell et al., 2008; Newton et al., 2008; Logan et al., 2009). The studies also indicate the problem of incompatible resources, hence the need for more resources for relevant agencies besides training programme for policy implementers and awareness campaign for the general public. Local study conducted by IOM (2010) also reveals the problem of coordination and resources in Malaysia.

Critical information flows emerge as the result of communication gap involving lack of data collection and sharing of information. Similar problem has been emphasised in the reports for the United States Department of Justice Report (Farrell et al., 2008; Newton et al., 2008). Malaysia's approach in combating human trafficking reflect the finding by Willman (2009) that shows countries in the Asian region tend to adopt a criminal approach instead of a human rights approach. Although the findings reveal that the Malaysian government focuses on enforcement, the evidence also shows that Malaysia is willing to allocate the funding to implement the 2007 Act unlike countries that tend to strategically emphasises prevention due to lower cost of compliance (Cho and Vadlamannati, 2012).

Human trafficking policy implementation in Malaysia shows a strong influence of bureaucracy as introduced by Weber (Weber in Gerth & Mills, 1946). The government officers act based on their bureaucratic values despite limitation of capacities when carrying out their specific duties. The thematic findings indicate that hierarchical control dominates the policy implementation through SOPs and formal mechanisms with MAPO as the lead agency. This relates to bureaucratic characteristics of standardisation, formalisation, centralisation and functional specialisation (Pugh et al., 1963; Scott, 1981; Kanter, 1990). Bureaucracy, however, imposes constraints on the implementation process (Cohen, 1965; Denhardt and Denhardt, 2009) as indicated in the findings. Consequently, the implementation of human trafficking policy in Malaysia becomes rigid that may have adverse impact on the true intent of the policy.

Human trafficking policy implementation in Malaysia involves common work conditions that depict street-level bureaucracy as described by Lipsky (1980): critically inadequate resources; increasing demand; ambiguous, vague or conflicting goal expectation; performance management difficulty; and non-voluntary clients. However, street-level bureaucracy fails to dominate human trafficking policy implementation in

Malaysia despite the similarity of the work conditions. Notwithstanding the constraints in managing their work, the findings reveal low discretion suggesting that the bureaucrats tend not to use their discretion but to follow rules and procedures. This may not support the theoretical expectation of street-level bureaucracy (Lipsky, 1980) due to the fact that the bureaucrats prefer to follow the standardised procedures in human trafficking policy implementation in Malaysia because it is a safe option in terms of their career development.

Paradigm shift imperative highlights the need for change. The bureaucrats must realign their job scope to address human trafficking as a criminal case. At the same time, they have to cater to the special needs of the trafficked victims. Hence, the bureaucrats must be equipped with the right skills and knowledge to balance enforcement and protection elements when dealing with human trafficking policy implementation. They require social welfare knowledge to handle trafficked victims while improving their victims' identification skills. The bureaucrats found the work of handling the victims to be stressful because of conflicting priorities whereby they need to cater to the victims' need while ensuring the victims' security by following strict rules at the shelter homes. This supported the study conducted in Northern England (Kliner & Stroud, 2012) and an IOM study in Malaysia (2011) of how the bureaucrats dealing with human trafficked victims face greater difficulty than with other vulnerable groups. With their social welfare orientation, NGOs were naturally more forthcoming in voicing the need for change in the policy implementation. Therefore, top management must provide the needed support given the problem the frontline bureaucrats are facing at the operational level.

Implementation is a complicated process (Pressman and Wildavsky, 1973) that leads to implementation gap (Hill and Hupe, 2009). The bureaucrats assume an important role in shaping policy implementation. Despite facing complexity in

implementing human trafficking policy, the bureaucrats tend not to exercise their discretion because of their lack of knowledge. Without knowledge, the bureaucrats have to resort to regulations and procedures that bind their actions from being responsive and effective. The challenge for government is to find a balance between enforcement and caring for the welfare of the victims, between inflexible by-the-book and flexible implementation, and between rhetoric and actual commitment of resources. Striking a balance is an onerous task that deeply influences the policy effectiveness as indicated by the bureaucrats themselves as well as the NGOs and the trafficked victims.

The findings also reveal that the policy implementation lacks quantifiable measures to assess the performance against the strategic goals. Its complexity supports Sabatier's (2007) arguments of the interactive elements that complicate the policy process: various actors, extensive period of time to study the impact, many programmes involving multiple levels of government, policy debates among actors, and deeply held values/interest. Since the findings are limited to this case study, similar studies can be conducted in other regions to develop substantive theory on human trafficking policy implementation. Studies conducted in different geographic areas promote the applicability of the findings. There is no concrete theory on human trafficking particularly on policy implementation due to lack of theoretical exploration based on empirical evidence.

In line with the prevalence of bureaucracy, top-down approach is highly visible in human trafficking policy implementation in Malaysia. Hierarchical control and low discretion of the bureaucrats as the main implementers of the policy indicate that top-down approach has a profound impact on the implementation practice. The top-down approach reflects the criminal focus in implementing the 2007 Act despite the recognition of victims' protection stated in the 2007 Act. Incomprehensive coordination and incompatible resources affect the effectiveness of implementation as demonstrated

by the implementation gaps. Critical information flows are essential to provide constructive feedback to enable top level bureaucracy formulates relevant procedures for lower echelons to follow. As the main implementers of human trafficking policy, the bureaucrats at every level require a paradigm shift in dealing with human trafficking cases and trafficked victims.

Effective implementation is an arduous task given the complexity of human trafficking policy implementation. The array of insights gained from the study appears to support the existence of a strong bureaucratic influence in the implementation process. The empirical evidence of the case study in Malaysia highlights the need to exercise flexibility in the means adopted to carry out the policy while protecting the intent of the policy. As a result, the study substantiates the importance of synthesising top-down and bottom-up approaches in human trafficking policy implementation in Malaysia.

A variety of underlying factors influence policy implementation including controlling the supply and demand for human trafficking. High demand for workers to be employed in exploitative work and labour supply decisions taken by vulnerable individuals promotes the market of human trafficking (Wheaton, Schauer and Galli, 2010). Consequently, such labour market condition leads to increased number of trafficked victims with greater demand for human trafficking services. Because of limited resources and increased demand, the bureaucrats are under pressure to provide adequate services as they have to make choices of how best to utilise the scarce resources despite the constraints. Hence, the remedies require a broader set of actions at a national and international level.

Besides foreign trafficked victims, it is essential for Malaysia to recognise the existence of local victims. Some of them migrate to big cities in the country while some were trafficked abroad. Greater attention should be given to address the source of the

problem. Trafficked victims must be included in the coordination process as they provide the important information to be presented to the court which in turn can lead to the sentencing and punishment of the traffickers. The inclusion of trafficked victims is critical in order to understand the root causes of the crime. Understanding the conditions in which those at risk of being trafficked experience entails more effective prevention programmes to curb the crime. Since the protection needs may vary among victims, their participation in providing inputs is crucial for successful implementation.

The dynamics of human trafficking policy implementation in Malaysia are associated with numerous factors that are connected to the global and hidden nature of the crime as well as the system of bureaucracy in the government service. It is imperative that Malaysia recognises human trafficking as a labour market phenomenon. Recognising the problem of labour trafficking, Malaysia has taken a step forward in providing shelter homes even for male trafficked victims, a rare occurrence among countries dealing with human trafficking (Polaris Project, 2011).

There has been a significant development of responses regarding human trafficking at the national, regional and international levels. The transnational crime requires concrete global action from various actors. As a receiving country, Malaysia bears the consequence of managing migrant workers who are highly vulnerable of being trafficked. Concerted action from countries of origin is crucial as it pushes both countries of origin and destination to take responsibility. The fight against human trafficking necessitates formidable coordination so as to consolidate serious actions from each country.

Despite the acknowledgement of human rights dimension of human trafficking, Malaysia still lacks in the actual implementation of protecting the rights of the trafficked victims. Promoting human rights framework to the practice in reality is no easy task as the primary emphasis of human trafficking policy implementation tends to

focus on prosecution of traffickers instead of protection of victims' rights. Adopting a human rights approach as opposed to a criminal approach requires adequate funding and effective coordination among all relevant parties including NGOs, private sector and communities. As a result, a holistic approach to address human trafficking is vital given that it is a crime against humanity involving numerous actors across sectors and boundaries.

The role of other actors other than government bureaucrats should not be underestimated. The involvement of local and international NGOs is vital since they can contribute to the positive development of human trafficking policy implementation. The bureaucrats need to establish a good working relationship with the international counterparts as they will be better suited to handle the root of the problem at the countries of origin. The bureaucrats must be more proactive in dealing with human trafficking phenomenon as they need to move beyond merely the prescribed methods in order to keep up with the changing needs.

Malaysia has shown positive efforts in human trafficking policy implementation. However, it must take more prominent actions at the national and international levels to seriously fight human trafficking. Relevant implementation issues raised in the study should be carefully considered to promote progress in the service delivery. It is essential for Malaysia to go beyond mere adoption of laws. The focus needs to move toward a more targeted and purposeful implementation that serves as a basis to effectively materialise the policy intent. The inherent weakness of human trafficking policy implementation in Malaysia must be addressed in order to fully appreciate the intent of the policy. The implementation process of translating the policy intent into actual performance is vital because it shapes the policy outcome.

Policy implications arising from the findings of the study should be given due consideration. The study illustrates that human trafficking policy implementation in

Malaysia is a complex process that is strongly influenced by Weberian's bureaucracy instead of Lipsky's street-level bureaucracy. Policy implementers, however, need to be flexible to address emerging implementation issues due to the evolution of the human trafficking phenomenon over time. Research on different aspects of the phenomenon promotes better understanding and more effective response to fight the crime. The study's attempt to understand the problem of human trafficking through the policy implementation lens is paralleled by empirical research. While this study only explores the policy implementation aspect of human trafficking, it is hoped that it has made significant contribution to the knowledge of human trafficking and policy implementation.

There is a dearth of study on human trafficking policy implementation particularly in Malaysia. This study uncovers the factors that influence the implementation process of translating the intent of the policy into action. The research findings indicate that human trafficking policy implementation is a dynamic and complex process involving numerous actors and various programmes with diverse goals according to each organisation. The bureaucrats had different focus based on their role such as enforcement or protection officers. Both the bureaucrats and the NGO representatives acknowledged that time played an important role as they considered the policy implementation was still relatively new before it made a real impact. Continuous research on human trafficking must be conducted to advance understanding of the dynamics of human trafficking. This study is a step forward in bringing the policy implementation perspective to the development of human trafficking theory. Hence, further investigation should be conducted towards the formation of a concrete theory on human trafficking.

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APPENDICES

Appendix A

WRITTEN CONSENT FORM

I, ..., agree to participate in the interview conducted by the researcher Ms. Wan Nur Ibtisam Wan Ismail at …………………………............ for the period of not more than two hours.

I understand that the session will be recorded, and that I may request that the recorder be turned off at any time, for any reason.

I appreciate that the interview will be anonymous and a pseudonym will be assigned. However, I realise the need for the participant to be identified according to his/her role such as enforcement officer, protection officer, labour officer, government officer, NGO representatives and trafficked victims.

I am aware of the fact that this interview will be only for the purpose of the researcher's PhD thesis. Nevertheless, the findings based on the interview will be analysed to provide recommendations that will help to improve human trafficking policy implementation in Malaysia.

Signature of participant:	Signature of researcher:
Date:	Date:

Appendix B

SEMI-STRUCTURED QUESTIONS FOR GOVERNMENT OFFICERS

Human Trafficking Situation
- How would you describe the human trafficking situation in Malaysia?
- In your opinion, what kind of problems arises due to human trafficking in the country?
- What are the types of human trafficking exist in Malaysia?
- Who are the victims of human trafficking? How did they become trafficked?

Human Trafficking Policy
- What are the policies regarding human trafficking?
- What are the policy objectives? Are the policy objectives clearly stated?
- What is the role of your organisation in fighting human trafficking?
- What is the working definition of human trafficking as interpreted by your organisation?
- What kind of activities related to human trafficking policy are you involved in?
- What is your opinion regarding human trafficking policy in Malaysia?

Implementation
- How long have you been involved in the implementation of human trafficking policy?
- What role do you play in the human trafficking policy implementation?
- Do you need any specific knowledge to handle human trafficking? What kind of training have you received to deal with human trafficking problem?
- What kind of mechanisms is established to implement the policy?
- What programmes are being conducted to address human trafficking?
- What are the resources made available for the bureaucrats?
- What type of information is being shared inter/intra agencies?
- Is there any kind of resource sharing among various agencies (i.e., loans, grants, contracts, or secondment of personnel)?
- Have there been any joint activities among various agencies (planning, data gathering, service delivery, monitoring, training, or supervision)? If yes, please elaborate.
- What is the level of cooperation between all the relevant organisations (government agencies, NGOs, etc.)?
- Is there any international collaboration? Please elaborate.
- What kind of support/assistance is given by MAPO/other actors in order to achieve the policy objective?
- Do you have flexibility in implementing the policy? What are the examples of actions based on your own initiative instead of following the existing rules?
- How do you respond to changing conditions when handling the problem of human trafficking?
- How do you rank human trafficking policy implementation in terms of work priority?
- What are the main factors affecting human trafficking policy implementation?
- How could the policy implementation be improved?

Trafficked victims

- What are the challenges facing victims of trafficking?
- What types of services are available for the trafficked victims?
- What are the needs of victims of trafficking? How are the needs of the victims currently being met? What are the gaps?
- What are the barriers to providing services to victims of trafficking and how might they be overcome?

SEMI-STRUCTURED QUESTIONS FOR NGO REPRESENTATIVES

Human Trafficking Situation
- How would you describe the human trafficking situation in Malaysia?
- In your opinion, what do you consider to be issues related to human trafficking in Malaysia?
- What are the types of human trafficking exist in Malaysia?
- Who are the victims of human trafficking? How did they become trafficked?

Human Trafficking Policy
- Are you familiar with human trafficking policy in Malaysia? What are the policies regarding human trafficking?
- What are the policy objectives? Are the policy objectives clearly stated?
- What is the working definition of human trafficking as interpreted by your organisation?
- What kind of activities related to human trafficking policy are you involved in?
- What is your opinion regarding human trafficking policy in Malaysia?

Implementation
- How does your organisation become involved in implementing the policy?
- What kind of involvement does your organisation has in dealing with human trafficking?
- How long has your organisation been involved in the implementation of human trafficking policy?
- What kind of training have you received to deal with human trafficking problem?
- What kind of mechanisms is established to implement the policy? Do you think the current mechanism is effective?
- Does your organisation conduct any programmes related to the fight against human trafficking? If yes, what kind of programmes is being conducted?
- Does your organisation receive government funding to finance anti-trafficking measures? What is your view regarding budget allocation for human trafficking?
- Is there any sharing of information between government agencies and NGOs? If yes, what type of information is being shared?
- Is there any kind of resource sharing among NGOs and with government agencies?
- Is your organisation involved in any joint activities with government agencies (planning, data gathering, service delivery, monitoring, training, or supervision)? If yes, please elaborate.
- In your opinion, what is the level of cooperation between all the relevant organisations (government agencies, NGOs, etc.)?
- Do you know of any international collaboration regarding human trafficking? Please elaborate.
- How would you describe the relationship with relevant government agencies?
- What kind of support/assistance is given by MAPO/other actors to NGOs involved in fighting human trafficking?

- Have you witnessed any flexibility of the government officers in implementing the policy? What are the examples of those flexible actions?
- Do you think the government officers prioritise the implementation of human trafficking policy? Please elaborate.
- What are the main factors affecting human trafficking policy implementation?
- Based on your experience, how could the policy implementation be improved?

Trafficked victims
- In your opinion, what are the challenges facing victims of trafficking?
- What are the needs of victims of trafficking?
- Does your organisation offer services to help trafficked victims?
- Are the needs of the victims currently being met? How do the government officers provide protection service to victims? What are the gaps?
- In your opinion, what are the barriers to providing services to victims of trafficking and how might they be overcome?

Appendix D

SEMI-STRUCTURED QUESTIONS FOR TRAFFICKED VICTIMS

Human Trafficking Situation
- What is the reason for being in the shelter home?
- How long have you been in the shelter home?

Human Trafficking Implementation
- How did you come to the shelter home (i.e. self-reporting, raid etc.)?
- What do you think of Malaysia's approach to handling the problem of human trafficking in the country?
- How did the staff (i.e., enforcement officers, protection officers and care providers) treat you?
- What type of food do you eat at the shelter home? How many times a day do you eat? Do you like the food? Is the meal enough for you?
- How many people sleep in a room? Is there enough space for you?
- Are you able to contact your family? If so, how do you contact them and how frequently?
- What are the rules you have to follow at the shelter home?
- What do you think of the shelter home services?
- What are the programmes and activities at the shelter home?
- What problems do you face at the shelter home?
- How do you voice your problem at the shelter home?
- What can be done immediately to make your stay at the shelter home more comfortable?
- Is there anything else you would like to improve at the shelter home?
- Would you come back to Malaysia if given the chance?