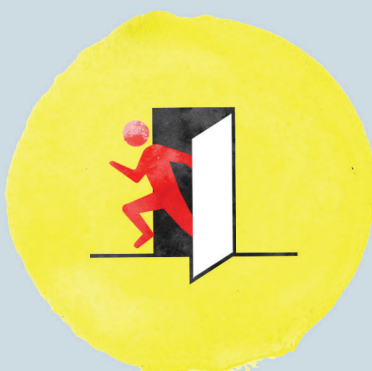
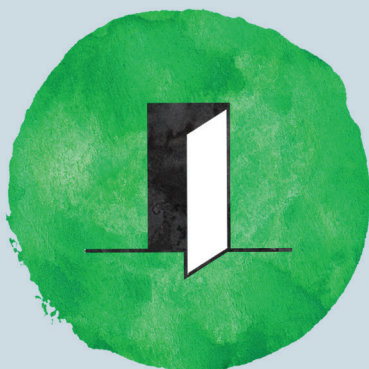


Trafficking in Malaysia, Indonesia and the Philippines A Research Study



Asia Pacific Mission for Migrants

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Indonesia and the Philippines
A Research Study**

The Asia Pacific Mission for Migrants (APMM)

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Introduction

Twenty years ago, the United Nations General Assembly gathered in Palermo, Italy and adopted the UN Convention against Transnational Organized Crime, as well as the supplemental “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.” The said Protocol created a global language and legislation to define trafficking in persons, especially women and children, and established parameters of judicial cooperation and exchange of information among countries (Raymond, 2002). Based on the said protocol, “trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Trafficking supplies human beings for prostitution, sweatshop labor, street begging, domestic work, marriage, adoption, agricultural work, construction, armed conflicts (child soldiers), and other forms of exploitive labor or services (Jones et. al., 2007). As for trafficked workers, they are prone to all kinds of abuse, from being underpaid to being physically brutalized by the people they work for “but they cannot complain because of their illegal status.” Some are even killed, while others take their own lives because they cannot take the abuse anymore (Dakur, 2016).

Despite the UN Protocol’s attempt to distinguish human trafficking from smuggling, many coun-

tries mix data related to trafficking, smuggling, and irregular migration, meaning that figures are often little more than estimates (Laczko, 2002). It has also been noted that human trafficking is generally under-reported, under-recorded and under-legislated despite rising to the top of international policy agenda (Omelaniuk, 2005). Several factors are cited for these gaps in trafficking data, including the fear of victims of retaliation and of government penalties, especially in the case of undocumented migrants. Nevertheless, estimates indicate that the problem has worsened over the years even as international and national frameworks and legislations on trafficking in persons have been adopted and passed.

Victims of human trafficking have remained on the rise during the past decade, although there have been reported improvements in case detection and identification. The number of detected human trafficking victims reached at an all-time high in 2016 at around 25,000 reported cases, up from approximately 20,000 in 2014 based on the latest Global Report on Trafficking in Persons (UNODC, 2018). Most of the trafficking victims originated from East Asia followed by those from sub-Saharan Africa, with majority of the victims consisting of women (49 percent) and girls (23 percent), and with trafficking for sexual exploitation as the most common form of the crime. In the midst of the COVID-19 pandemic, it has been reported that human trafficking has even worsened despite the travel restrictions as people have a greater need for services of smugglers and with the sharp increase in unemployment rates, according to the latest UNODC report.

Southeast Asia has remained as a major hub for human trafficking, with one estimate indicating

that nearly one-third of the global trafficking in persons trade (200,000-225,000 women and children) are trafficked annually from the region (Richard, 1999), although most of the trade happens in between Southeast Asian countries (UNODC, 2016). Skeldon (2000) noted that the number of illegal migrants leaving Asia are tiny compared with the numbers moving within Asia itself, with migration happening towards neighbouring countries. According to the Walk Free Foundation's Global Slavery Index, Thailand is the leading destination for trafficking victims from Cambodia, Laos and Myanmar, while Malaysia is the top destination for victims from Indonesia, the Philippines, and Vietnam. This observation was shared by Piper (2005), who noted that extensive intra-regional trafficking within Southeast Asia takes place around Thailand. Caballero-Anthony (2018) noted that more than 60 percent of the victims identified in the region were trafficked for sexual exploitation, while others were victims of domestic servitude and forced labor.

Trafficking in persons remains one of the most lucrative illicit businesses in the world. The International Labour Organization (ILO) has estimated that the total profits obtained from the use of forced labor in the private economy worldwide is at US\$150 billion per year. Of this aggregate amount, US\$99 billion is generated from forced sexual exploitation while US\$51.2 billion came from forced labour exploitation, which includes domestic work. Annual total profits are highest in Asia (US\$51.8 billion), due to the high number of victims in the continent, and in developed economies where profit per victim is relatively higher (FATF, 2018). But beyond being a transnational crime, human trafficking is principally a human rights violation "that affects mostly peo-

ple in vulnerable, usually low income, socially deprived, circumstances, such as women, children and minority groups" (Omelaniuk, 2005). Over the years, trafficking in persons has been increasingly treated as a security problem and as a transnational crime, even as it needs to be placed in the fundamental socio-economic context. As Chuang (2006) puts it, "Governments have been deeply reluctant, however, to view trafficking in this broader frame - that is, as a problem of migration, poverty, discrimination, and gender-based violence. They have tended to view trafficking as a 'law and order' problem requiring an aggressive criminal justice response." The International Organization for Migration (IOM) listed several approaches to the problem of trafficking, namely 1) trafficking for prostitution 2) trafficking in the context of migration 3) trafficking as a labor issue 4) trafficking as a criminal problem 5) trafficking as a human rights issue. There is a need, however, to examine the driving forces and motives behind the ever-worsening problem of human trafficking, the role of national governments and nongovernment organizations in addressing the issue, and the current gaps in international frameworks and national legislations.

In light of the available statistics indicating the magnitude of trafficking in persons in Asia, specifically Southeast Asia, and the victimization especially of women and girls, the research study posed questions in relation to the experience of victims, mostly women, along the trafficking routes connecting Malaysia, Indonesia, and the Philippines.

Statement of the Problem

The research problem that needs to be answered is:

What is the extent and features of human trafficking routes, specifically involving women victims, connecting Malaysia, Indonesia and the Philippines?

In relation to this, the following are the specific objectives:

- 1** *To document and analyze the experience of victims (particularly women victims) of human trafficking in Malaysia, Indonesia and the Philippines*
- 2** *To describe the features of the trafficking routes and the schemes and processes involved*
- 3** *To examine the roles of national governments and nongovernment organizations in addressing human trafficking*
- 4** *To identify possible gaps in existing regional frameworks and national legislations regarding human trafficking*

Review of Related Literature

Dominant discourses and current approaches on human trafficking have serious limitations in as far as comprehensively understanding the socio-economic dimensions of trafficking in persons is concerned. As Tomkinson (2012) lucidly pointed out, the problems with current trafficking discourse is that the “the spectacle of enslaved bodies... creates a national panic”, which in turn “expands the surveillance power of the state to intervene in sexual activity with the argument that they are ensuring national security.” Ford et. al. (2012) said this association of trafficking with sexual exploitation also dominates counter-trafficking agendas of major international donors. The works and documentation of Kara (2009), Kotrla (2020) and Raymond et. al (2001) demonstrate this “sex trafficking” focus, with the United States as final destination of victims.

Such victim-centered approach on one hand enables sweeping state interventions, such as neo-abolitionism and counter-terrorism measures, while glossing over the potential complicity (and even direct cooperation in some cases) of state actors and over the broader socio-economic dimension of the problem. Chuang (2006) also emphasized that the problem of trafficking “begins not with the traffickers themselves, but with the conditions that caused their victims to migrate under circumstances rendering them vulnerable to exploitation,” wherein traffickers take advantage of the resulting vulnerabilities to make a profit.

Nevertheless, some studies have attempted to delve deeper into the problem of human trafficking by mapping the trafficking routes and letting the victims speak out and describe their experiences. Gusni (2009) documented the trafficking route from Manila to Kota Kinabalu via Zamboanga City in Southern Philippines and Sandakan in Sabah, wherein it was found out where women victims were smuggled to work into the vice industry in Sabah by organized syndicates through deception and debt bondage. Some of the victims were also further trafficking to West Malaysia from Sabah. Based on the study, the women victims travelled in groups of eight to 13 persons from Manila with valid passports, and checked in at hotels upon arrival in Kota Kinabalu, until they would need to stay inside a safe house as their one-month tourist pass had expired. By that time, the promised job in a supermarket or factory would be revealed as a hoax, and they were forced to work in the sex industry in Labuan.

TABLE I
Routes Taken to Malaysia from the Philippines

<i>Route Taken</i>	<i>Modes of Transport</i>	<i>No. of Persons/ Victims</i>
<i>Manila to Zamboanga; Zamboanga to Sandakan Sandakan to Kota Kinabalu Kota Kinabalu to Labuan</i>	<i>Manila to Zamboanga–air plane; Zamboanga to Sandakan–ferry; Sandakan to Kota Kinabalu–air plane; Kota Kinabalu to Labuan–air plane</i>	<i>26</i>
<i>Jolo to Zamboanga; Zamboanga to Sandakan Sandakan to Kota Kinabalu; Kota Kinabalu to Labuan</i>	<i>Jolo to Zamboanga–ferry; Zamboanga to Sandakan–ferry; Sandakan to Kota Kinabalu–car; Kota Kinabalu to Labuan–ferry</i>	<i>2</i>
<i>Bongau to Labuan</i>	<i>Barter trading ship</i>	<i>1</i>
<i>Zamboanga to Tawi-tawi; Tawi-tawi to Sandakan; Sandakan to Kota Kinabalu Kota Kinabalu to Labuan</i>	<i>Zamboanga to Tawi-tawi–ferry; Tawi-tawi to Sandakan – boat; Sandakan to Kota Kinabalu – car; Kota Kinabalu to Labuan – ferry</i>	<i>1</i>

South Asian Survey 16, 1 (2009): 137-148

Kaur (2010) situated human trafficking within the frame of the broader international labour migration vis-à-vis market liberalization, particularly noting that labor outsourcing firms in Malaysia worsened the problem of human trafficking, as migrant workers arriving in the country were then “sold” or outsourced to local firms. She also noted that the geographical spread of detention centers for illegal migrants in Malaysia correlates with the entry points of (irregular) migrant workers, with detention centers established in peninsular Malaysia, Sarawak and Sabah.

As for Indonesia, a comprehensive report by the Solidarity Center (2000) detailed the plight of women and children victims of trafficking and the local and international routes usually taken, with locations marked as sending, receiving or transit to map out the flows of trafficking victims in the archipelago. Based on the study, North Sulawesi, Central Java, West Java and East Java are origin points for human trafficking victims while East Kalimantan serves as a transit point. Destination countries include Hong Kong, Malaysia, Saudi Arabia, Singapore, Japan and Taiwan. Esther (2016), quoting the work of Ruth Rosenberg, provided a mapping table which indicates the sending areas, regional transits, and receiving areas across Indonesia. She described the trafficking network as inseparable from the boundaries of the country which are “more easily traversed,” and has a “cross-country network of well-structured and highly secretive existence, even involving a syndicate.” The same study discussed the handling of trafficking cases specifically in the Nunukan regency, wherein government interventions are mainly through women empowerment and family planning, and through services via the Center for Placement and Protection of Indonesian Workers (BP3TKI Nunukan).

In a news report, Hj Asmin Laura Hafid, regent of Nunukan, North Kalimantan Province in Indonesia admitted that her area is still a route for trafficking victims in transit to Sabah (Antara News, 2020). This was previously confirmed in

an incident in June 2018, wherein two speedboats carrying migrant workers collided in the seawaters of Sebatik Island, North Kalimantan known as the unofficial route for crossing to Malaysia (Voa Indonesia, 2018).

Like Indonesia, the Philippines is a source, transit and destination country of human trafficking. Quoting a report, Shahrullah (2015) said the schemes employed to lure victims in the two countries are also similar: Recruiters target the vulnerable groups by giving potential victims all kinds of nice and false promises. They frequently use fraud, deception, threats, abuse of authority, debt bondage, marriage or relationships, abduction, confinement, or rape. She also mapped out the areas in Indonesia and the Philippines for internal and external human trafficking.

Origin, transit and destination areas in the Philippines and Indonesia

Type of Location
Sending Areas
Destinations for internal trafficking
Destinations for international trafficking

Sulaksono (2018) argued that there is a new pattern of trafficking wherein the legal entry of a migrant transitions to a mode of illegality to emphasize that “procedural migrant workers are also susceptible to become human trafficking victims.” This argument however is not new, as several previous studies documented the experiences of trafficking victims who migrate voluntarily and legally to destination countries. Ullah (2013) noted in his study of the journey of Bangladeshi workers to Malaysia that some migrants with legal entry and with work permits slipped into illegal status on a later stage – when they noticed that their wage rate was lower than agreed upon earlier with the brokers, they protested and sought justice; consequently the employer, who was holding their passports, chased them away and eventually they became

irregular or what Ruhs and Anderson (2006) call semi-compliant because of the fact that they did not possess legal documents.” In her study, Michael (2013) said legal migrants in Malaysia for instance are promised with decent pay and stay but are subjected consequently to deplorable conditions in domestic households, in agriculture, food service, plantation, fishery, industrial and at dangerous construction sites. Skeldon (2000) pointed out that the difference between legal and illegal becomes blurred especially as employers, government officials and brokers or traffickers may all have a hand in facilitating “overstayers,” to refer to those who slipped into illegal status.

The Philippines	Indonesia
Ilocos Region, Cagayan Valley, Baguio, Pampanga, Nueva Ecija, Olongapo City, National Capital Region, Batangas, Mindoro, Lucena, Bicol (Luzon); Samar, Leyte, Cebu, Panay, Iloilo, Antique, Negros Island (the Visayas); Davao, Mindanao, South Cotabato, General Santos, Dipolog, Butuan (Mindanao).	North Sumatra Province, Lampung Province, West Java Province, Central Java Province, East Java Province, Bali Province, West Kalimantan Province, East Kalimantan Province, North Sulawesi Province, Southeast Sulawesi Province, West Nusa Tenggara Province, and East Nusa Tenggara Province.
Manila, Cebu, Davao, Angeles, Bicol and Batangas.	North Sumatra Province, Riau Islands Province, South Lampung, Central, West, East, North, South and Jakarta, Surabaya, Bali Province, East Kalimantan Province, Sumbawa and Papua Province.
The Middle East countries, Malaysia, Brunei, Cote d’Ivoire, Thailand, Turkey, Vietnam, U.E.A, China, Japan, Palau, Saipan (CNMI), Greece, USA, Bangladesh, South Korea, Hong Kong, New Zealand, Australia, Singapore, and Timor Leste.	Malaysia, Saudi Arabia, Japan, Singapore, Iraq, Taiwan, Hong Kong, United Arab Emirates, Jordan, Kuwait, Qatar, Syria, France, Belgium, Germany and the Netherlands.

Source: Shahrullah, 2015

Methodology

In order to have an in-depth study on the trafficking route the research paper used the following methodology:

- a.** Interviews. Interviews were conducted among victims/survivors and their families, institutions working with migrants (service organizations and faith communities), and government entities. These interviews shed light on the experience of migrants and their families who are victims of trafficking, the response of migrants and faith-based organizations and institutions as well as government's actions to protect the migrants.
- b.** Cases documentation. Documentation of cases provided concrete pictures of the subject. Stories of trafficking victims will originate from the victims themselves or members of their families. It also came from the documents available from migrant serving institutions or organizations actively protecting the rights and dignity of victims of trafficking.
- c.** Desk researches. Various articles published online or in print were also source of important references that deepened the study. Website of various migrant serving institutions and organizations as well as government institutions were good sources of reference materials.

Discussion of Results

The foregoing discussion details the recruitment process, trafficking route and experiences of human trafficking victims in Indonesia, Malaysia and the Philippines as told by the victims themselves, by their families and by migrant serving institutions. Aside from interviews, focus group discussions (FGDs) were conducted among Filipino migrant workers.

Recruitment

Based on the interviews, economic vulnerabilities of the victims were exploited by field workers/recruiters who also made promises of handling documentary requirements.

Recruitment takes many forms and uses various tools and even institutions. The usual targets for recruitment of traffickers are people among the lower income classes who are in need of money for their daily needs or to be able to pay of large amounts of incurred debts. In the interviews with trafficking victims, coercion as well as deception through false promises of high salary and job description are the themes identified in the recruitment phase. Based on the interviews, economic vulnerabilities of the victims were exploited by field workers/ recruiters who also made promises of handling documentary requirements.

Anis Hidayah, head of the Migration Center for Migrant Care Studies, said that recruitment by traffickers is structured and goes deep within the communities, even using the community structures such as the local government and the schools to be able to recruit. She said their way of searching for victims “is structured because often they are not accustomed to approaching people but also using state apparatus. If in the community, through the village apparatus, many of the village officials become part of the syndicate itself; heads of village, secretaries and the other apparatus is part of the community so that people do not have a lot of suspicion because they are state officials so they do not feel this is a fraud, do not anticipate that this is a syndicate, do not anticipate that this is a crime. So, they are more vulnerable, I call it structural, thus making the approach easier and not infrequently through educational institutions.”



Focus Group Discussion on Trafficking in Indonesia

For the victims of recruitment by human traffickers, a different story can be heard. What is apparent with most of the interview subjects is that most of them need to produce money for the purpose of survival; money for food, utilities, medical purposes, and/or to pay of large amounts of debt. In the case of Mariance Kabu, a 40-year-old woman from Amanatun, Timor Tengah Selatan, East Nusa Tenggara (NTT), she was visited by two women who were able to entice her to work because of a false idea of safety of working in Malaysia.

“There were two mothers/women who came to my house in Amanatun on April 4, 2014. Of the two people, one of them was one sub-district with me, or my village neighbor. The two women asked me to work in Malaysia, but initially I refused because I already have children. But one of the women said it was okay because (she) also used to work in Malaysia and when (she) got information that (her) child was sick (she) asked permission from (her) employer and (she) can go home. She also said that working in Malaysia was always safe, there was no problem. Because of this, I was influenced to leave and wanted to work in Malaysia,” said Mariance.

Another modus that traffickers use to get recruits is directly taking them or kidnapping them, such as with the case of 14-year-old Yufrinda Selan. According to Metu Salak Selan, father of the victim, on September 2, 2015, Yufrinda Selan disappeared from their home because Field Recruiters recruited her without their knowledge. After Yufrinda disappeared, the parents tried to find her for three months and asked (their) immediate family but no one knew where Yufrinda Selan was. However, within the 3 months of not being found, her parents decided to stop looking because they thought that she would definitely come back and maybe the late Yufrinda was already working in a shop or restaurant in Kupang City. Precisely on the 13th of July, 2016, officers from BP3TKI of Nusa Tenggara Timor (NTT) Province came and approached the house of Yufrinda Selan according to the address instructions on the victim’s document; the address was “RT 03 Tupan Village, Batuputih District, Timor Tengah Selatan (South Central Timor Regency).”

What was odd was the address of the house that the officer visited was correct, but the name of the deceased was changed to Melinda Sapai so that the victim’s mother said that “my child is named Yufrinda Selan, not Melinda Sapai,” so the victim’s mother took the school certificate and photo of the victim and showed it to the BP3TKI officer and the officer BP3TKI admitted that this was the real person.

For Admari and his wife, and late Adelina Sau (all from Indonesia), the false promise of high salaries lured them to work in Malaysia. Admari’s wife was offered to work as a domestic helper with a minimum salary of 5 million rupiah. He was then also convinced to join his wife in working abroad. Adelina meanwhile was convinced to return to Malaysia, despite having spent only two weeks back and despite her young age, because of the “sweet promise that the salary was good and big,” according to her brother.

Jaringan Perempuan Indonesia Timur (JPIT), an organization that has documented trafficking victims’ stories in Nusa Tenggara Timur (NTT), Indonesia, said there are at least four schemes to lure targets: 1) the original job offer scheme, wherein brokers go to the villages to offer high-paying jobs to rural communities 2) outright trafficking 3) family scheme, wherein a returning victim will recruit family members who is under his or her power 4) recruitment by the

Ministry of Manpower and Transmigration Office/ government offices. JPIT said the family scheme is the most prevalent today in NTT.

Antonius Wibowo, Deputy Chairman of the Witness and Victim Protection Agency (LPSK) sums up the recruitment process in an interview, saying that “basically, the method is through persuasion to get relatively large amounts of money and job opportunities abroad. How attractive it is: being given various facilities in taking care of various things, travel document, transportation, etc.? Persuasion has proven to be effective in all circles, both communities and non-communities. Coupled with their temptation about their successful story as PMI; in general, those who [are persuaded] are also promised getting money.”

The National Commission on Violence Against Women in Jakarta (Komnas Perempuan) noted that traffickers target those who: 1) badly need work 2) coming from an area with limited or no access to information 3) those with poor educational background 4) those who do not understand the documentary requirements, rules and policies in the destination country. It added that recruiters usually promise a good job with decent salary and ensures that they will take care of all the necessary documents. The victims are also asked to keep secret the details of the recruitment for work abroad.

Mary Jane Veoloso, a Filipino domestic worker currently detained in Yogyakarta Prison in Indonesia revealed a trafficking route connecting the Philippines, Malaysia and Indonesia. On 18 April 2010, Mary Jane was approached by her friend Ma. Cristina Serio (a resident of Talavera, Nueva Ecija) and was told that her Malaysian friend needs a domestic worker. She paid Cristina P20,000, a motorcycle and her cell phone to cover employment costs. She was illegally recruited.

Meanwhile, the case of 15 Filipina who were duped by their recruiters to enter Malaysia as tourist reveal a clear pattern serving Malaysia as trafficking hub. Prior to the imprisonment of 15 Filipina for entering Malaysia illegally according to embassy officials in Malaysia, the Filipinas were apparently promised jobs in Dubai by a certain Flordeliza Flores Eborde, whom the group called “Ms Venus.”

Migration

“When we arrived in Sandakan, we heard that they were captured by the Marines. They appeared sexy and its really risky because Malaysian marines or policemen are sadists when it comes to treating captured women.”

As pointed out by Caballero (2018), more than 85 percent of victims were trafficked within the Southeast Asia region, with Malaysia and Thailand as leading destination countries. Based on the interviews, both legal and illegal modes of exit and entry were used to facilitate the travel of trafficking victims across borders in the region, with several connecting trips plotted across transit points.

Admari recounted that they were transported by a car to Surabaya Airport from Sampang, Madura, after which they flew by plane to Jakarta. Upon landing in Jakarta, they flew again to Batam, where they took a ship going to Malaysia. Hardiknas S.E., head of the Madura Human Trafficking Watch (HTW), said Admari was victimized by “tekong” or traffickers, like other victims who are illegally sent to Sampang and then legal arrangements are made in Java with the immigration authorities.

In the case of Mariance Kabu, recruiters brought her from her village to Kupang City, Indonesia and then to a shelter in PT Malindo, wherein she saw many women. After three days in the shelter, she was transferred to another village (Penfui). “After three days of staying in Penfui, April 10, 2014, I was picked up by someone and brought me to the Immigration office. When I arrived at the Immigration office I was called into the office and filled out books (form) and I was photographed, after being photographed I was told to return. On arrival in Penfui I was picked up by the officer in Kupang and brought to the market to buy the equipment. On the next day, I departed from Kupang to Surabaya, from Surabaya we left again for Batam, from Batam we took a motorboat to Malaysia. After arriving I was picked up by a mother and stayed for a while at her house,” she said. Like Mariance, the late Dolfina Abuk was dispatched from Kupang City to Malaysia although the route she was unclear since the details were not told to her family.

Pastor Ina of GMIT said most of the trafficking victims from Kupang travel by plane, although she noted that NTT in Indonesia is an archipelago, hence it has many doors. “It can be from Timor Leste, Kupang - Surabaya, Kupang - Jakarta,

Kupang - Medan. Those are the doors. Medan is the most. But there are many doors both from the port and from the airport (airport). So many even go to Timor Leste, Bali, Surabaya, Jakarta, Medan,” she said.

Because we are in Kupang, so what we know is that most of them are women and mostly by plane. So, for example, one day someone has arrived in Malaysia. For example, from the night village brought from Kupang, midnight to Malaysia. So some were fast, some were accommodated in Kupang first, Surabaya for months, some ran too, some could call us (GMIT) here, and I don't know the sea, for example from Flores because it is very close to Sumbawa and Bali, but we accompany more by plane because of urgent needs.

With only two t-shirts and pants, Mary Jane and her recruiter left for Malaysia on 22 April 2010. Upon arrival, Cristina informed Mary Jane that her job was no longer available but she reassured her that she will look for a job for her. Mary Jane stayed for another 3 days in Malaysia. Cristina brought her to many places in Malaysia, purchased clothes and other personal stuff for her. On 25 April 2010, Cristina told Mary Jane to pack her things for she will be sent to Indonesia to work. She gave Mary Jane an empty suitcase to put her clothes in and gave her money.

Upon arrival at the Yogyakarta Airport in Indonesia, airport personnel detected suspicious items in her suitcase through the x-ray machine. Her luggage was inspected and emptied but found nothing. The luggage was placed back in the x-ray machine but it again detected something which prompted airport personnel to destroy her luggage. Neatly packed in the inner part of the suitcase given to her by Cristina was US\$500,000 worth of heroin weighing 2.6 kilograms.

The 15 Filipina who were promised work in Malaysia were instructed to go to Brooke's Point in Palawan, from where they were transferred via motorboat to Mapun in Tawi-tawi. From there, the group travelled to Sandakan, Malaysia, by boat. (15 Filipino human trafficking victims imprisoned in Malaysia, <https://www.rappler.com/nation/human-trafficking-malaysia>)

Meanwhile a trafficking victim from General Santos City in southern Philippines shared his experience in accessing the backdoor channel to Malaysia in 2013 on board a ferry. He said while in the ferry, he met fellow passengers en route to Malaysia. “When we arrived in Sandakan, we heard that they were captured by the Marines. They appeared sexy and its really risky because Malaysian marines or policemen are sadists when it comes to treating captured women.” Prior to reaching Sandakan, he said they were stranded because Malaysian authorities implemented stricter naval monitoring. “We hid in Taganak Island and stayed there for more than four days. We had to disembark at the island because ferries and ships were being inspected by the marines. There were a lot of us who disembarked, all the passengers. The Malaysian authorities were guarding their seas because they were going after some runaways,” he said. Migrants group Migrate International noted another backdoor channel from the Philippines to Malaysia, wherein victims pass through Zamboanga then to Bongao, a Philippine island which is close to Sabah.

According to Migrant Care, the cases they handle are mostly victims trafficked to East Asia, the Middle East and Southeast Asia. “What Migrant Care handles a lot is trafficking which

exploits female migrant workers in the domestic sector, especially domestic workers, most of which we handle in Asia, East Asia and the Middle East, so that's the majority of the domestic sector and also sex slavery," it said.

"So, for example, the rather phenomenal case last year, where throughout the history of traffic enforcement, the perpetrator was sentenced to 11 years imprisonment that is the highest. It is also that the victims sent to conflict countries in the Middle East are thrown from one country to another, sexually exploited and it happens neatly how the syndicates starting from the village, at the national, regional; in the Middle East (they) operate in an extraordinary network. But once again, as I said, only brokers at the village level are charged with the law, while the large network of legal entities abroad is still operating."

When asked which countries in Asia were the top destinations for trafficked persons, Anis Hidayah answered the following: "Southeast Asia - Malaysia, Singapore; East Asia - Hong Kong, Taiwan, Korea, Japan. For the Taiwanese ordered bride, which is also handled by many SBMI (Serikat Buruh Migran Indonesia) friends, for example, it comes from Pontianak from several cities in Indonesia, their mode is indeed ordered bride and also those who are still not as many as cultural ambassadors, so they are recruited to be dancers and so on. So, they said that was made a cultural ambassador, even though was sexually exploited there, that was in Japan."

Migrante International a global alliance of Filipino revealed that Filipino trafficked victims passed through legal channel entering not only to Malaysia but even to war-torn country of Syria. The organization documented victims of illegal recruitment and human trafficking, all 52 OFWs came from Luzon, Visayas and majority from Mindanao. There are minors aged 13 and 14; many are married; the longest period of stay in Syria lasted 12 years and the shortest stay was six months; some were sold by their foreign agency to another employer; some were deceived since they were made to believe that their jobs would be in Dubai; others were deployed from Saudi Arabia to Syria.

Situation in trafficking destination country

Four years after, she was found with wounds to her face, hands and legs and was sleeping outside her employers' home with the employer's dog. "Her employers reportedly didn't want the pus oozing from her body 'dirtying their home'. Her arms and legs were covered in burn marks. Her face was swollen, and she was terrified when rescuers came to help her. Nurses and doctors at the hospital were in disbelief over the extent of her injuries.

The complex routes used to transport migrants from their villages to their work destinations had seemed to be just a prelude to worse things to come. As disclosed by the victims and their victims' families, the experience in the hands of their employers and traffickers had been horrible, leading to painful deaths in some instances. In most of the cases, the victims were denied access to communication with their loved ones.

Admari, who was promised to be employed as a painter before leaving Indonesia, was given a job in the mustard vegetable garden of his employer while his wife worked as domestic helper for his employer. He said they were not allowed to communicate back home as all their cellphones were confiscated. He added that he did not receive the salary and was forced to sleep in the mustard vegetable garden. At one point, he met someone from Pamekasan Madura who lent him Rp. 3,000,000, which he used to buy a ticket back to Indonesia, leaving his wife in Malaysia. His wife was not able to tell her story to the researchers due to the traumatic experience.

The turn of events had been more tragic for Adelina Sau, Yufrinda Selan and Dolfina Abuk – all female Indonesian victims of human trafficking who tried to eke out a living in Malaysia but ended up dead.

After working for one year from 2013 to 2014, Adelina Sau was deported back to her hometown with a salary of only 3,000,000 rupiah. After spending just two weeks in her village, he was recruited again to work in Malaysia. Four years after, she was found with wounds to her face, hands and legs and was sleeping outside her employers' home with the employer's dog. "Her employers reportedly didn't want the pus oozing from her body 'dirtying their home'. Her arms and legs were covered in burn marks. Her face was swollen, and she was terrified when rescuers came to help her. Nurses and doctors at the hospital were in disbelief over the extent of her injuries," according to Tenaganita. Adelina eventually died in a hospital on February 11, 2018 from organ failure, at a young age of 21. Her body was flown to her village in NTT on February 18,



Migrants demand justice for Adelina

2018. Adelina's family was not immediately informed of her death, since she was registered under a different name in Malaysia (Adelina Lifao). They believe Adelina died not because of sickness, but because she was tortured.

Similar to the case of Adelina Sau is the tragic story of Yufrinda Selan, whose body was found in her employer's house in Malaysia. She worked as domestic helper for her employer for 10 months. Metu Salak Selan, Yufrinda's father, said they only received the notice of her death on the 13th of July, 2016 or four days after her death. Metu Salak said they sought another autopsy two days after Yufrinda was buried because they were dissatisfied with the report that their daughter hanged herself in her employer's house.

Dolfina Abuk, who left her village to work in Malaysia as a domestic helper in 2013, was found dead on April 7, 2016. Her family has suspected that she was a victim of human trafficking, and possibly of organ trading networks, "as they discovered bruises, wounds on the back of her skull, and stitches from her neck down to her stomach and genital area" (Dagur, 2016). In the interview, her family said Dolfina's recruiter in the village insisted not to open her coffin, but the family opened it anyway and found full stitches on her body. Divine Word Father Paulus Rahmat had asked the local police to conduct an autopsy on her body.

Mariance Kabu luckily survived the slavish work and harsh treatment by her employer. She narrated that she worked for up to 24 hours without rest, and that she was tortured and always beaten by my employer. "For 7 months I have never received any wages at all and in the seventh month I fell ill so I asked for help from a neighbor whose house was close to my employer and he called the police to pick me up, then brought me to the hospital. After I arrived at the hospital, the Indonesian Embassy came to the hospital and escorted me to Rumah Harapan while following the trial process was over and then I was escorted to the Indonesian Embassy to Kupang. When I returned to Kupang, the agent gave over me around 60 million (rupiah) in cash," she said.

The combination of servitude, brutality, and fatal abuse were evident in the tragic fate of Indonesian victims interviewed. It is worth noting that most of the victims hailed from NTT, which in recent years has been notoriously associated with human trafficking. According to Indonesian Migrant Workers Placement, Protection and Monitoring Agency (BP3TKI) in Kupang, as many as 119 Indonesian migrant workers from NTT died abroad throughout 2019. The agency also handled a total of 411 cases concerning migrant workers during the same year which include deaths, salary disputes, deportation, illness, communication troubles and workers who asked to be sent home (Sura, 2020).

In the case of Mary Jane Veloso, she was promised with employment in Malaysia as migrant domestic worker. Upon arrival in Malaysia Cristina Serio, her recruiter, told her that the intended job was no longer available. But she promised to find her a job in Indonesia where she got caught by immigration authority unknowingly carrying heroin worth half a million dollars.

In October 2010, just six months after she was arrested, Mary Jane was handed down a death sentence. According to Agus Salim, Mary Jane's Indonesian lawyer, she wasn't able to defend herself well as: 1) She was not given a lawyer or a translator when the police were interrogating her in Bahasa Indonesia, which she did not understand at the time; 2) During her trial, the

court-provided interpreter – a student at a foreign language school in Yogyakarta who was not licensed by the Association of Indonesian Translators – translated the proceedings from Bahasa Indonesia to English, which Mary Jane was not fluent in; 3) Her lawyer at the time was a public defender provided by the police.

After being granted a reprieve from execution on 29 April 2015, Mary Jane Veloso remains on death row in Indonesia.

The 15 Filipina imprisoned in Malaysia had the same experience with the 52 Filipino victims of human trafficking in Syria. All of them were deceived, coerced, abused and exploited by their recruiters and employers. They were all promised with non-existing jobs, and experienced severe maltreatment, physical/verbal abuse, deprived of food and wage. Some were caught in the war in Syria. Because of this situation, many escaped from their employers and sought refuge at the Philippine embassy in order to return home. However, their stay at the Embassy lasted for two years to three years.

Role of migrant serving institutions and government agencies

“When compared with students who study for example abroad, how come they have their security, protection for them, their rights are extraordinary? Why not extend the protection of Indonesian students, for example to the workforce abroad?”



Interview with Department of Manpower and Transmigration Sumenep Madura Jawa Timur

The research study also mapped out and profiled the migrant serving institutions which offered assistance to the victims of human trafficking, as well as government agencies which aided the victims and their families.

a) JPIT and GMIT (Indonesia)

In the cases of Mariance Kabu, Yufrinda Selan and Dolfina Abuk, Jaringan Perempuan Indonesia Timur (JPIT) and GMIT were the migrant serving institutions that extended their services to the victims/ their families. Pastor Ina of GMIT shared that her organization has a special shelter for victims of human trafficking for gender-related cases and children’s cases, aside from extended legal assistance to victims and coordination with the police. “Apart from that, we also provide education to the congregations, so we conduct training in villages with trafficking hotspots, for example the TTS, Malacca, Kupang Regency, and Ang Fo Ang.” Those trained, she said, become assistants to monitor their congregations in relation to human trafficking. “And there is also economic empowerment that GMIT makes in collaboration with partner institutions. It also provides support for the GMIT hope house, for example victims who are at the hope house have training that suits their interests, for example a salon, some weaving, some cooking, until their reintegration into the family,” she added.

b) Migrante (Philippines)

Ate Bing* of Migrante General Santos City said her organization facilitates assistance from national agencies such as the Department of Social Welfare and Development (DSWD), Department of Labor and Employment and the Overseas Workers’ Welfare Administration (OWWA). She said they were able to facilitate financial assistance for Filipino trafficking victims, although the amount provided was too small.

She added that they also help victims file labor complaints against recruiters before the National Labor Relations Commission (NLRC). “Many have won their cases. There are cases worth PhP500,000, one was for PhP470,000 and another one for PhP485,000. The recruiters tried to negoti-

ate with the victim whose case was worth P485,000 so she ended up just getting PhP200,000 instead,” she said.

Aside from the direct service assistance provided by various migrant serving organizations in the Philippines like the Migrante International and its chapter in the country advocacy, campaign, lobbying and building solidarity and cooperation with various groups and advocates are important in saving the lives of trafficking victims and other Filipinos in death row. On 29 April 2015 the Indonesian government were forced to give Mary Jane Veloso a reprieve from execution after national and international the campaign led by Migrante International together with churches and ecumenical organization like the National Council of Churches in the Philippines (NCCP) to save her from execution.

The same with the experience of 52 victims of trafficking in Syria and all other Filipino migrants seeking assistance from the Philippine government. Without the support coming from migrant organizations and advocates the PH government will not be pressed to take action and provide the needed services and assistance for migrants.

c) FMN

The National Student Front (FMN) was instrumental in the campaign for justice for the late Dolfina Abuk and Yufrinda Selan. In the case of the latter, FMN worked closely with Selan’s father to thoroughly investigate the victim’s death. Through time, the support for the campaign expanded as FMN built solidarity with other organizations such as JPIT, GMIT, JERUK, IRGC and other local organizations. This led to the formation of Humanitarian Care Forum Alliance in NTT, which created the pressure for the autopsy of Selan and for the arrest of her recruiters.

d) Keluarga Besar Buruh Migran Indonesia (KABAR BUMI)

Keluarga Besar Buruh Migran Indonesia (KABAR BUMI) is one of the migrant organizations cited by Dolfina’s family, although they did not elaborate on the services offered by the organization.

e) Human Trafficking Watch (HTW)

Mr. Admari accidentally met the Human Trafficking Watch (HTW) Team when he was working again as pedicab driver in Indonesia. In 2019, HTW accompanied Admari to report his case to the police in Sampang, Madura district. Admari’s wife also met members of HTW in Malaysia, who helped facilitated her return to Indonesia. Admari said the services provided by HTW are sufficient.

f) Government agencies

Based on the accounts of interviewees, the assistance of the national government to human trafficking victims in Indonesia and the Philippines have been very specific if not limited. Pastor Ina of GMIT said the Indonesian government’s “willingness to design regulations and translate local laws or regulations “is also very weak and is mostly to the interests of recruiters and has never involved civil society to design it.” She also noted that the recruitment and training procedures are mostly left to the private sector with “absolutely no protection.”

“When compared with students who study for example abroad, how come they have their security, protection for them, their rights are extraordinary? Why not extend the protection of Indonesian students, for example to the workforce abroad?” she asked. Regarding the Indone-

sian Migrant Workers Placement, Protection and Monitoring Agency (BP3TKI), she said the agency only provided cars to carry the bodies of trafficking victims.

The National Commission on Violence Against Women in Jakarta (Komnas Perempuan), which is part of Indonesia's Task Force on trafficking in persons, only monitors and provides a Referral Receipt Unit (UPR) that receives reports of complaints from victims to be referred to service providers according to the needs of victims, such as legal, medical and psychological services. "As a follow up, Komnas will monitor the case and can issue a recommendation letter to the authorities if needed, for example if the case is not processed properly. Service provider agencies will also make efforts to assist in the reintegration and repatriation process," Satyawanti Mashudi, commission of Komnas Perempuan, said.

In the Philippines, the Department of Social Welfare and Development (DSWD), Department of Labor and Employment (DOLE), Department of Foreign Affairs (DFA) and the Overseas Workers' Welfare Administration (OWWA) are the key agencies providing assistance and support to human trafficking victims. Migrante however noted that the financial assistance offered by agencies are insufficient to help the returning migrants start a business and begin again. "Example, trafficking victims from Saudi or elsewhere in the Middle East are only given Php20,000 which they receive from OWWA. The financial assistance just ends up as payments for their debt or loans. The lady told me that she was not able to use the money as capital because she used it to pay back her debts," Bing of Migrante General Santos City said. Social workers from the DSWD also receive trafficking victims in the Southern Philippines and take them to holding facilities accompanied by officials or staff from the "barangay" or village.

According to the Commission on Human Rights (CHR) in Zamboanga City, southern Philippines, government agencies provide an array of services to trafficking victims which include:

- Temporary housing and food facilities
- Psychological support and counseling
- Free legal services
- Medical or psychological services
- Livelihood and skills training
- Educational assistance to a trafficked child
- 24-hour call center for crisis calls and technology-based counseling and referral system

The extent of these services vis-à-vis the number of cases of human trafficking victims has yet to be evaluated if sufficient and effective.

Particularly in the case of Mary Jane, however, the Philippine government's assistance was absent during her ordeal from 2010 to 2015. Despite strong indications that she is innocent, the past government of President and Aquino and to the current government of President Duterte did not actively pursue and exhaust all efforts to protect and defend the rights of Mary Jane as a victim of human trafficking. Additionally, President Duterte has not appealed Mary Jane's case to the Indonesian authorities for pardon or clemency.

Overview of existing laws and frameworks

At the country level, several measures related to human trafficking are in place for Indonesia, Malaysia and the Philippines, although enforcement and effective handling of cases are separate issues.

With the passage of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children in 2000, the global community laid down the first major international framework in addressing the issue of human trafficking. The protocol, which came into force on December 25, 2003, commits ratifying states to introduce national trafficking legislation. The reception and engagement of ASEAN states with the UN protocol however have been equivocal. Renshaw (2015) noted that Brunei has still not signed the Protocol while Indonesia, Vietnam, Singapore and Thailand signed it relatively late. “One explanation for the reluctance of ASEAN states to engage with the international regime is the disjuncture that exists between the global conception of the problem of trafficking, and the dimensions and scope of the problem as it exists in Southeast Asia,” he said.

Two relevant frameworks which all ASEAN Member States approved are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). These frameworks can be a guiding tool in addressing offenses against women and children in human trafficking situations. Aside from legally enforceable treaties, declarations, codes, memoranda of understanding, and ASEAN non-treaty instruments can be instruments that can help develop new legal norms and standards especially with regards to human trafficking. Within South East Asia, relevant ‘soft law’ instruments include the 2004 ASEAN Declaration Against Trafficking in Persons; a Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region adopted in 2004 by the six States of that region;⁷⁸ the 2007 ASEAN Practitioner Guidelines on Effective Criminal Justice Responses to Trafficking in Persons⁷⁹ (ASEAN Practitioner Guidelines); and the 2007 Global Initiative to Fight Trafficking (GIFT) Recommendations on an Effective Criminal Justice Response to Trafficking in Persons (UNODC, 2010).



Interview with LP3MI Surabaya Jawa trafficking

At the country level, several measures related to human trafficking are in place for Indonesia, Malaysia and the Philippines, although enforcement and effective handling of cases are separate issues.

Indonesia

Criminalization of trafficking in persons is already embedded in legislation under Article 297 of the Criminal Code and Law No. 39/1999. Article 297 of the Criminal Code asserts that “trafficking in females (age not specified) and trafficking in underage males are threatened by a penalty of up to 6 years in jail”. Meanwhile, Article 65 of Law No. 39/1999 on Human Rights states that “Every child has a right to enjoy protection from exploitation and sexual harassment, abduction, child trafficking, and from various forms of misuse of narcotics, psychotropic drugs, and other addictive substances”.

Article 297 of the Criminal Code however lacks a clear definition of trafficking in persons, as only the elements of the crime are defined. “The absence of this definition brings serious problems in the application of the Criminal Code in cases which should be categorized as trafficking,” she said. She also noted that the consent of the victim is also a reason for the perpetrators to evade charges, in which the victim cannot claim damages from perpetrators when he or she has agreed on actions taken by the perpetrator. Consent could also be provided by the family of the victim, parents or guardians of children, and receivers for the insane. UNODC (2014) also noted that while the irrelevance of consent is stated in the list of penalized acts, it could still be an obstacle to prosecution when victims assert consent to the exploitative arrangement.

Law No. 21/ 2007 of Indonesia affirms the criminalization of trafficking of persons, and includes a broader definition of the offense to refer to the “recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person.” The law punishes trafficking by a prison sentence of a minimum period of 3 (three) years and a maximum of 15 (fifteen) years and a fine amounting to a minimum of Rp120,000,000.00 (one hundred and twenty million rupiah)/ USD20,500 and a maximum of Rp600,000,000.00 (six hundred million rupiah) or an estimated USD41,000.

Another legal remedy which can be applied to protect trafficking victims is the Law No. 37/1999 (Law on Foreign Relations), specifically Article 21. The said provision states that: “In cases where Indonesian citizens are threatened with apparent danger, the Representative of the Republic of Indonesia has a responsibility to render protection, to assist and to assemble them in a safe area, as well as to endeavor to repatriate them to Indonesia at the expense of the state.”

Solidarity Center noted that the sanctions imposed are “too small to act as a deterrent: in most cases, adding that there are no provisions for witness protection, no compensation for victims, and no special services for foreign victims of trafficking.” For Antonius Wibowo, Deputy Chairman of the Witness and Victim Protection Agency (LPSK), existing laws in “are already good, but the ability of the law enforcement officers who are in charge of executing needs to be continuously improved.”

Philippines

To address human trafficking, the Philippines enacted the Anti-Trafficking in Persons Act of 2003 or Republic Act 9208 (RA 9208). This law punishes those committing acts of trafficking in persons by imprisonment of 20 years and a fine of not less than PhP1 million but not more than PhP2 million. Promotion of trafficking meanwhile is penalized with imprisonment of 15 years and a fine of not less than PhP 500,000 but not more than PhP1 million. RA 9208 also established the Inter-Agency Council Against Trafficking (IACAT), which is composed of the heads of the Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, Chairperson, National Commission on the Role of Filipino Women; and representatives of nongovernment organizations.

In 2013, Republic Act 10364 was signed into law which defines additional acts as constituting trafficking in persons (including the act of ‘maintaining’ which is broadly construed and therefore widely used); to mandate special treatment for children and vulnerable persons; to include provisions for the prosecution of attempted trafficking; to expand the extraterritorial reach of the instrument; to define allied offences which promote trafficking; and to affirm the irrelevance of consent (UNODC, 2014). Section 18 of RA 10364 also stipulates that trafficked victims are entitled to the Witness Protection and Benefits Program established under another law RA 6981. The benefits of the Program may include security protection, immunity from criminal prosecution, secure housing facility, assistance in obtaining a means of livelihood, travel expenses and subsistence allowance while acting as a witness, free medical treatment, burial benefits, free education for the minor dependent children, and/or non-removal or demotion in work and payment of full salary or wage while acting as witness.

The country also has a Victim Compensation Program as provided under RA 7309, which trafficked persons can be entitled to. A trafficked person who suffered a violent crime which includes physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity, can file a claim with the Board of Claims at the Department of Justice or the Office of the Regional State Prosecutor.

Despite the Philippines’ relatively developed laws on human trafficking and related offenses, implementation remains a grave concern. Ambito & Banzon (2011) noted the poor conviction rate among thousands of trafficking cases per year, adding that a legal system “riddled with corruption and influence-peddling enables many traffickers to evade arrest and prosecution through extrajudicial means.”

Malaysia

In 2007, Malaysia has enacted the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIPSOM) and amended few provisions in the year of 2010 and 2015 (Nordin, 2019). Part V of the Act, specifically provides for care and protection of trafficked persons. There are also provisions relating to protection orders, whereby a person is placed at a shelter home and for the medical treatment and hospitalization of trafficked persons. A new provision, added by the 2015 amendment legislation, enables trafficked persons to be given permission by anti-trafficking council to move freely or to be employed outside the place of refuge. Additionally, the Government of Malaysia in March 2018 took another proactive move by establishing an anti-trafficking court in order to expedite the hearing of trafficking cases in the State of Selangor, which statistically had the highest number of reported in person trafficking cases. The Malaysian government has sought to bridge the gap with NGOs and states through the implementation of the National Action Plan against Trafficking in Persons (2010-2015).

Other Malaysian laws relevant to human trafficking include the Child Act of 2002, which imposes a punishment of imprisonment for up to 15 years on anyone who (a) sells, lets for hire, buys, hires, or otherwise disposes of a child for the purpose of prostitution within or outside of Malaysia; (b) procures a child for prostitution within or outside of Malaysia; (c) brings, takes out of Malaysia, or assists in bringing or taking out of Malaysia by false pretences, false representation, fraudulent, or deceitful means a child for prostitution; (d) brings into Malaysia, receives, or harbors a child, knowing that a child has been procured for purposes of prostitution; (e) detains a child in a brothel against the child's will; (f) detains a child in a place against a child's will with the intent of employing a child in prostitution; (g) advertises a child for purposes of prostitution or seeks information for that purpose; or (h) attempts to do any of those acts.

The Women and Girls Protection Act provides for the removal of a woman or girl in prostitution to a "place of refuge." This act affords the same protection to a trafficked woman who "has been brought into or is to be sent out of Malaysia" for the purpose of prostitution.

The Malaysian government, however, has been criticized by migrant groups for its heavy-handed approach to illegal migrants, which could also include human trafficking victims. "The government is not recognizing them as victims but sees them as illegals - this is wrong. Why is the government hunting down migrants who have contributed so much to the country? Why aren't the perpetrators being hunted down?" Aegile Fernandez, director of the Kuala Lumpur-based migrant rights group Tenaganita, said in a news report (Yi, 2018).

Conclusion

The documented experience of human trafficking victims from and within Indonesia, the Philippines and Malaysia indicate the persistence of the problem despite the crafting and implementation of anti-trafficking laws and other related protective measures at the country level. Twenty years after the adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” member-states continue to grapple with the problem, especially as perpetrators and syndicates – in coordination with contacts in the bureaucracy – continue to exploit the economic vulnerabilities of trafficking victims who are mostly women.

The harrowing stories of Dolfina Abuk, Yufrinda Selan and Adelina Sau are grim reminders of the dire economic circumstances that push victims to embrace the uncertainties of working abroad up to their death, as well as the potential loopholes in the enforcement of legal frameworks and instruments in combating human trafficking. Their cases, along with other cases of trafficking as documented in the study, indicate the elaborate trafficking routes which syndicates and recruiters continue to utilize to move victims in and out of national borders. For the Philippines, the southern island of Mindanao remains a key portal to Sabah, Malaysia. East Nusa Tenggara (NTT) remains a critical source of migrants who will be trafficked to Malaysia and other countries. Meanwhile, Malaysia continues to be a receiving country of migrants and human trafficking victims from ASEAN neighbors, through several entry points.

While legal frameworks and treaties against human trafficking are in place, there are still gaps even in the realm of legislation. For Indonesia, effective Witness Protection and Victim Compensation programs are needed as additional support to trafficking victims. Overall, addressing impunity over human trafficking cases continues to be a challenge with ineffective enforcement of laws and court rulings which diminish the calls for justice over slain trafficking victims. Deficiencies in government enforcement and monitoring of human trafficking cases are filled in by the services and facilitation being extended by migrant serving institutions and organizations, particularly in linking up foreign authorities with the families of migrants/ human trafficking victims.

Major points revealed or validated by this study include:

1 Human trafficking flourish in poverty and miserable condition of communities

The impoverishment of people particularly in many rural and urban communities in Indonesia and the Philippines, lack of education and awareness serve as fertile ground for human trafficking to flourish. Traffickers take advantage of this condition to lure victims with false promises of high salary, protection and safe working condition in Malaysia.

2 Trafficking uses both legal and backdoor channels of transport

The wide array of connections and schemes used by traffickers enable them to transport the victims through legal channels with fake or real documents, or through backdoor channels with their familiarity with various islets connecting the three countries and schedules of marines and coastguards' patrolling the seas and territory of each country.

3 Trafficking victims are treated as slaves under dehumanizing work condition

The dehumanizing and slave condition of trafficking victims is perpetuated through the connivance of human traffickers and employers and further aggravated by the inaction of the states. From the very start the victims were denied access to communication to their families at the home countries. They are put in a job different from they are promised. Treated as modern day slaves, trafficking victims suffer from long working hours, maltreatment, abuse and exploitation. Many of them are deprived of medical treatment and attention, with some falling victims of organ harvesting, or dying due to inhumane and barbaric treatment of their employers.

4 Government actions

While government agencies have reported programs for assistance as well as policies and laws in place, measuring the responsiveness of the programs or the weaknesses and strengths of government policies and laws are areas yet to be explored. It is, however, clear from the narratives of the victims and interviewees from migrant serving organisations that government response to trafficking is yet to deliver reduction in vulnerability of victims, improve on the timeliness and sufficiency of crisis response and other forms of assistance, and achieving the prosecution of traffickers and imposing punitive actions that can deter the criminal activities of traffickers.

5 Role of Migrant Serving Institutions

Migrant serving institutions in Indonesia and the Philippines play a vital role in helping and rescuing the trafficking victims. They fill the inadequacies of program response by government agencies in terms of providing the victims and their families the necessary support and services. Assistance of migrants serving institutions range from crisis intervention (e.g., rescue), legal and psychosocial help, to awareness raising and strategies for empowerment.

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In light of the available statistics indicating the magnitude of trafficking in persons in Asia, specifically Southeast Asia, and the victimization especially of women and girls, the research study posed questions in relation to the experience of victims, mostly women, along the trafficking routes connecting Malaysia, Indonesia, and the Philippines.



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