

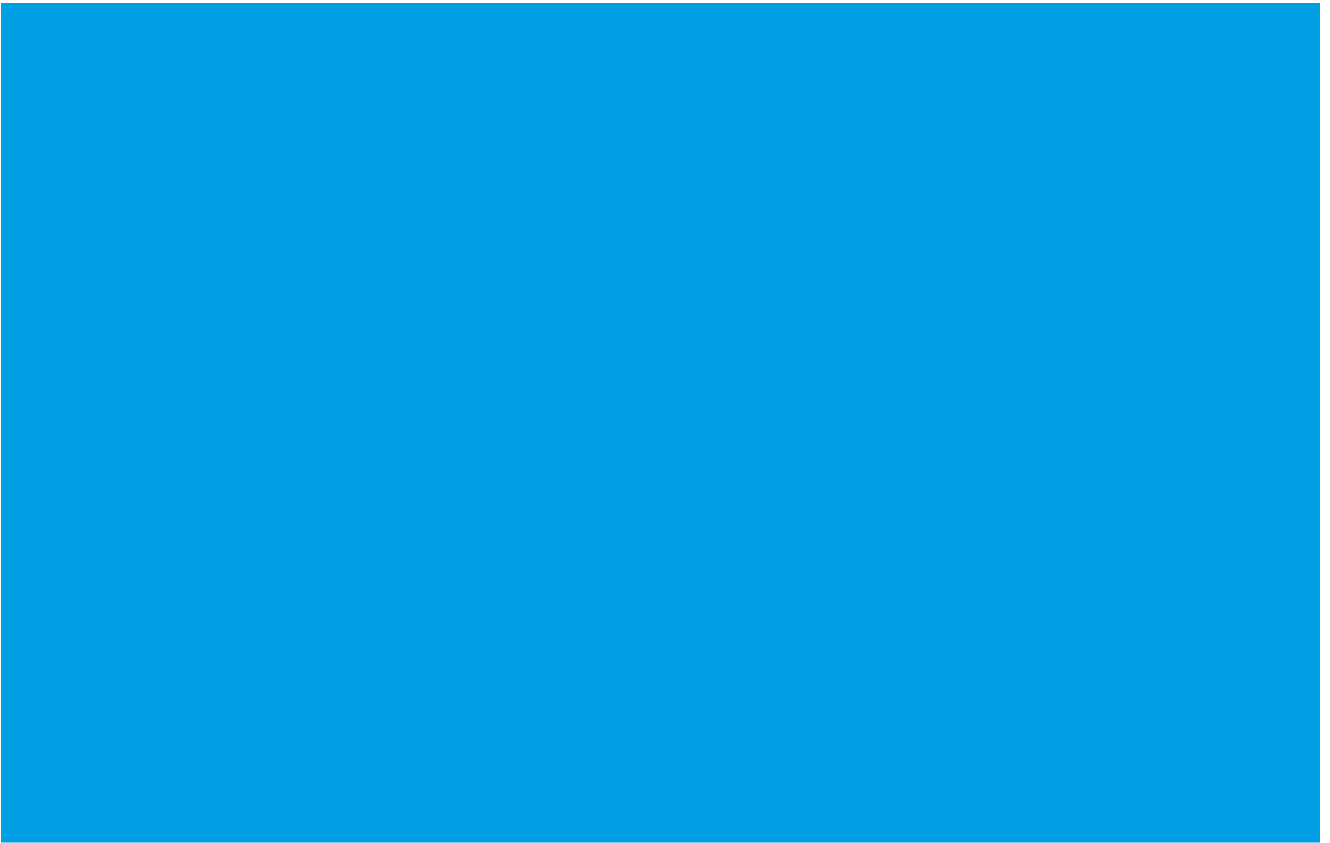
# CONFERENCE REPORT



# END HUMAN → TRAFFICKING: → IT STARTS WITH US

MAPO-JHAMS  
1st National Conference  
On Anti-trafficking  
In Persons 2019







# CONTENTS PAGE

	<u>Page</u>
1) Foreword	3
2) Opening address by YB Tan Sri Dato’ Hj. Muhyiddin, Minister of Home Affairs	4
3) Talk Show: Inter-relationship of Trafficking, Forced Labour and Violence against Women	5
4) Opening remarks by YB M. Kulasegaran V. Murugeson, Minister of Human Resource	6
5) Plenary Session 1: End Human Trafficking in the Supply Chain	7
6) SK!N: Immersive Experience on Human Trafficking	9
7) Breakout Session 1: UNICEF—Harmonizing Malaysia’s Approach on Child Trafficking with International Law and Best Practices	10
8) Breakout Session 1: Responsible Business Alliance (RBA)—Ethical Recruitment in Global Supply Chains	11
9) Breakout Session 1: International Labour Organisation (ILO) —The Forced Labour Component of the National Action Plan on Trafficking	12
10) Breakout Session 1: Business Social Responsibility (BSR) - Tech Against Trafficking	14
11) The Voices	16
12) Between Two Worlds	16
13) Breakout Session 2: NCWO, UKM & Engender—Policy Direction on “Safe Migration”	17
14) Sketch Wall	18
15) Breakout Session 2: Project Liber8—The Magic of Effective Campaigns	20
16) Breakout Session 2: Global Shepherds—Victim Care & Protection: Trauma Informed Approach (TIA)	21
17) Breakout Session 2: Tenaganita—Enforcement & Prosecution	23
18) Plenary Session 2: Malaysia’s Response—Where Are We Heading?	25
19) Closing Remarks by Ms. Wilhelmina Mowe, Organizing Chairperson (Global Shepherds / JHAMS)	27
20) Reporting of Key Recommendations by Prof. Dato’ Dr. Rashila Ramli	27
21) Key Recommendations	28
22) Closing Speech by YBhg. Dato’ Seri Alwi Bin Hj. Ibrahim, Secretary General of Ministry of Home Affairs and Chairman of MAPO	30
23) Song Performance by Jaclyn Victor	31
24) Testimonial	31
25) Organisers & Sponsors	32
26) JHAMS Network	32
27) Acknowledgements	33
28) Photo Album	34



## FOREWORD

The MAPO-JHAMS 1st National Conference on Anti-Trafficking in Persons 2019 was the inaugural conference on human trafficking which was jointly organized by MAPO (National Council on Anti-Trafficking in Persons and Anti-Smuggling of Migrants) and JHAMS (Joining Hands Against Modern Slavery), which is a network of Malaysian civil society organisations (CSO) whose works and portfolios are related to eliminating trafficking in persons in the country. The theme of the 1st National Conference was “End Human Trafficking: It Starts With Us”. This was based on the premise that, first and foremost, we are all responsible as individuals to do our part to eradicate human trafficking. As individuals, we are also consumers of goods produced and services provided by migrant workers; we are employers of domestic workers; we own businesses which hire migrant workers; we live in housing areas guarded by workers from foreign lands. It starts with us, to say no to human trafficking, to forced labour, to modern slavery, to the exploitation and abuse of these vulnerable people.

The primary objective of this national conference was to bring together different stakeholders to present and exchange views on progress, issues and challenges in the elimination of trafficking in persons in Malaysia. Secondly, this national conference served as an inclusive platform to raise awareness among the members of the public, businesses and media practitioners on the issues relate to trafficking in persons, and to explore ways to enhance collaboration and partnership between different stakeholders to address it at scale. Equally important, this conference provided an opportunity to discourse and relate current national anti-trafficking initiatives and policy inputs with the emerging issues and initiatives at regional and international spheres.

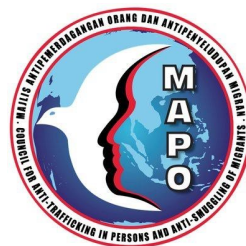
The conference was funded through MAPO, EU-UNICEF under the Protecting Children Affected by Migration in Southeast, South and Central Asia project, and contributions by various international and corporate partners. The conference targeted different stakeholders whose functions and capability are varied. The designed format of this conference aimed to ensure that each stakeholder – businesses and individual employers, trade and workers’ associations, representatives of government agencies, NGOs, academic institutions, the youth, and media practitioners, are adequately engaged and enabled to participate meaningfully throughout the conference. With this in mind, the conference was organised around two main plenary sessions and eight breakout sessions with sub-themes over the two days. The sessions were interspersed with an immersive experiential activity on human trafficking and live performances by artistes to raise awareness and spur the participants towards action in standing together to end human trafficking.

Over the two days, a total of almost 400 participants from across sectors were in full attendance and were actively engaged in the rich conversations and in-depth discussions during the sessions. One of the key highlights as pointed out through participants’ feedback was to see the support from the two key ministers, namely the Ministers from the Ministry of Home Affairs and the Ministry of Human Resources, who officiated the opening ceremony and gave the opening remarks to the plenary session involving the corporate players, respectively. It reflected the commitment from the government ministries to work towards eradicating human trafficking and forced labour in the country.

The National Conference was full of concrete recommendations and relevant input for the third National Action Plan on Trafficking in Persons (2021-2025). It was an effective platform to bring together key stakeholders from the government agencies, CSOs, international agencies, corporate sector, academia, media and youth, to focus on human trafficking issues and have meaningful conversations, sharing of knowledge and addressing potential gaps. The National Conference opened up new opportunities for partnerships and collaborations, ideas for new projects and initiatives, and paving the way forward towards a greater impact in the fight against human trafficking and modern slavery.

This was a historical moment for MAPO, representing the government agencies and the CSOs, which came together to collaborate on such a big-scale national event on anti-trafficking in persons. It was another big step forward in the strengthening and expansion of the government’s cooperation with CSOs and other stakeholders. The successful implementation of the conference and the achievements of the intended outcomes proved that such working collaboration is possible and effective, and that when we pull our collective efforts together, we will find synergy—the whole of our collective efforts is greater than the sum of our individual efforts.

To this end, it is hoped that this conference has served as the catalyst to ignite further synergistic collaborative efforts amongst the various stakeholders to put an end to the scourge of human trafficking.





“I believe we can put an end to this agony (of human trafficking) by working together... We can only win this war if we act together.”

- YB Tan Sri Dato' Hj. Muhyiddin bin Hj. Mohd Yassin

The Minister of Home Affairs, YB Tan Sri Dato' Hj. Muhyiddin, welcomed delegates to the 1st National Conference on Anti-Trafficking in Persons, marking the national commemoration of the World Day against Trafficking in Persons which aims to raise awareness of the situation of victims of human trafficking and for the promotion as well as protection of their rights. He reiterated the Government's firm commitment and support for the global anti-trafficking efforts and stressed that the Government of Malaysia views trafficking in persons as a pressing human rights issue and heinous crime which exploits human beings for material gains.

Acknowledging every country in the world is affected by trafficking in persons, YB Tan Sri Dato' Hj. Muhyiddin highlighted that the problem is made more acute due to the increasing demand for cheap labour by businesses, which are often driven by profit and greed. Left unchecked, trafficking in persons provides a conducive ecosystem for labour-intensive and low-skilled industries to remain profitable to business owners. There will be little motivation for them to move into capital-intensive industries which create high-skilled and high paying employments. With constant and easy supply of cheap labour, there will be no necessity for them to adopt Industry 4.0 and accelerate the growth of high-tech industries. In the long run, the country's economic growth will stagnate and its development will stall. As trafficking in persons grossly violates human dignity, affects lifetime prospects for the victims and impedes economic growth, it is not only an imminent threat to human security but also the development of one's country.

Turning his attention to the government's efforts to combat the crime of trafficking in persons, YB Tan Sri Dato' Hj. Muhyiddin reported that the government will continue to put more focus on enforcement, prosecution, prevention and protection of trafficked victims. Specialised prosecutors have been appointed, enforcement focal points have been established in all states, a special court to handle trafficking cases as well as a multi-disciplinary task force have been set up to ensure trials and the time frame to settle human trafficking cases are expedited.

Regulations were gazetted to allow victims of human trafficking who are protected in shelter homes, to move freely and work. They can be repatriated if they wish to return home. Monthly subsistence allowance is provided

by the government to the victims. This year, the Government embarked on strategic initiatives to provide elementary skills training and certification for the victims of trafficking in persons. Victim Assistance Specialists (VAS) were also appointed to work with law enforcement officers, prosecutors and other personnel in the criminal justice system.

Stressing the importance of integrity of business community, government officials and the Malaysian public for the success in fighting against trafficking in persons, YB Tan Sri Dato' Hj. Muhyiddin welcome industry players, civil society organisations and government agencies to work collaboratively in educating business owners, public officials and the community about the pitfalls of human trafficking and its adverse impact on the nation. He urged all parties to remain steadfast in this fight which will not be resolved overnight.

YB Tan Sri Dato' Hj. Muhyiddin closed by reiterating Malaysia's commitment to strengthen and improve on its laws, rules and policies to suppress this crime. He expressed his belief that this war against trafficking in persons can be won if all parties work together. He called upon government agencies, industry players, civil society organisations, and international institutions to strengthen their cooperation in fighting against trafficking in persons. He highlighted this National Conference as a good example and noble effort in forging greater cooperation amongst all stakeholders. YB Tan Sri Dato' Hj. Muhyiddin then officially launched The 1st National Conference on Anti-Trafficking in Persons 2019.





## TALK SHOW

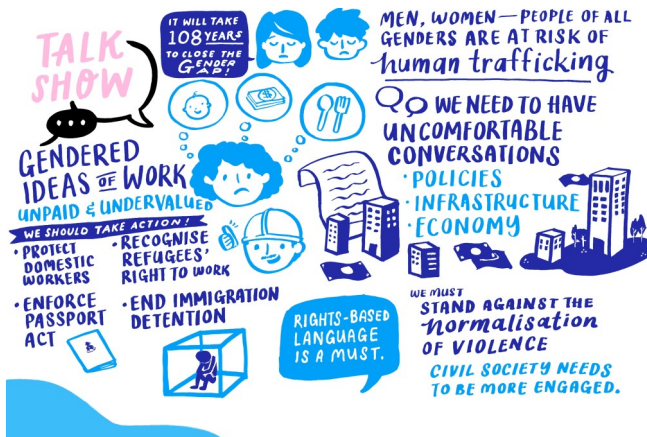
INTER-RELATIONSHIP OF TRAFFICKING, FORCED LABOUR AND VIOLENCE AGAINST WOMEN

(Left to Right)  
Katrina Maliamauv (Activist);  
Foo Yen Ne (Moderator, ILO);  
Jodelen Mitra (ILO);  
Omna Sreeni-Ong (Engender Consultancy).

The Moderator, Ms. Foo Yen Ne, from International Labour Organisation (ILO) opened this session where the discussion centered on the need to focus on the inter-relationship of human trafficking, forced labour and violence against women towards achieving the Sustainable Development Goal (SDG) 5 Gender Equality.

Ms. Omna Sreeni-Ong set the context for the discussion by stating that gender parity would take 100 years to close the gender gap. The current scenario is such that despite ratification of CEDAW in Malaysia, gender parity is still widely prevalent. Despite more women entering university, there is still a huge wage gap at the workplace. Ms. Omna posed the question of why do we have women migrants, and alluded to the presence of international rings which perpetuate gender parity. When talking about what exposes the women migrants to discrimination in their home country and destination country, Ms. Omna pointed to the General Recommendation No. 26 of CEDAW which affirms that migrant women should not be discriminated against in any sphere of their life. This general recommendation intends for States to contribute to the fulfillment of the obligations of parties to respect, protect and fulfill the human rights of women migrant workers. The integration of gender perspective/gender response framework for women and girl migrant to counter discrimination needs to be established.

Ms. Katrina Maliamauv spoke of the need to focus on the human person, i.e. men, women, LGBT, given the intersections of gender, race and sexuality. Men are also vulnerable to trafficking, especially in forced labour. For women, forms of trafficking are sex, domestic worker and forced marriages. Trafficking does not happen in silo, but in an ecosystem of misogyny, patriarchy and rape culture. There is a need to rethink the current gendered ideas about work. Women's work is under-valued and unpaid.



This is reinforced by the State. The word 'servant' must be eliminated. Trafficked workers are caught in an ecosystem of violence, subjected to verbal violence, denied pay, passports withheld. The State further normalises violence through detention. Ms. Katrina opined the need to address the culture of violence, and the need to acknowledge and be willing to have constructive conversations to talk about the ideology and understand the issues. Rather than coming up with new policies, we need to see what the barriers are to effective implementation of the policies, and to create the infrastructure and the awareness of the discourse, that trafficking is to be treated as a breach of state rules and not as an inter-state offence. Ms. Katrina closed with some key recommendations for the government to consider, namely, to provide shelter for and not detention of victims, repatriation of affected workers, compensation of wages and payments made to come to Malaysia, institute a process of healing, recognize refugees' right to work, and the need to reorient our economy to strive towards an equitable economy and not be dependent on cheap labour.

Ms. Jodelen Mitra pointed to the steps required in the process when considering a policy covering violence against women migrant workers, migration and trafficking. Firstly, policymakers need to consider whether situating the policy into the National Action Plan. It is pertinent to involve key stake holders and to conduct the appropriate gender analysis. Relevant data involving the women and migrants need to be collected. A proper framework for domestic workers must be devised to protect them. It is also essential to develop a complaint mechanism that must be gender sensitive.

The panel closed by summarising the recommendations to the government. In relation to legislation, it was recommended that the government pass a Domestic Workers Act and effectively enforce the Passport Act. Non-legislation recommendations involved allowing refugees or undocumented migrants to work, and make provision for anti-immigration detention. The government was urged to enhance social awareness and responsibility, and to increase meaningful civil society engagement.



“Malaysia must declare war against human trafficking. I strongly believe in strong will power to make this a success.”

- YB M. Kulasegaran

The Minister of Human Resources, YB M. Kulasegaran V. Murugeson, emphasized on the primary role of his Ministry on the issues of forced labour in the supply chains. Acknowledging that Malaysia is presently in Tier 2 Watch List of the U.S. Trafficking in Persons Report as it does not fulfill the minimum standards, his Ministry is looking into updating existing laws to address some of the issues relating to forced labour. This included the amendments of the Private Employment Agencies Act which had been approved in Parliament on 14th August 2017, and came into effect on 1st February 2018. Among the amendments are to provide a strict liability towards private employment agencies to ensure the process of recruitment of foreign workers and foreign domestic servants is more organized as well as prevent them from exploitation and forced labour; and aims to encourage job seekers, employees and employers to seek service from a legitimate agency and prevent them from being deceived by false information.

According to YB Kulasegaran, his Ministry has also inked a Memorandum of Understanding (MOU) with Nepal on the recruitment of workers and is currently reviewing the MOU with Bangladesh to provide with more transparent recruitment process. His Ministry is also in the process of streamlining to have a single online application system for foreign workers and is continuously enhancement its system to be more efficient and transparent, and to minimise human interaction throughout the process. He added that MOHR through the Department of Labour will implement the Independent Social Compliance Audit on employers as a form of self-regulatory mechanism in terms of legal compliance. It was also proposed to include prohibition of forced labour in employment and the obligation of employers to have a licence before hiring foreign workers in the amendments of Employment Act 1955. The proposed amendments are still subject to Cabinet approval, and the bill should be tabled in Parliament this year. This initiative is taken because there is no specific provision in any laws to tackle the issue of forced labour. The bill is expected to help Malaysia to reduce the number of cases pertaining to forced labour by way of imposing high penalties on the perpetrators.

MOHR through Department of Labour is actively doing inspection in every state. It aims to educate both employers and employees to comply with the labour laws in Malaysia, including ATIPSOM Act. YB Kulasegaran acknowl-

edged the constraints faced by the Ministry in terms of the number of enforcement officers. The Government has enhanced the social protection for foreign workers under the Employment Injury Scheme, Social Security Organisation (SOCSO). Starting 1st January 2019, foreign workers have access to the same work injury benefits as their local counterparts. All these measures reflect Malaysia's efforts to strengthen current policies of human rights while also improving effective foreign workers' management policies and mechanisms. MOHR is supportive of any recommendations to strengthen legislation and enforcement to combat trafficking and welcomes recommendations to improve its current operating procedure.

In response to a question from the audience in relation to domestic workers, YB Kulasegaran replied that the Government is considering establishing a standalone act to govern domestic workers in Malaysia which could help protect domestic workers in terms of matters such as ensuring proper working hours, holidays, salaries and insurance. He added that this is still at the initial stages and could take a long time to table and pass. In the mean time, his Ministry is looking at adding more regulations to the Employment Act to ensure that domestic workers are granted adequate protection. To another question on whether refugees would be allowed to work legally in the country, YB Kulasegaran responded that the Government has yet to make a final decision on that, but his personal opinion is that they should be allowed to work until they are resettled in third countries, which would avoid them from being exploited or further oppressed.



## PLENARY SESSION 1:

# END HUMAN TRAFFICKING IN THE SUPPLY CHAIN

**Dr. Andika Ab. Wahab, Moderator**

Institute of Malaysian and International Studies (IKMAS)

**Yap Mun Ching, Executive Director**

AirAsia Foundation

**Tan Chun Sheng, Group Vice President and General Manager**

STMicroelectronics Sdn Bhd

**Mahmoud Skaf, General Manager**

JW Marriott Hotel

**Noor Izlin Andrina Ismail, Senior Manager**

Sime Darby Plantation Berhad



The Moderator, Dr. Andika Ab. Wahab, opened the Plenary Session 1 by a round of introduction of the esteemed Speakers from various industry sectors, whose organisations have taken the lead to combat human trafficking or address supply chain issues in their corporate practices. Each Speaker presented on their respective organisation's efforts, followed by an interactive Question & Answer session with the audience.

Ms. Yap Mun Ching from AirAsia talked about the United State's Blue Campaign which aims to create awareness on human trafficking. Ms. Yap highlighted the Blue Lightning Initiative which involves training airlines staff to identify and report on suspected human trafficking cases as well as the FAA Extension, Safety, and Security Act 2016 which requires air carriers to provide flight attendant training on recognising and responding to potential trafficking victims. Ms. Yap pointed out Dubai International Airport as an example of the efforts undertaken to identify and rescue victims of human trafficking. Advertisements and brochures are available at the airport terminals to raise awareness on human trafficking and the harsh penalties under the law. A toll-free hotline number is available for people to report crimes. An anti-trafficking office at the airport staffed by trained officers is available to help any potential victims.

The findings of AirAsia's training needs analysis indicated that its staff want to help in anti-trafficking efforts but felt they are not equipped to do so. Most reported to have encountered possible cases of trafficking but failed to spot the warning signs. Some failed to act due to fear as there were some who received threats for identifying trafficking victims. There is also a concern about risking their employment or exposing the company to lawsuits. In response, AirAsia has taken the initiative to equip its staff with skills to competently handle trafficking scenarios and provide appropriate assistance. Clear reporting procedures are established and the organisation aims to communicate a clear anti-trafficking message. Ms Yap closed her presentation with some recommendations on how the airlines industry can address human trafficking

through airport law enforcement training; having legal clarity on handling different cases such as smuggling, trafficking, refugees; using IT solutions to provide multi-language assistance; and having victim support services available.

Mr. Tan Chun Sheng introduced his organisation, ST Microelectronics, one of the world's largest semiconductor companies which serves over 100,000 customers worldwide. The company is listed on the New York Stock Exchange, Euronext Paris and Borsa Italiana, Milan. It is a signatory of the United Nations Global Compact (UNGC) and a Member of the Responsible Business Alliance (RBA). The company employs 46,000 employees worldwide and recorded a revenue of \$9.66bil in 2018. ST Microelectronics Muar, set up in 1974 in Johor, has grown to be ST's largest back-end plant in terms of space and was certified by Electronic Industry Citizenship Coalition (EICC) in 2011.

Mr. Tan shared some salient points on the Company's recruitment policies. The Company does not use agents and hires its employees directly from the home country. All recruitment fees are borne by the Company. Employment contracts are in the native language and signed in the source country, with the terms and conditions properly explained to foreign workers prior to interview and selection. There is no deduction of salary for dormitory or disciplinary actions, and employees are free to end the contract at any point in time. Pre-departure orientation is provided. Workers are required to complete pre and post departure declaration forms to indicate that their personal documents, including their passports, are in their possession and that they have not been charged any recruitment fees. The Human Resources Department will investigate should there be any abnormalities.

Some of the challenges the Company faced include source country agents charging additional recruitment fees which the Company is unaware of. Some foreign workers would borrow money from the agents at high interest rates. It was difficult to control the agents from the source country, many of whom use illegal sub-agents

to recruit workers. Some key recommendations to address these challenges include eliminating local recruitment agents by recruiting the foreign workers directly from the source country. Interviews and selection process to be done by company recruiters. To control source country agents, a robust system should be in place to carry out due diligence audit before engaging an agent and to have annual compliance audit of the agents to monitor their practices. Sub-agents should be prohibited, and a breakdown of the recruitment fee charges must be provided. A grievance and reimbursement mechanism for workers should be put in place to monitor any abnormalities in terms of recruitment charges and possession of personal documents, and to allow workers to communicate any grievances they may have. Training and awareness sessions for employees, agents and suppliers should be conducted on a regular basis.

According to Mr. Mahmoud Skaf from JW Marriott, the JW Marriot Group welcomes the initiative of hiring women survivors of human trafficking into full employment. JW Marriott Hotel was the first employer to collaborate with the Ministry of Home Affairs to provide employment for women survivors of human trafficking in support of the Government's efforts to implement the permission to move freely and work under Section 51A of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act. Mr. Mahmoud stated that JW Marriott would be open to the idea of conducting interviews and training at the shelters for those who are interested, and to help equip the victims with relevant industry skills to improve on their marketability. JW Marriott International as a group can consider providing training and finding job placement opportunities for the victims in their home countries. The Group is willing to work with the relevant embassies to provide such assistance. It was highlighted that in the JW Marriot Group, they do not discriminate between foreign and local workers in terms of wages.

Mr. Mahmoud called upon Ms. Rowena to the stage and proudly introduced her to the audience. Ms. Rowena, who is a survivor of human trafficking, had been hired by JW Marriott under the collaboration programme with the

Ministry of Home Affairs to provide work to victims of human trafficking. She has been working successfully at the Hotel, having being promoted over the years. Rowena is a success story of what is possible when survivors are given the opportunity to reach their potential.

Pn. Noor Izlin Andrina Ismail from Sime Darby Plantation Berhad (SDP) introduced her organisation, which is the world's largest producer of certified sustainable palm oil, producing 2.46mil metric tonne a year. It has businesses located in 15 countries, hiring 95,000 employees. In 2015, the organisation established its SDP Human Rights Task Force which then carried out its human rights due diligence to look into pertinent issues relating to forced labour risks in the palm oil sector. Pn. Noor Izlin outlined the organisation's recruitment process which aims to reduce such risks. In terms of recruitment fees and related costs, SDP recruits directly from country of origin, hence, bypassing agents and extra agency costs involved. Recruitment selection and interviews are done at the country of origin. Contracts are made clear and accurate, with socialisation activities carried out at country of origin to ensure that workers and potential workers are clear about the recruitment process and procedures. To help the workers understand the process and work involved, videos in the local language are shown to them so that they can see what work they are expected to do. SDP does not practice the retention of passports of its foreign employees. Workers are given the space to voice their grievances through the "Suara Kami Helpline" which is in multiple languages. Workers are given awareness trainings on their rights and how to use the helpline.

Pn. Noor Izlin stressed that more needs to be done and collective action is required to change systemic issues. Some of the underlying causes of forced labour such as lack of unions and low wages can be addressed through improving unions to include foreign workers and having policies which ensure liveable wages are accorded to foreign workers.





Left: Govin Ruben, co-Founder of TerryandtheCuz Productions, giving a briefing to the audience after the immersive experience, as Terence Conrad, co-Founder, looks on.

“SK!N IS THE BOUNDARY OF OUR BODIES. IT IS THE UN-CROSSABLE BORDER BETWEEN OUR BODIES AND THE OTHER’S ALIEN BODY. WHEN WE ATTEMPT TO GO BEYOND OUR BORDERS WE ARE AFFRONTED BY A STRONGER AFFIRMATION OF OUR OWN IDENTITY.

SK!N IS ABOUT MIGRATION AND HOW, WHEN AND WHY WE ARE ALLOWED TO FREELY CROSS BORDERS WHILST OTHERS HAVE THEIR MOVEMENTS RESTRICTED. IT IS ABOUT THE LENGTHS THAT PEOPLE GO TO IN ORDER TO SURVIVE OR BETTER THEIR LIVES.”



From being herded like cattle into a crowded holding area, having all their possessions removed, being forced to obey instructions by the “traffickers”, treated like goods being processed and priced for sale, being blindfolded and kept in the dark and uncertainty of where they will be moved, the audience got to experience, not only the inhumane treatment but also the myriad of emotions trafficked victims would have felt at the hands of the traffickers.

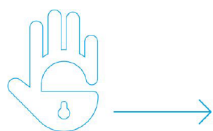
Feedback gathered from some of the audience after the immersive session was that the experience gave them a better understanding of the injustices the victims face and greater empathy towards the trafficked victims.

In 2017, award winning theatremakers, TerryandTheCuz started working with Tenaganita on a project called SK!N. In collaboration with Australian-based performance maker Ashley Dyer, the team created a multi-faceted performance inspired by true stories and actual events of how people had become victims of human trafficking, which brings audiences into the world of human trafficking through an experiential journey.

For the National Conference, TerryandTheCuz adapted the performance by bringing the audience through an immersive experience which allowed them to walk in the shoes of the victims and experience a glimpse of what trafficked victims have to go through.



## BREAKOUT SESSION 1



### THEMATIC ISSUES ON TRAFFICKING IN PERSONS (TIP)

#### UNICEF – Harmonizing Malaysia’s Approach on Child Trafficking with International Law and Best Practices

This session, moderated by Ms. Melissa Akhir from Women’s Aid Organisation (WAO), looked at child trafficking and laws and best practices related to child rights in the local and international context. Subject-matter experts made their presentations followed by a panel discussion and Q&A session where participants discussed how to harmonise national legal framework to the UN Trafficking Protocol and made recommendations for the next National Action Plan on Trafficking in Persons (NAPTIP) 2021-2025.

Pn. Syuhaida binti Abdul Wahab Zen, from National Strategic Office, MAPO, spoke on “Trends and Landscape on Child Trafficking”, giving the government’s perspective regarding legislations and highlighted the amendments made in response to the changing trends and landscape of child trafficking such as the inclusion on NGOs, permission for victims to move freely and work, and payment of monthly allowance to victims. The number of child trafficking cases in Malaysia is reportedly relatively low, with most cases involving sexual exploitation, labour exploitation and baby selling. Through the NAPTIP, the Government aims to strengthen the existing legal framework; have integrated action among enforcement agencies; raise public awareness; and put into place international standards in protection and rehabilitation. Key challenges faced by the Government include data collection as there is a need for detailed statistics; addressing specific needs of children in NAPTIP 2021-2025; need to strengthen laws and regulations and have better policy coherence; and to improve on victim identification indicators. Pn. Syuhaida closed with reiterating the need to work together across agencies and the need for stronger inter-governmental cooperation active collaboration with civil society organisations. (CSOs).

Mr. Quek Kia Ann from Department of Social Welfare (JKM) spoke on “Laws, Policies and Data on child Trafficking: in context of JKM’s role in protection of children in trafficking”. JKM’s main role is to provide care and protection of trafficked persons, including children. The role and duties of the Protection Officers (POs) are stipulated in Section 43 of the ATIPSOM Act, where the POs are responsible for assisting and liaising with the Investigating Officer such as preparing the relevant documents for placement of suspected trafficking victims at place of refuge and preparation of the Social Report based on information from suspected victims. Services and role of shelter include providing care, protection and basic needs for the victims; counselling and psycho-social support; educa-

tion program; vocational and skills training; medical treatment; awareness program; and other support services (visits from embassy, phone call and a small allowance). Some of these services are through collaboration with NGOs such as SUKA Society and Doctors Without Borders. Mr. Quek concluded by acknowledging the need for staff training and capacity building especially to be more child sensitive, and the need for more social workers and counselors.

Mr. Reynaldo Bicol from International Justice Mission (IJM)’s topic was on “Learning, successes and best practices in addressing child trafficking: the Philippines Experience”. IJM’s mission is to protect the poor from violence by partnering with local authorities. They combat slavery in various forms around the world and collaborate with global partners. He highlighted the unique partnership between the state and NGOs that participate in nation building. The Philippines Government enacted the first anti-trafficking in persons act in Southeast Asia in 2003 that specifically prohibits trafficking in persons. It provides a comprehensive and expanded definition on TIP, strict and heavy penalties on different trafficking acts, mandates inter-agency collaboration and a victim-centered approach. The Philippines Government’s approach encompasses a coordinated strategy within a supportive environment to deter trafficking in persons and protect victims through ensuring effective law enforcement (by having dedicated anti trafficking police units), effective prosecution (by forming prosecutors’ task force) and effective after care provided by social welfare institutions. Based on IJM’s experience, when violent offenders are held accountable for their crimes, the abuse of vulnerable victims is dramatically reduced. Effective criminal justice systems protect not only the children rescued but countless more who will never be abused. The scenario is changing as there is now an increase in online exploitation of children. Mr. Reynaldo closed by appealing for the need for strong enforcement of law and to have the best interest of the child.

Mr. Hairudin Masnin from International Labour Organisation (ILO) spoke on “Local landscape on child labor and opportunities for collaboration”. He shared on ILO’s collaboration with MAPO and the Ministry of Women, Family and Community Development (KPWK). The Bridge Project, funded by the US Department of Labour, was a study conducted by ILO to give stakeholders an overview of issues and recommendations towards adopting a National Action Plan on child labour. The study looks at the nature and extent of child labour. Findings revealed the causes of child labour are lack of access to education; lack of documentation; low levels of awareness among parents, workers, community members, employers; children working alongside parents are considered a culture and tradition and not child labour; lack of children facilities; lack of enforcement; labour shortages so children are regarded as ‘cheap labourers’; poverty; and lack of inter-

vention. One of the key implications for NAP on child labour is for it to be part of the existing NAP-TIP to promote coherence in implementation. Recommendations from the study encompass the need to strengthen nationwide initiatives to eliminate child labor through Prevention (ratification of ILO Protocol, awareness raising on child labor, legal reform and improved enforcement of the law with a clear definition of forced and child labour); Protection (strengthen law enforcement, increase the number of social workers to assist children, increase capacity of officials or enforcement agency to identify child, develop specific SOPs and indicators to assist businesses, parents and community at large to better understand and comply with existing legislation); and Support services (improve services such as temporary shelter, provide easy-to-access grievance and complaint mechanism at community level). The NAP should include measures to prevent child labour to protect young workers and to support individual children who are already trapped in child labour through substantial policy changes.

Ms. Aegile Fernandez from Tenaganita presented on “Children lost under the radar and reality on the ground”. She presented case studies to show who are the children that get lost under the radar— a girl from a poor family who is a victim of child pornography; young boys recruited by pedophiles; refugee children; children in the fishing industry—these children have no education; children in detention centres (are they supposed to be in shelters?); children who are begging such as refugee children who are not allowed to work, so they are made to beg by the syndicates. Even babies are used for begging. Ms. Aegile lamented on what is happening to children in Malaysia and whether people are interested to know or are fearful. There is a need for us to ask questions, to focus on stateless children, to have empathy and engage in meaningful conversations to address these issues. She called on all parties to rethink and relook at what we have in place to protect ALL children—this includes refugee and stateless children.

During the Q&A session, the issue of undocumented children was raised, where one parent is a Malaysian or in the case of unmarried parents. There was a recommendation to engage with diplomatic missions to allow the parents to go back to the country of origin. On the exploitation of children and screening mechanism to identify trafficked children, there is currently no screening mechanism in place but if they have indicators of trafficking, then they will be identified as trafficked victims. SUHAKAM recommended that the Government supports the Children on the Move programme and their pilot project on unaccompanied minors.

The Moderator closed the session by reminding the participants that the focus of what we do should be on the children.



**THEMATIC ISSUES ON TRAFFICKING IN PERSONS (TIP)**  
**Responsible Business Alliance (RBA) - Ethical Recruitment in Global Supply Chains**

This session was led by Mr. Chua Khai Yau and Ms. Lim Ka Ea from Responsible Business Alliance (RBA) which is the world’s largest coalition of leading companies dedicated to corporate social responsibility in global supply chains. Its 150 members adhere to a common RBA Code of Conduct, which is a set of social, environmental and ethical industry standards. The Responsible Minerals Initiative, the Responsible Labour Initiative and the Responsible Factory Initiative are the three initiatives founded to provide members with various tools, programmes and initiatives to responsible sourcing of materials, ethical recruitment to prevent forced labour, and to develop supply chain partners and factories.

This session featured a case study where participants were involved in identifying key drivers for ethical recruitment in global supply chains with a multi-stakeholder view. Participants learnt the various issues which lead to unethical recruitment practices and how they impact various stakeholders. From the group discussions, participants had the opportunity to formulate recommendations to the government on how varied stakeholders can work together to drive ethical recruitment in supply chains. About 60 participants were divided into four groups—Employee, Employer, Government, and Labour Recruiter. They were required to discuss and highlight issues they would face if they were in the shoes of each of the four identified groups, and to come up with recommendations based on the 5Ps—Protection, Prosecution, Prevention, Policy and Partnership.

Issues raised by the Employee group were that fees charged to the migrant workers are not structured and on an ad-hoc basis, often with no guidelines. There was no accountability from relevant parties such as the employer or recruiter. There was a lack or no information/knowledge about the procedures involved. Employees usually do not have pre-departure contracts and had no support network. They are subjected to exploitation and debt bondage, especially for under-aged persons, in situations such as when their passports are taken away. It was recommended that employees have access to information through email, sms or Whatsapp or by any means especially those in the remote areas. Sanctions should be imposed on those who abuse the system. It is important to have policies in place to ensure effective monitoring of compliance, that passports are not retained, workers should not be imposed unnecessary fees, and recruitment should be done by Employers directly in the home country. To improve on Partnerships, workers’ agency or coali-

tion can be set up.

The Employer group were concerned with unknown recruitment fees which were imposed on the employees. They also highlighted that employers are not in full control of the labour recruitment process. It was recommended that proper due diligence to be carried out on employers; there should be a clear contract agreement with employees; that due diligence should be done; and there should be a two-way communication with stakeholders.

The Government group highlighted the Government's responsibility to ensure legal protection to its citizens. It is also the responsibility of the Government to protect the rights of migrant workers in the country. One of the main reasons for unethical practices is corruption and the lack of enforcement by authorities. It was recommended that the Government should ensure the enforcement of the MOUs signed with other governments and uphold international standards (e.g. on forced labour). To reduce corruption, the Government should review the roles of sub agents, regulate the fees and ensure strict enforcement. There should be a single agency as point of referral for stakeholders. It was recommended that the Ministry of Home Affairs should not be the agency to regulate the recruitment process. To ensure transparency, provisions in the MOUs should be stated clearly and in detail. There should be a decentralization of enforcement and appointment of independent ombudsmen. A more consultative approach and partnership with civil society organisations should be the way forward.

The Labour Recruiter group highlighted the unethical recruitment practices which are prevalent in the industries which include hiring of under-aged workers, imposing excessive recruitment fees, making false promises to migrant workers (e.g. promised different jobs or workplace), retention of passports, unlicensed agents, having multiple contracts which the workers are not aware of, and detention of workers in the pre-departure and incoming process. As a result of unethical recruitment, not only do employees suffer, but sustainability of businesses will be affected. It was recommended that workers, employers and government personnel should be given awareness training of rights of migrant workers. There should be strict enforcement from government authorities of both sending and receiving countries. The recruitment process should be simplified and transparent, with self-regulation of the recruitment industry. Existing government policy should be improved upon, with standardization of "Zero Recruitment Fee" between stakeholders.

The session highlighted the need for a multi-stakeholder view to identify key drivers for ethical recruitment and multi-stakeholder efforts to work together in eradicating unethical practices such as forced labour in the supply chains.



**THEMATIC ISSUES ON TRAFFICKING IN PERSONS (TIP)**  
**International Labour Organization (ILO) – The Forced Labour Component of the National Action Plan on Trafficking**

This session was led by International Labour Organisation (ILO). Participants were introduced to the forced labour concepts and Conventions relating to trafficking via lecture-based presentation by Ms. Jodelen Mitra of ILO and an interactive activity conducted by Ms. New Su Shern from Project Liber8 whereby the participants at each table interviewed a "victim" of forced labour to understand the challenges faced by victims such as not receiving proper wages, passport being confiscated, debt bondage, long working hours, no freedom of movement, poor living conditions, abuse, no access to healthcare, not able to change employers, and no work permit. This was followed by a panel discussion featuring speakers and topics relating to forced labour and the NAP on forced labour, ending with a Q&A session and reflection on the panel discussion.

The panel discussion was moderated by Ms. Noor Harayanti Bte Noor Sidin from the Ministry of Human Resources. The first Speaker, Dr. Andika Ab. Wahab, presented on his key findings relating to the Bridge Project funded by ILO. Some of the contributing factors to the vulnerability of migrant workers to forced labour include the lack of documentation such as valid passports. For refugees, those without the UNHCR card are even more vulnerable. The high cost of migration of workers, such as those incurred by Bangladesh workers, often leave the workers vulnerable to debt bondage. The use of contractors and outsourcing companies to recruit workers often expose the migrant workers to exploitation. The labour enforcement faces challenges in their enforcement efforts and abilities to identify labour trafficking due to the huge coverage of more than two million registered and active companies in the country. Some of the key recommendations were to integrate the forced labour action plan within the existing National Action Plan or to develop a standalone national forced labour law. Measurable indicators of forced labour should be developed. It was suggested that the membership of CSOs in MAPO should be increased to strengthen the CSOs' voice. Inter-agency collaboration should be strengthened, especially in data sharing. One stop centres in the rural community should be established to collect information relating to forced labour issues.

Ms. Sumitha Kishna, founder of Our Journey, provided a practitioner's point of view on key areas to address in the national action plan for forced labour. At present, there is no clear definition for forced labour but it is an indication

of human trafficking in the ATIPSOM Act. Forced labour can occur independently of trafficking in persons. Under the ATIPSOM, there is a need to demonstrate coercion. Forced labour is subjective and may not necessarily be about wages or being confined, but also psychological. Traffickers often use threats against the victims' family members back home. Victims may be supported while they are here once rescued but not for the family back home. There is a need to work with NGOs in the country of origin to support the families, then perhaps more victims will come forth with disclosures. The ATIPSOM needs to be widened to include psychological impact and deception. Victim support such as psychological assistance should be provided and strengthened, including the need for the Investigating Officers (IOs) and Deputy Public Prosecutors (DPPs) to spend more time with the victims and to understand the victims' mind set and situations at home. Legal counsel should be given to victims as well as their families. Sex trafficking is not recognized as work, and therefore victims are not compensated. Compensation to victims are normally payable for quantifiable violations. However, the financial loss and psychological harm on the victims of sex trafficking may not always be quantifiable.

Mr. Kevin Geh Kien Meng from NSO MAPO spoke on the partnership needed to implement sub NAP on forced labour under the NAP TIP. Referring to the points made by the previous speakers, Mr. Kevin Geh noted that at this point in time, these issues are under consideration and no conclusion have been derived yet. In terms of compensation for sex work, he acknowledged that this is a complicated matter as sex work is not regarded as legal work. In 2010, the ATIPSOM Act was expanded to include forced labour into the definition of trafficking in persons. "Coercion" is a point of contention, and the government is considering either to widen or remove the element of coercion in the ATIPSOM Act. Forced labour predates trafficking in persons. Modern slavery is wider and should include all other situations. For example, a woman who owes money to a loan shark could be required to work extra hours to pay back the debt. This debt bondage would be a form of modern slavery. The Employment Act does include forced labour situations, however, forced labour also happens without the existence of employment contracts between the employer and the workers. It was acknowledged that there is a need to address both forced labour and trafficking in persons, and that more practical approaches are required to deal with the issues.

The Speakers addressed several questions raised by the participants. On how the Malaysian government checks on the employers whether they are hiring workers legally or otherwise, Mr. Kevin Geh responded that the government does not condone employers harbouring illegal employees. MAPO will take action to rescue such workers who have been labour trafficked. Ms. Sumitha added that migration is employer centric in the sense that workers

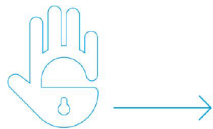
do not have the avenue to renew their work permit and are dependent on the employers. This leads to vulnerability of migrant. If they are not paid, abused or faced other kinds of exploitation, they are not able to terminate and find another employer but are forced to either continue working or leave and become undocumented worker. For employers who have to incur high recruitment costs, they would tend to do what they can to keep the worker from leaving. The government should consider reducing the migration recruitment fee.

On how psychologists can help in getting victims to come forth with disclosures, Ms. Sumitha, psychologists are different from the IOs or lawyers as they are professionals who understand trauma and how victims are impacted, and are able to work with victims to alleviate their fear and help to deal with their trauma. Psychologists can help to convince the victims that disclosure is important to help with their case. Mr. Kevin Geh added that there are currently qualified counsellors allowed into the shelters to conduct counselling sessions with the victims.

In terms of prosecution, Mr. Kevin Geh stated that one of the challenges is that in certain cases, the law needs to be enhanced to prosecute the trafficker as not all forced labour cases fall under the ATIPSOM Act. There needs to be greater public partnership, to have other agencies to oversee the government, such as the NGOs, as the government is overstretched. There should be greater collaboration, including in increasing awareness programmes on trafficking in persons. As to which part of the ATIPSOM Act to amend, there needs to be a clearer definition on coercion or perhaps eliminate coercion in the definition of trafficking in persons. Owners of businesses, industry and commerce to be held responsible as recruiters and caretakers of their workers. The sentences or penalties for forced labour should be increased. With regards to domestic workers, which is in the informal sector, it was difficult for the enforcement on the ground to identify the cases. Ms. Sumitha added that as domestic workers work in private dwelling, officers can only go in when they receive a complaint. Rescue is challenging as domestic workers are usually confined in a home.

Ms. Liva Sreedharan closed by reflecting on the need for the context to fit for purpose in regards to policy, that is, policies should respond to evolving circumstances—find good policies and replace bad ones. Consultations are important to understand those who are affected. Rather than emphasising policy changes, more emphasis is required on concrete steps to curb forced labour. This would be the right direction forward. It is crucial for all stakeholders to continue the conversation and collaboration to prevent forced labour.

## BREAKOUT SESSION 1



### THEMATIC ISSUES ON TRAFFICKING IN PERSONS (TIP)

#### Business Social Responsibility (BSR) – Tech Against Trafficking (Cyber Security)

In this session, led by Business Social Responsibility (BSR) in collaboration with Stop Human Trafficking (SHUT), participants learnt how tech is being used to fight human trafficking. The session focused on how companies can leverage their technology, expertise, and resources to help combat the overarching issue of human trafficking and featured a demonstration of the Unseen app – an innovative platform which provides a simple guide to recognising the signs of modern slavery and reporting concerns in confidence to free more victims of slavery. Participants discussed in groups on what tools/types of technology would be useful based on their own needs and experienced working on issues related to anti-trafficking. The session closed with a mini-panel featuring two experts who shared their experiences and opinions on the subject of tech against trafficking, followed by a Q&A session.

BSR is a global non-profit organisation that works with a network of more than 265 member companies and other partners to build a just and sustainable world. They develop strategies and solutions through consulting research and cross-sector collaboration. Human rights is one of their four core areas that drive their desired outcomes of supply chain sustainability and sustainability management. One of its human rights collaborative initiatives include Building Responsibly which is a collaboration to promote the welfare of workers in the engineering and construction industry. This initiative aims to promote the rights and welfare of workers through adopting common principles and practices, developing tools, engaging workers and other stakeholders, and driving innovation and continuous improvement in workers' welfare. Another initiative is the Global Business Coalition Against Human Trafficking (GBCAT) which is a cross-country initiative to harness global business to reduce the number of modern slavery victims.

There are currently at least 40.3 million trafficking victims globally. Tech companies can help fight trafficking. Information and Communications Technology (ICT) can serve as a powerful tool to disrupt and reduce modern slavery, prevent and identify crimes, and provide a remedy mechanism for victims and support survivors. With this in mind, Technology Against Trafficking (TAT) was established in 2018. This initiative involves a coalition of technology companies collaborating with global experts on human trafficking issues in order to combat human trafficking. TAT also works with civil society, law enforcement, academia and survivors to identify and support

technology solutions that disrupt and reduce human trafficking. TAT is launching an Accelerator Program to advance and scale the work of technology tools being used to combat human trafficking. TAT does a mapping of the landscape to find tools that combat human trafficking. Most tools help identify victims of human trafficking. It is important for developers and NGOs to work together at reaching out to victims as NGOs are they key tool users. TAT identifies and selects tools with largest potential, and helps to accelerate the solution by providing support to accelerate the growth, scale of the tools and their impact.

BSR introduced examples of technological tools that help combat human trafficking. APPRISE App, created by United Nations Institute on Computing and Society and The Mekong Club, is a tool for screening vulnerable populations with the potential to unmask situations of forced labour and human trafficking. It is a social compliance audit tool that can auditors can use when they conduct their audit to check whether an interviewee is a potentially trafficked victim. The Unseen App, created by Unseen UK, provides a guide to understanding how people can be exploited and spotting the signs of modern slavery to help identify potential human trafficking victims and reporting concerns or suspicions to Unseen's Modern Slavery Helpline. The Counter-Trafficking Data Collaborative (CTDC) is the first global data hub on human trafficking, publishing harmonised data from counter-trafficking organisations around the world.

A Hackathon group brainstorming session was conducted where participants worked in six groups to brainstorm a tool that they think would be ideal to help in their fight against human trafficking. They were required to look at the features of the tool (e.g. type of tool, methods of application and target users/beneficiaries) and what was the purpose of the tool. Group 1 targeted users in villages in remote areas which do not have access to technology. More traditional methods that are accessible to village-level migrant workers, such as radio messages or movies, would have to be used to reach those who want to go abroad but do not have access to smart technology or are not educated. In this scenario, the awareness raising efforts need to be collaborative—NGOs need to work together with the government officials in the host country to reach out to such communities. One of the initiatives to reduce the likelihood of trafficking and exploitation is to eliminate sub-agents from the recruitment process.

Group 2 recommended developing an app which they named RAT App (Report Against Trafficking). This is based on the premise that many people use apps these days such as WeChat, Kaokao, Line, hence, using apps can reach a wide target audience. The RAT App facilitates the reporting of potential traffickers, and helps in the identification of both traffickers and victims. It also facilitates locating traffickers hotspots based on data collected from the reporting of cases.

Group 3 presented their idea of developing an app called **Employ Me**, which is an employment app for blue collar workers. Many blue collar workers are people seeking a better life abroad, and in the process, many are at risk of being trafficked. The **Employ Me App's** main purpose is to enable strong authentication process for both users (those looking for work abroad) and employers. Users can upload their profile, which will then be authenticated through an authentication process. Users will be able to look at the jobs available in different countries within the app to seek employment. Each country would have their own policies and nature of employment, which will all be disclosed to provide clear information to the users. Employers can also access the app to look for potential employees, and upload information of their companies which will be authenticated through an authentication process.

Group 4 proposed the **SOS App**, which should be pre-installed in all handphones' operating system. All users will have an ID which they can share with their families so that their whereabouts are known. The GPS is able to detect the migrant workers' whereabouts after they leave their home countries. Users are also able to send their location information to emergency contacts and law enforcement when help is required.

Group 5's app, aptly named "**SUARA**", is designed to give voice to the people who need it by simplifying the reporting process. Generally, one would go to the police station to have the report written up. The app looks at removing that layer to have to see a desk police officer by allowing for the user to write the report using a pre-set template and submitting online to the police. There are five enforcement agencies that can handle trafficking in persons' cases but the public generally do not know who they should forward the information they have to. This app can be used to forward such information to law enforcement. Law enforcement agencies, especially frontliners, can use the app to identify victims of human trafficking.

Group 6 proposed a worker empowerment app named "**DURIAN**" App (Duress Intelligence Application). It is aimed to be a one-stop centre sharing platform for workers where they can access relevant data which can help to raise awareness about workers' rights. They can also share information among themselves and report any harassment or abuse. The app would be public-friendly using mobile platform with search engine features, where at a press of a button, they can access the database and also the law enforcement agencies and NGOs for assistance. In terms of security, it was essential to Know Your Customer and Know Your Data. Data can be open-sourced, close-sourced or classified. There should be proper encryption for software to protect data from hackers. Confidentiality is also a concern as the workers may get in trouble if employers know they made a report.

Breakout Session 1 — UNICEF



Breakout Session 1 — Responsible Business Alliance



Breakout Session 1 — International Labour Organisation



Breakout Session 1 — Business Social Responsibility





"My life, no one knows.. My pain, no one cares. I don't know who to turn to.. I have no one to rescue me."

- the voice of a fisherman trafficked at sea

## THE VOICES

The Voices is an expressive performance by volunteers who portrayed the many faces of trafficked victims whose voices often go unheard. Each act is based on real life stories painfully shared by the many victims who have been trafficked into Malaysia. Their stories are unfortunately all too familiar and prevalent. Would we be moved to make a difference and stand up against human trafficking if we hear their voices?



A domestic worker has been working almost two years but was not paid her salary nor given proper food. She continued to endure for the sake of her young son back home. "Is it a sin to want a better life like everyone else?" she asked through her tears.

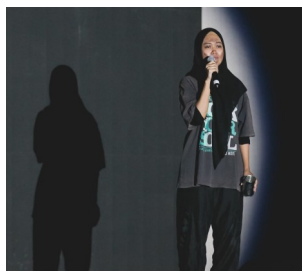
A fisherman trafficked at sea where he spent the last three years. The traffickers sold him as a slave as he did not have money to pay them for his freedom. He is surrounded by the sea as far as his eyes can see. No one knows his pain, no one cares, no one would know if he died at sea. Life as a slave is a living hell, to which he sees no end to his pain.



A young girl ran away from home with her boyfriend, thinking she finally found love. Little did she know the life he had planned for her as her sex trafficker. Now suffering from AIDS and having a young child to care for, she cries for the future of her child, "What happens if there are thousands out there just like me? What would this world be like?"



A 15-year old boy who was born stateless and abandoned by his parents, has no choice but to beg for the syndicate if he wants to survive. He longs to go to school and live the life of a normal child. "Why do I have to beg to just to live?" he ponders.



50forfreedom

## BETWEEN TWO WORLDS

"Between Two Worlds" is a poem which inspires action against modern slavery. It tells a personal story of a mother and daughter trapped in a vicious circle of poverty, exploitation and forced labour.



Malaysian poet Nazreen Mohamad reads his powerful poem "Between two worlds" with Filipino domestic worker Rizalina Miranda accompanying him on the keyboard.

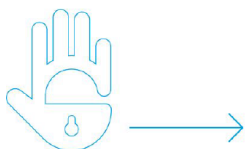
"Somebody once told me a story, About this mother and daughter from a distant land.." With that opening, Nazreen related how poverty drives people to take desperate measures in search of a better life. What mother would not want a better life for her daughter that she would sell what little that she has to send her daughter abroad for the promised job and a better future. This is the same story of hope and dream we hear when migrant workers first made the difficult decision to leave their families behind for a better future.

"That promise turned out to be a myth..." Nazreen continues narrating the harsh reality faced by most migrant workers when they arrived in what was supposed to be the promised land, the greener pasture but there is no pot of gold at the end of the rainbow. What they find is more pain as they are deeper in debt, their passports withheld, their movements restrained, poor or slave-like living conditions.

"That's a heavy story". Most of us are fortunate to have a story that is "a lot shorter and a lot lighter". "We are all equal, But some are born more equal than others, And it's our choice what we do about this." Nazreen challenges all of us to SPEAK when we see something that isn't right, when we see somebody not treated right, to READ if we don't know enough to help and make things right. Let us "live in a country of courage and compassion, Where the people stand up for everybody, No matter their flag or religion".

Nazreen calls on all of us to make a difference, "Ordinary people like you and me, Who did not rest until everyone was FREE....."

## BREAKOUT SESSION 2



### CALL-TO-ACTION PLANS

NCWO, UKM & Engender – Policy Direction on “Safe Migration”

This session was led by Prof. Dato’ Dr. Rashila Ramli and Assoc. Prof. Dr. Sabariah Baharun from National Council of Women’s Organisation (NCWO), Dr. Andika Ab. Wahab from Institute of Malaysian and International Studies (IKMAS) of UKM, and Ms. Omna Sreeni-Ong and Dr. Manjit Kaur Ludher from Engender Consultancy. It was conducted in a worldcafe setup and with guided questions for discussion pertaining to safe migration. Participants exchanged views and looked into policy input on current issues, challenges and suggestions to better improve safe migration initiative vis a vis addressing actual and potential labour exploitation throughout the migration trajectory. At the end of the session, participants’ views and suggestions will be collated and synthesised in a policy document format, to be submitted to relevant agencies.

Three questions were presented to the participants to ponder over and provide their feedback. Question 1 was on the risks and vulnerability facing migrant workers during the Recruitment process in origin country. There was a lack of information on the recruitment process and legal fees structure, information about Malaysia, and the absence of contract system in some origin countries. The information given is false or misleading, and often with the intent to deceive. Migrant workers often are imposed exorbitant fees which lead to debt bondage. There are too many agents and layers involved in the recruitment process, which makes the process complicated. Prevention measures include allowing employers to conduct direct recruitment at origin country; clear recruitment structure and guidelines with proper licensing for agents; strengthen the enforcement mechanism; and the Ministry of Human Resources should be the Ministry in charge of issuing relevant processes of migrant workers’ recruitment. Protection measures include ensuring proper monitoring process at country of origin by one monitoring body; strict monitoring and audit process of medical screening and post departure orientation programmes; all documents to be verified by government agency; employer to conduct pre and post– departure interviews to ensure that migrant workers have zero recruitment fees; workers should be made aware of what is “safe migration” and have read and understood the employment agreement; complaint mechanism to be put in place; and to reduce the total processing time to not more than two months. Prosecution measures should ensure severe punishment for illegal agents/employers and blacklist agents with bad track records. With regards to partnership, there should be more government-to-government partnership on end-to-end migration between Malaysia and all ap-

proved source countries; better collaboration on enforcement and data sharing, leveraging on latest technology; establish online one-stop centre to provide information on recruitment process and updates at every stage of approval process; database on foreign workers that is accessible to all stakeholders; and members of recruitment agencies to consist of a representative from government bodies. In terms of policy measures, there should be a policy that covers current issues faced by migrant workers that is consistent for all countries. Government policy on the recruitment process should be clear and coherent with its implementation.

Question 2 was on the risks and vulnerability facing the migrant workers during/after arrival in Malaysia. Many of the migrant workers are leaving their country for the first time. They lack the knowledge or understanding of the destination country, and do not have enough experience or resources. When they arrive, they usually find that they do not have the proper documentations, asked to sign a different employment contract or are employed by a different employer and not doing work which they were supposed to do. In some cases, the traffickers are already waiting at the airport for them, or the employers/agents do not turn up, leaving them abandoned upon arrival. Language barrier and unfamiliarity with the local environment leave them vulnerable. It is common for the agents/employers to confiscate the migrant workers’ mobile phones, personal belongings, money, and passports. They do not know their rights and the Malaysian legal system, which increases their vulnerability. In addition, irregular migrant workers are not covered by the Malaysian employment laws, hence, these migrant workers do not receive proper protection. Many find themselves in the unfortunate situation of being exploited, deceived and even abused by their employers. Even if they do not like the new job, they are tied to the contracted employer and not able to change jobs. There are employers who do not apply for the proper work permit or renewal of the work permit, causing the migrant workers to become undocumented. When immigration authorities crackdown on undocumented migrants, these workers who have been victimized by the agents/employers are being detained in detention centres for breach of the immigration laws. As a recommendation for prevention measures, migrant workers should go through mandatory orientation to teach them about their rights, proper procedures and documentation requirements, and possibly training before they start work. Migrant workers should have the right to keep their own passports. There is a need for greater enforcement to ensure that companies are following the laws/regulations. A standard victim identification and screening process should be able to distinguish between regular/irregular migrants, refugees/asylum seekers, and human trafficking victims. Embassies should play a bigger role by visiting and engaging with their citizens. The Malaysian employment laws should be applicable to irregular and regular migrant workers, and court

### 1 CHILD TRAFFICKING

**EXPLOITATION OF CHILDREN**

- UNICEF: ENDING HUMAN TRAFFICKING
- WORLD LEADERSHIP: NATIONAL PLAN
- CHALLENGES: LEGAL, POLICE, SOCIAL SERVICES, PSYCHOLOGICAL, MEDICAL, FINANCIAL
- ROLES: POLICE, SOCIAL SERVICES, PSYCHOLOGICAL, MEDICAL, FINANCIAL
- EMPHASIS: ON IMPROVED PUBLIC AWARENESS & REHABILITATION

### PROTECTING THE POOR

**USDOJ-funded ILO BRIDGE PROJECT**

- PROTECTING THE POOR FROM AUTHORITARIANISM
- COMMUNITY & COMPANY: LOCAL COURT, LOCAL LEADERS
- USDOJ-funded ILO BRIDGE PROJECT
- PROVIDES: TRAINING, SUPPORT, EMPLOYMENT
- CHILD LABOUR: LACK OF EDUCATION, LACK OF PROTECTION, LACK OF OPPORTUNITIES

### TALK SHOW

**IT WILL TAKE 100 YEARS TO GET THE GEAR**

- MEN, WOMEN—PEOPLE OF ALL GENDERS ARE AT RISK OF HUMAN TRAFFICKING
- WE NEED TO HAVE UNCOMFORTABLE CONVERSATIONS
- POLICIES: INFRASTRUCTURE, ECONOMY
- WE SHOULD TAKE RESPONSIBILITY: ECONOMIC, REFUGEES, RIGHT TO WORK
- ENFORCE PASSPORT ACT: END IMMIGRATION DETENTION
- RIGHTS-BASED LANGUAGE IS A MUST
- WHY WE STAND AGAINST THE SILENCE: CIVIL SOCIETY NEEDS TO BE MORE ENGAGED



### 2 ETHICAL RECRUITMENT

**150+ COMMON**

- ETHICAL RECRUITMENT: COALITION OF LEADERS, BEST PRACTICES, RBA
- WE NEED A MULTI-STAKEHOLDER APPROACH
- VIEW: ETHICAL RECRUITMENT, GSC
- INITIATIVES: END-TO-END, FOCUS ON RISK

### UNETHICAL PRACTICES

- DEBT TRAP: NO PRE-QUALIFICATION CONTRACT
- NO PRE-QUALIFICATION CONTRACT
- PROVIDE JOBS TO UNEMPLOYED
- LEGAL FRAMEWORK: ENFORCEMENT BY AUTHORITIES, AWARENESS, SIMPLE, TRANSPARENT PROCESS
- MOU: ENFORCEMENT, TRANSPARENCY
- Consultative APPROACH

# 1st MAPO-JHAMS NATIONAL ANTI TRAFFICKING

### 3 THE FORCED LABOUR COMPONENT OF THE NATIONAL ACTION PLAN

**INDICATORS: EXCESSIVE DOCUMENTATION, NO FACTORS TO CONSIDER**

- INDICATORS: EXCESSIVE DOCUMENTATION, NO FACTORS TO CONSIDER
- MOST VULNERABLE: MIGRANT WORKERS
- Integrate action plan into NAP
- Implementation of NAP is key
- Resource centres for the rural
- COOPERATION: NEED TO BE EXTENDED
- SUPPORT: SHOULD BE GIVEN
- we need to spend time to understand the VICTIM'S PERSPECTIVE

### COMPENSATION

**SEX WORK**

- SEX WORK: BUSINESS TRANSPARENCY, INTEGRITY NEEDS TO BE MAINTAINED
- PROFESSIONALS: GOVERNMENT NEEDS TO WORK CLOSELY WITH THE RIGHT PEOPLE
- LET'S LEARN ABOUT THE PROCESS
- PSYCHOLOGISTS: can make a difference in gathering information, helping to deal with trauma
- LABOUR INSPECTORS: are overwhelmed by the number of cases
- Let's continue the conversation & collaboration

### OPENING

**DEMAND FOR ETHICAL LABOUR**

- DEMAND FOR ETHICAL LABOUR
- ETHICAL LABOUR: DEMAND FOR ETHICAL LABOUR, ETHICAL LABOUR
- ETHICAL LABOUR: DEMAND FOR ETHICAL LABOUR, ETHICAL LABOUR

### THE VOICE OF THE PEOPLE

**5 FOCUS AREAS:**

1. PARTNER SHIP
2. PREVENTION
3. PROTECTION
4. PROMOTION
5. PROSECUTION

### 4 BSR CYBER SECURITY

**TECH TRAFFICKING**

- TECH TRAFFICKING: BSR, CYBER SECURITY
- TECH TRAFFICKING: BSR, CYBER SECURITY
- TECH TRAFFICKING: BSR, CYBER SECURITY

### HACKATHON !!

**EMPLEMY**

- HACKATHON !!
- EMPLEMY: EMPLOYMENT APP FOR BLUE COLLAR WORKERS
- EMPLEMY: EMPLOYMENT APP FOR BLUE COLLAR WORKERS

### MALAYSIA'S RESPONSE

**WHERE ARE WE HEADING?**

- MALAYSIA'S RESPONSE: WHERE ARE WE HEADING?
- MALAYSIA'S RESPONSE: WHERE ARE WE HEADING?

### WE DON'T GET THE STORIES OF OTHERS

**PEOPLE**

- WE DON'T GET THE STORIES OF OTHERS
- PEOPLE: THERE IS A NEED TO CHANGE





**THE VOICES**

NABAH SAHA TANTE DOMESTIC WORKER

APR DOSA SAHA? APR SALAM SAHA?

HE SOLD ME, I HAVE AIDS MY POOR CHILD! I need to OVERHEAR men

PHYSICAL ABUSE

WE ARE all EQUAL, but some are more EQUAL than others.

WE ARE all EQUAL, but some are more EQUAL than others.

WE ARE all EQUAL, but some are more EQUAL than others.

**1 POLICY DIRECTION**

**Safe Migration!**

Let's create a POSITIVE Migration Experience

Regular & Irregular Migration

Let's create a POSITIVE Migration Experience

Let's create a POSITIVE Migration Experience

Let's create a POSITIVE Migration Experience

**INCREASE in MIGRATION in Europe**

**SAFE MIGRATION**

SAFE MIGRATION

SAFE MIGRATION

SAFE MIGRATION

SAFE MIGRATION

# NATIONAL CONFERENCE ON HUMAN RIGHTS IN PERSONS 2019

**2 EFFECTIVE CAMPAIGNING TOWARDS PREVENTION LIBERATION**

PROJECT LIBERATION

PROJECT LIBERATION

PROJECT LIBERATION

PROJECT LIBERATION

**IMPACT JOURNALISM**

IMPACT JOURNALISM

IMPACT JOURNALISM

IMPACT JOURNALISM

IMPACT JOURNALISM

**ETHICAL**

ETHICAL

ETHICAL

ETHICAL

ETHICAL

**WAGE GAP**

WAGE GAP

WAGE GAP

WAGE GAP

WAGE GAP

**3 VICTIM CENTERED CARE AND PROTECTION**

VICTIM CENTERED CARE AND PROTECTION

VICTIM CENTERED CARE AND PROTECTION

VICTIM CENTERED CARE AND PROTECTION

VICTIM CENTERED CARE AND PROTECTION

**REALISE**

REALISE

REALISE

REALISE

REALISE

**WHAT'S NEXT**

WHAT'S NEXT

WHAT'S NEXT

WHAT'S NEXT

WHAT'S NEXT

**CLOSING**

CLOSING

CLOSING

CLOSING

CLOSING

**ENFORCEMENT & PROSECUTION**

ENFORCEMENT & PROSECUTION

ENFORCEMENT & PROSECUTION

ENFORCEMENT & PROSECUTION

ENFORCEMENT & PROSECUTION

**CASE STUDIES**

CASE STUDIES

CASE STUDIES

CASE STUDIES

CASE STUDIES

idea ink | WWW.IDEAINK.CO



awards should be the same regardless of nationality.

Question 3 was on the issue of women being more vulnerable than others during recruitment in origin country and post-arrival in Malaysia. Push factors for women to migrate for work include poverty/debt, unemployment at home country, better wages, and seeking experience or to learn new skills. Certain countries impose limits on which sectors females can work in and age barriers for women migrants. Access to education may be limited for some women in their home countries, thereby limiting their skills and job opportunities. They lack sufficient knowledge on their rights and on migration, which makes the vulnerable to exploitation as well as abuse, harassment, and discrimination. Domestic work which is more isolated, increases the risk to their safety. There should be a Domestic Workers Act to protect such workers, with a grievances mechanism in place and removal of discriminatory policies against women. Domestic workers should have the right to form and join unions. Enforcement officers should be trained in gender-sensitivity. Government should focus on more women-centric policies and enforce existing rules and regulations in protecting women's rights. Policies should include remediation aspects and prohibiting employers from denying their contractual obligations even though the workers are undocumented. Forced labour and modern slavery should be criminalised, and existing laws should be amended for more comprehensive protection of women. Pre and post-orientation should be given to migrant workers on their basic rights and employers' obligations. Labour inspectors should be increased and allowed to audit houses that hire domestic workers to ensure compliance. When it comes to prosecution, migrant workers should have access to legal aid and right to representation. There should be a dedicated team of prosecutors as well as police at each state for human trafficking cases. Legal punishment should be more punitive and enforced diligently on illegal recruiters/agents, traffickers, and employers who break the law. Government, NGOs and other stakeholders should work together to address these problems related to safe migration, particularly for women migrant workers. There should be interagency collaboration amongst women NGOs and government agencies in development of policies and legal procedures, with input from female victims.

The increase in international migration globally poses challenges to safe migration. As international migration is part of the Sustainable Development Goals, it is our responsibility to make migration safe for all. It is imperative to raise awareness of the risks involved in irregular migration and the dangers of human trafficking. Recruitment agencies should ensure they have good governance. Companies must practice ethical recruitment of migrant workers. Governments should ensure strict enforcement of regulations for migrant workers. All stakeholders, such as employer, government and CSOs, have a part to play in creating a positive migration experience.

## BREAKOUT SESSION 2



### CALL-TO-ACTION PLANS

#### Project Liber8 – The Magic of Effective Campaigns

Globally, we have seen campaigns drive movements and bring about change. Effective campaigns have the power to shift mindsets on certain issues, mobilise mass support for a cause, and in turn catalyze action at a state and individual level. When done on a significant scale, campaigns have the power to change policies for a long-lasting impact. This session, led by Project Liber8 and featuring the award-winning team from The Star's R.Age, looked at the magical formula to creating powerful campaigns.

Project Liber8 works on human trafficking issues through effective campaigning, utilising three main elements: Youth Mobilisation; Technology and Creative Partnership. It aims to shift attitudes and behaviours towards human trafficking via Awareness, Attachment and Action. The purpose of its campaigns are to change mindsets, mobilise action (prevention and prosecution) and to push for change (public accountability). Public awareness cannot occur in a vacuum. Effective campaigns are designed to inspire behavioural change in terms of knowledge (awareness), attitude (understanding and empathy), and practice (via action). In order to have strong messaging, campaigns must consider the use of language that public can understand and minimise confusion; include a call to action which needs to be intentional about how audience are to think/feel/act; and sustainability which relates to the consistency of messaging, monitoring and evaluation.

The Star's R.Age team, led by Mr. Elroi Yee, shared on several campaigns which were created by the team. The campaign relevant to human trafficking which R.Age created was "Student/Trafficked". The campaign highlighted the influx of education-seeking Bangladeshis who ended being scammed to work in the construction industry. Mr. Omar Farouk, a Bangladeshi student and victim, shared about how his family was convinced by the agent that he could build a good future in Malaysia by enrolling in the college. He was unaware of the procedure required to study in Malaysia and had relied on the agent's advice. He paid RM15,000 to the agent before departing to Malaysia. There were 50-60 students like him in the college. He later learnt that the college was not as promised or credible. Many students had to work to repay their debt. R.Age's social media campaign featured video documentaries highlighting the stories of the students' experience, an interactive journey for readers to experience what it was like for the students, and a call to action in the form of a petition for recruitment reform in colleges to end student trafficking. Following the campaign, some colleges were shut down by the Ministry of Education.

Another campaign created by R.Age was “Refugees No More” which focused on the Myanmar Chin refugee community in Malaysia which was supposed to lose their refugee protection by 31st December, 2019 following a UNHCR announcement to bring to an end refugee protection for Chin refugees. R.Age’s campaign educated the public on the background of the Chin people in Myanmar and the current situation pertaining to the Chins. A documentary series featured stories from various Chin refugees who shared of their plights and fears of losing their protection. A call to action and further awareness raising initiative were conducted through the #RefugeesNoMore conversation on social media platforms. Mr. James Bawi, a Chin refugee, spoke on how the R.Age team helped to launch The Chin Up Project, which features conversations with ethnic Chin refugees in Malaysia on their dreams for 2020. The videos are produced by him, with support from a coalition of independent refugee advocate organisations. The public was urged to watch and share the videos, and join the call to action to send a pre-written email to the UNHCR and other bodies to lobby for the reversal of the cessation process for Chin refugees and provide alternative solutions. UNHCR subsequently announced that the refugee protection for Chins will be maintained due to the worsening security situation in Chin State.

The R.Age team is currently working on a campaign relating to migrant workers which consists of mini documentaries featuring the lives of migrant workers in Malaysia. To humanise their stories. Ms. Gina, a Filipina domestic worker, shared about her experience of working in Malaysia. The aim of the campaign is to encourage mutual trust and respect between employers and their domestic workers and to create a positive tone of migrant workers. Another initiative undertaken by R.Age is to create a community radio, where specific migrant workers will be the targeted audience, to provide them with useful information.

The team from Project Liber8 conducted a group activity where the groups work on a campaign with a targeted audience and outcome. One group proposed a campaign to beef up the enforcement agencies and to ensure effective implementation of the laws. There is a need to monitor the enforcement agencies to curb corruption. There is a need to increase the agencies’ empathy for migrant workers. Another group proposed a campaign, with the tagline “We all contribute, & Dignity for all”, aims to change people’s mindsets to recognise that refugees are part of our ecosystem. There should be support for rehabilitation programmes, including language education. Multinational companies should be encouraged to collaborate on initiatives towards helping the refugees. There is also a need to look into providing housing for these communities. Campaigns can be tailored to focus on those in society who do not empathise with the refugees. One of the initiatives is to overcome the language barriers.



### CALL-TO-ACTION PLANS

#### Global Shepherds – Victim Care & Protection: Trauma-Informed Approach (TIA)

Victims of human trafficking have gone through such a traumatic experience of being trafficked – many have been sexually and/or physically abused, exploited, deceived, threatened, humiliated, held captive, forced into acts against their will. Most of us would not have experienced such trauma in our lives. Would we know how we would cope or respond to such a horrendous experience? In this session led by facilitators from Global Shepherds Bhd (GSB), participants learnt about the impact of trauma on victims of human trafficking through experiential activities and group discussions. The trauma-informed approach (TIA) was introduced to increase awareness of trauma and highlight the importance of TIA when interacting with victims of trauma such as being trafficked.

As participants entered the room, they were lined up and required to participate in an experiential activity where they had to put their hands into one of eight mystery boxes to feel what is at the bottom of the box without knowing or being able to see what is in each box. They then gathered in groups to discuss what the experience was like for them and what would they need to feel safe. Many shared that they felt hesitant, anxious, unsafe, uncertain, fear and curiosity. They would feel better if they had been reassured, was well-informed, had their expectations managed and if the boxes had been transparent so that they could see what was inside. This exercise was to let participants have a glimpse of how victims of human trafficking feel in a similar position of fear and uncertainty about what is happening to them.

The facilitators presented the objectives of the session which are to deepen participants’ understanding of trauma and its impact on trafficked persons, to promote Trauma Informed Care as a mindset for those interacting with trafficked persons, and to help participants develop a Safety Plan that ensures safety in their daily interactions. Trauma, as defined by SAMHSA (Substance Abuse and Mental Health Services Administration, US), is as an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional or spiritual well-being. The facilitators touched on the three E’s of trauma—Events (e.g. war, poverty, abuse, family loss, captivity), Experience (e.g. severity and directness of event, how it is perceived), Effect (e.g. personal impact vs impact on stranger, after-event impact). Trauma is said to be “in the eyes of the

beholder” - what one person considers traumatic may not be traumatic for another person.

When a person experiences a traumatic event, one may respond in several ways—fight, flight, or freeze. Different parts of our brains, such as the amygdala, hypothalamus and hippocampus, are impacted and respond differently in situations of trauma. Where an event is too upsetting or overwhelming, the victim will build a Trauma Wall, where unsettling experiences are pushed behind the wall. This wall is a temporary measure to cope but the memory stays fresh and can surface anytime when triggered. Common reactions of trauma include sleep disturbances, appetite changes, fatigue, inability to rest, anger outburst, and isolation. Victims may suffer from Post Traumatic Stress Syndrome (PTSD). Without understanding trauma and its impact on victims of human trafficking, those of us who interact with the victims, such as enforcement, prosecution and even protection, could inadvertently create stressful environment which interferes with the recovery of the victims and cause them to be re-traumatised.

The facilitators introduced the Trauma Informed Approach (TIA) which calls for organisations to move from being trauma aware (realise the prevalence of trauma and potential for recovery), trauma sensitive (recognise how trauma effects all individuals involved), to trauma informed (respond in putting this trauma knowledge into practice), all towards the goal of resisting re-traumatisation. Trauma is not only experienced by the victims or clients we serve but also experienced at the organisational level and among the staff. The parallel process in TIA recognises that if organisations and its staff can become healthier, they will have a more positive impact on the victims or clients they serve. A trauma-informed organisation is one that is welcoming, respectful, genuine, cultivates compassionate relationships and empathetic understanding.

Six key principles of TIA as adopted by GSB were introduced—Safety, Trustworthiness & Transparency, Empowerment & Choice; Collaboration & Mutuality; Interconnectedness; and Cultural Competency. The facilitators focused on the principle of Safety which covers both the aspects of physical and psychological safety, and carried out an activity with the participants to draw up their own Safety plan so that they can feel physically and psychologically safe within their own organisations.

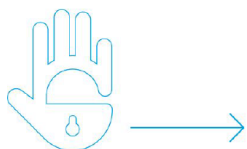
Participants gathered in groups and were shown excerpts of victims’ expressions of how they felt about their traumatic experiences. Participants were then asked to provide recommendations on how to address the victims’ predicament based on TIA and what they know now about trauma and its impact on victims. Recognizing the impact of the parallel process in organisations, it was recommended that shelters must understand this parallel process in caregiving. Shelter staff should be trained on

TIA and how to respond to victims when they reside in the shelters such as being empathetic, creating both physical and psychological safety and support for victims. Victim advocates should be introduced in the process of victim support, such as the Victim Assistance Specialist. In the area of protection, being trauma informed will help the caregivers to be able to give better services to the residents. Shelter staff will be better prepared to manage the behavioural reactions of victims as a result of their traumatic experience. Counselling support should be offered to victims to help in their recovery process.

What will make victims feel safe is to keep them informed of the process, be transparent and build trust. Ensuring the safety of victims is also pertinent for enforcement and prosecution as a victim who feels safe and able to trust the enforcement officers will be more cooperative and enhances her ability to be a better witness. Enforcement officers should be trained on TIA especially in trauma informed techniques when conducting their interviews with the victims. Trauma researchers note that victims’ response during interviews may not be congruent as the brain is in survival mode. As such, it is not reasonable for enforcement officers to expect that the victim is able to tell a logical linear story and recall all details accurately in one interview session. Enforcement officers should not ask leading questions and be more empathetic when engaging with the victims. The manner and tone in which the officers talk to the victims can also impact the experience of safety by the victims. Prosecutors also should be trained in TIA and can provide psychological safety by preparing victims before they appear in court and to engage with them in a manner where the victims feel assured that they will be safe and supported. Prosecutors should ensure that the perpetrator does not have access to the victims in the court.

Becoming TIA requires the upskilling and training of all those involved in interacting with the victims, namely those in enforcement, prosecution, and protection. It should be a policy for TIA to be introduced to such agencies. Translation is also an important consideration from the point of rescue to the point of repatriation in ensuring that potential victims/victims are kept informed of the process to ensure transparency and building of trust. Service providers should also be engaged to provide their services in a victim-centered manner. Adopting the TIA in the service delivery would help to ensure that service providers are responsive to the impact of trauma that emphasises physical, psychological and emotional safety for both victims and staff. The ultimate goal is to prevent practices that re-traumatise people who are supposed to feel safe upon their rescue. The facilitators closed the session by calling for all to work towards creating sanctuary for the victims instead of destroying sanctuary and re-traumatizing them.

## BREAKOUT SESSION 2



### CALL-TO-ACTION PLANS

#### Tenaganita – Enforcement & Prosecution

In this session, participants analysed and discussed the stories of three migrants (including one child) who were trafficked in Malaysia, escaped/rescued and ultimately assisted by Tenaganita. With input from human trafficking expert Ms. Aegile Fernandez and the team from Tenaganita, participants were guided through a discussion that reflected on the realities experienced by trafficked victims in Malaysia, and asked to collectively imagine what justice for trafficked victims in Malaysia could look like.

Case Study 1 was about two victims who came to Malaysia on social visit passes on promises of salary of RM1,200. They were sent for garbage sorting, held in a room in a hotel with several others and had their passports held. They were deceived by the agents and even threatened with a firearm. They were asked to recruit their 15 friends back home if they wanted a new job. They ran away and reported to Tenaganita when situation did not change. The Group considered the problems experienced by the victims where there were elements of cheating/fraud; health and safety as they were sorting garbage without any protection like gloves and masks; although they were not locked away, they had to pay high recruitment fee and were deprived of food; there were presence of syndicates at both sides of home and receiving countries; the victims themselves became recruiting agents to bring in 15 others. At the least, a police report should be lodged and victims should be ensured of safety and shelter. They should be advised on their rights and laws of Malaysia when it comes to migrant workers, which includes a need for work permit. They should be allowed to communicate with their families back home and repatriated safely. Compensation should be paid to them from the agent who deceived them.

As prevention measures, the recruitment chain should be shortened to reduce the risk and opportunity for trafficking to happen. Agents need to be held liable as victims do not know about the requirements of the laws of the country e.g. need for work permits. Corruptions needs to be addressed considering how traffickers can easily get through tight borders. In terms of Prosecution, there is a need to relook the identification of the victim so that the police do not contradict existing provisions of the ATIPSOM Act. There must be a wider interpretation of how the ATIPSOM Act applies to victims. The police need training and transparency in their operations. Under Protection/Policy, it was recommended to de-criminalise undocumented workers and pursue justice instead. The Bali process must be re-visited as there are many recommen-

dations to consider. Malaysia as a signatory to the Convention on the Rights of the Child (CRC) needs to use that as the basis for the protection of children instead of the use of other laws which supersedes it. There must be partnership among agencies like welfare, police, immigration, with bilateral agreements for investigations by joint task force. This will ensure transparency and sharing of information. A One-Stop Service Centre should be set up to cater for trafficked victims. Agencies should work closely with migrant communities so that solutions come from the communities themselves.

Case Study 2 involves 2 women who both came to Malaysia on tourist visa through the recommendation of a friend. They paid employment fees to work in Malaysia and their own flight ticket. They were told that tourist visa can be converted into work permit. They were promised salary of RM2,000 to work as cashiers. Their passports were held but they were given a copy. They were given a letter of employment. They worked from 9am to 6pm from Monday to Friday but were not allowed out of the house. Wages were not paid. They were made to pay a further RM600 to expedite work permit and sent to a different location to work. Freedom was curtailed and not allowed out of the house. Wages were also not paid. When the restaurant was shut down, they were sent to Johor. Passports were given to an agent for 'visa' purposes. They were not allowed out, did not have money and passports. They were afraid to run away. They did not have a phone line but managed to access Facebook and sought help from an aunt who contacted Tenaganita.

Group 2 cited the ATIPSOM Act as the relevant law applicable to this case. They made several recommendations for the better implementation of the Act, which includes having better inter-agency collaboration for speedier response to ensure justice for the victims. There needs to be a clearer definition of "right to work". Victims must be compensated for the loss of wages, loss of recruitment fees and other miscellaneous payments. Victims who have returned to home countries must be given safe passage to Malaysia when their case come up to court and must be duly compensated for their financial loss. A Victim Assistance Fund (VAF) should be set up which can be used to provide victim compensation. This VAF can be from the liquidation of assets of convicted perpetrators, using the Anti-Money Laundering Act (AMLA). A more cohesive Victim Support System should be set up such as putting in place the Victim Assistance Specialist programme. Victim support should include counsellors, doctors, social workers etc. There should also be better inter-agency cooperation. It was recommended that Malaysia respond to the Bali process to decriminalise undocumented workers. A final suggestion was the setting up of a One Stop Centre to help trafficked victims deal with their plight.

Case Study 3 involves a 14-year old girl who had no plans

of going to Malaysia. An agent came to her village and persuaded her cousin and her to work as domestic workers and be given the opportunity to learn English. Her mother received USD200 from the agent. The agent sexually assaulted her on the way to Malaysia and again when they were in Malaysia. The agent held on to their passports the whole time. She told the agent she wanted to go home, but was told she had to work for six months before she could go back to Cambodia and that she would have to pay him back. She was sent to work in a massage parlour; when she refused to work she was beaten. In two years, she only received RM500 to buy a phone and USD300 to send back to Cambodia. Her cousin sought help from Tenaganita and lodged a police report.

The Group noted that this case relates to minors. The Child Act must be adhered to even for foreign children. If a Protection Order (PO) is not granted to recognise the two girls as trafficked victims, there should be different forms of protection afforded to the children as they are still victims of crime. The Group's stance was that no children should be placed in detention camps. There should be other options such as foster care or similar forms of protection in such cases. Counselling services should be offered to the children. The relevant embassy should be informed accordingly. There should be an interpreter hotline/helpline available for migrants to call in such situations. Some form of compensation should be accorded to the children. Even undocumented workers should have the right to claim for unpaid salary. It was suggested that children and women should not be in detention and a more humane and less legalistic option should be considered. A multi-disciplinary task force should be created for both child and adult victims. This should include welfare, medical services, NGOs, authorities from relevant agencies such as police and immigration. As a signatory to CRC and other International Conventions, the government should use them accordingly. There is a need to relook at the equality of the laws such as Child Act, Labour Act, Immigration Act and the Constitutional Law. It is important to take into consideration the children's views in the decision-making process. Due justice should be given and in the best interest of the child. Other solutions to consider would be to pay for the travel back home, provide children with access to education, and to allow a return to Malaysia as a documented person.

The facilitators gave an overview of enforcement and prosecution process in ATIPSOM Act. The Act has been amended and discourse is currently on-going on further amendments. Identification of victims continue to be a challenge in Malaysia. A question was posed to participants as to whether the label "Victim" should be maintained versus "Survivor" if there is to be a shift in mindset. As the conversation continues with regards to the need to relook at the laws involving ATIP, we are reminded that we are all Victim Protectors and it is our duty to seek justice for these Victim Survivors.

Breakout Session 2— NCWO, UKM, Engender



Breakout Session 2— Project Liber8



Breakout Session 2— Global Shepherds



Breakout Session 2— Tenaganita



PLENARY SESSION 2:

**MALAYSIA'S RESPONSE:  
WHERE ARE WE HEADING?**



- **Edmund Bon, Moderator**  
AmerBON Advocates
- **Pn. Syuhaida bt. Abdul Wahab Zen, Undersecretary**  
National Strategic Office, MAPO
- **Tuan Ramesh A/L. Gopalan, Deputy Public Prosecutor**  
Attorney General Chambers
- **Tuan Hj. Khwaja Banthey Navaz bin Mohamed Haneef, Senior Assistant Director**  
Immigration Department of Malaysia
- **ACP Azry Akmar bin Hj. Ayob, Assistant Commissioner of Police**  
Royal Malaysia Police
- **YBhg. Datuk Lok Yim Pheng, Commissioner**  
Human Rights Commission of Malaysia (SUHAKAM)
- **Ms. Aegile Fernandez, Representative**  
Joining Hands Against Modern Slavery (JHAMS)



The Moderator, Mr. Edmund Bon, opened the Plenary Session 2 with a round of introduction of the esteemed Speakers from various government agencies and institutions which are at the forefront of the enforcement, prosecution, policy-making, and advocacy efforts in relation to human trafficking. Each Speaker presented on their respective agencies/organisation's efforts, followed by an interactive Question & Answer session with the audience.

Pn. Syuhaida from the National Strategic Office of MAPO introduced the composition of agencies within MAPO and the amendments to the ATIPSOM Act which now provides for the permission to move freely and work for victims, payment of monthly allowance to victims, and the release of victims back to their home country. As the way forward, the government recognised the need to strengthen legislation with further amendments to the Act and to ensure business transparency in supply chains. Enforcement agencies need to be empowered further, such as the Labour Officers, and to increase the capacity of enforcement. The government has channelled a lot of resources in capacity building of its enforcement agencies. Protection programmes need to be improved upon with training of protection officers and implementing the Victim Assistance Specialist programme. There needs to be more collaboration with NGOs in intensifying the aspect of prevention and protection as well as with international organisations and business players.

Tuan Ramesh from the Attorney General Chambers (AGC) explained about the AGC's role in prosecution when it comes to human trafficking cases. The task of the AGC begins after the investigation paper (IP) is opened under the ATIPSOM Act. For the investigation that leads to prosecution under ATIPSOM, the main concern is usually the lack of credible evidence. It is important to have a good mechanism in place to ensure successful investigation, prosecution and conviction.

Tuan Hj. Khwaja from the Immigration Department described the roles of the Immigration Department, which is to facilitate border control, issuance of passport and travel documents, issuance of Visa passes and permits, and enforcement of the Immigration Act, the Passport Act and

the ATIPSOM Act. He provided some statistics on reported ATIPSOM cases from 2016 to 2019, which saw a total of 116 cases under Immigration Department. The efforts of the Immigration Department in combating human trafficking includes prevention (through education, awareness programmes), rescue missions, search for evidence, and arrest and detention. A new integrated immigration will be developed by 2021 to improve security and monitoring system on immigration matters. Capacity building of enforcement officers in managing TIP cases is ongoing and enforcement efforts on TIP activities are being increased to combat human trafficking. Financial investigations under the Anti-Money Laundering Act will consider the pursuit of freezing of assets and forfeiture of illegal proceeds. The establishment of the Anti-Bribery System is an initiative to enhance the integrity of the Immigration Department.

ACP Azry Akmar from the Royal Malaysia Police (RMP) informed the participants of the change in the department in charge of TIP from D7 to D3. As with the other enforcement agencies, the RMP increased its capacity building of its personnel in relation to TIP. From 2018 to 2019, ACP Azry disclosed that RMP had conducted 433 raids and rescued 1919 victims, while 610 suspects were arrested. He reported that the current emerging trends in TIP have involved more people being trafficked through non-traditional routes. He acknowledged the need to keep building the capacity of the police officers in conducting their investigations to ensure that perpetrators are prosecuted in court.

Datuk Lok Yim Pheng, a Commissioner from the Human Rights Commission of Malaysia (SUHAKAM) shared about SUHAKAM's involvement in ATIP issues. SUHAKAM engages with various government agencies on ATIP including discussions on amendment to the ATIPSOM Act, upholding human rights, and conducts awareness raising programmes/forums on ATIP as well as visits to shelter homes. Some of the key observations by SUHAKAM include the lack of awareness and understanding among stakeholders including frontline officials, law enforcement agencies and civil societies on human trafficking and risks

posed. Legislation itself will not stop trafficking/smuggling of persons if not implemented and practiced more vigorously. Foreign Embassies in Malaysia should play bigger role to monitor the common pattern of human trafficking activities to ensure the safety of their nationals. Management of shelter homes and allocation of budget need to be sustainable and consistent. Victim identification within the enforcement agencies needs be improved to meet required standards. Language barrier in communication between enforcement officer and victim continues to be challenging.

Some key recommendations proposed by SUHAKAM include having a provision for the confiscation of assets; new regulations to victim identification; and introduction of statement on slavery and human trafficking as evidence of transparency in the supply chain of an organisation. The ATIPSOM should be amended to include mandatory reporting and the inclusion of the Companies Commission of Malaysia (SSM) as a member to monitor the submitted report. Whipping should not be included as part of punitive measure. The government should assume a human rights based approach to human trafficking. The new National Action Plan should focus more on forced labour and sexual exploitation. Children victims of trafficking should have the space and opportunities for education. The mechanisms in prosecuting offenders and protecting victims need to be strengthened, in partnership with CSOs, diplomatic missions, international and regional stakeholders. A multi-system coordinated approach is required for preventing, identifying and assisting of trafficked victims. There needs to be a review of Section 2(1) of the Employment Act 1955 on the legalisation of 'contract for labour' which may result in the exploitation of workers by recruiting agents and employers.

The joint report 'Sold Like Fish' by SUHAKAM and Fortify Rights (human rights advocacy group) is intended to support the work of the Royal Commission of Inquiry to investigate the human trafficking camps and mass graves in Wang Kelian, Perlis. Datuk Lok closed her presentation by calling for the political will and budget to ensure that we meet the standards required for the elimination of

trafficking in persons

Ms. Aegile Fernandez from Tenaganita, an activist and NGOs consultant working on ATIP issues for the past 35 years, noted that the CSOs shoulder a number of responsibilities but yet at times are not taken seriously. They provide a voice for survivors and are also a voice for the public. The trafficked are forgotten people who in reality are in our midst. Generally, Malaysians' perception of migrants is inaccurate as migrants are loving and caring and are here to work, but are unfortunately trapped in the system. There needs to be a change in our mindsets about migrants. Ms. Aegile highlighted the need to have better collaboration between the CSOs and the enforcement agencies in the rescue and case management. There should be a systematic approach on how best to provide care and protection to these vulnerable people, to provide them with shelter and to seek their safe repatriation. CSOs and government agencies must work closely with their counterparts in the country of origin and with the relevant embassies.

Mr. Edmund Bon summarised the key issues presented, including issues raised during the Q&A session. Reforms are needed and policies made more transparent and available to the public. The definition of a child under The Child Act is a person under 18 years of age. While baby selling is a crime and regarded as an illegal activity, it can be investigated under ATIPSOM and other relevant laws such as Child Act and Penal Code. All efforts from all agencies need to be victim centered and the involvement of NGOs and CSOs needs to be enhanced. Some issues remain pending which need to be addressed. For example, for police and immigration, the on-going question of why victims are still in the shelters/detention even though their serving time is over needs to be resolved. The Immigration Department is urged to facilitate undocumented people with no family ties access to CSOs. Documentation should be made public so that there is greater transparency. Efforts should be made to increase NGO safe homes as this would be an alternative to detention centres. All agencies must work together in partnership. Victims must be seen as survivors and not offenders.





In her closing remarks, Ms. Wilhelmina Mowe, the Executive Director of Global Shepherds Bhd and the Organising Chairperson for the National Conference, acknowledged MAPO and the coalition of CSOs (JHAMS) for the tremendous amount of work put into the conference. She also thanked all the volunteers who have worked hard to make the proceedings in the two days look so seamless.

Ms. Wilhelmina went on to highlight the many good conversations in the two plenary sessions and the in-depth discussions into the issues and possible solutions in the eight breakout sessions over the two days of the conference. Participants were able to learn of the possibilities of using technology for data; on how gender inequality contributes to the vulnerability to trafficking of women and girls; and that it is possible to keep the supply chain free of forced labour.

Ms. Wilhelmina pointed out that from the national conference, we all acknowledged that trafficking in persons is a crime that strips the dignity of the human person and a crime against humanity. Through this conference, we have also showcased our collaboration and partnerships. She quoted the Home Minister himself, who mentioned in his opening speech, that he would like to call upon government agencies, civil society organisations, and international institutions to strengthen our collaboration in fighting against trafficking in persons.

Ms. Wilhelmina expressed her gratitude for the support of EU-UNICEF in this conference. She acknowledged that although much has been done on the general areas of trafficking, we have still not gotten a grasp of the much hidden and unseen trafficking of children. She closed her remarks by informing the audience that all the recommendations from the plenary session and breakout sessions have been gathered and will be presented accordingly. She thanked the audience for their generous comments and continued support for the cause of combating human trafficking.

On behalf of JHAMS, YBhg. Prof. Dato' Dr. Rashila Ramli, reported on the key recommendations which were collated by the rapporteurs during the plenary sessions and breakout sessions. She provided a recap of the key objectives of the National Conference, namely, to exchange views on the issues and challenges in eliminating modern slavery in Malaysia; to explore ways to enhance collaboration between different stakeholders; and to discuss current national anti-trafficking initiatives with its emerging issues at regional and international levels.

As for the conference outcomes, participants were able to gain an elevated common understanding of issues and challenges facing trafficked persons and survivors in order to call for collective action; share insights and give recommendations for the next National Action Plan on Anti-trafficking in Persons; provide policy inputs for national anti-trafficking initiatives; suggest lines of action for each stakeholder in specific areas; and build trust and enhance collaboration/partnership among various stakeholders in critical areas to eliminate trafficking in persons which includes work in regional and international spheres.

At the end of the conference, the expected output include the publication of the conference proceedings, a "Declare-Action" document; and a policy brief on Anti-Trafficking in Persons. Prof. Dato' Dr. Rashila aligned the areas which the National Conference will touch on with the Sustainable Development Goals 3 (good health and well-being), 4 (quality education), 5 (gender equality), 8 (decent work and economic growth), 10 (reduced inequalities), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals).

From the two days, the rapporteur team received about 200 recommendations which were then grouped into the same clusters and categorised under the 5P framework i.e. Policy, Protection, Prosecution, Partnership and Prevention. Prof. Dato' Dr. Rashila highlighted some of the key recommendations before presenting the Conference Recommendation Report to YBhg. Dato' Seri Alwi Bin Hj. Ibrahim, the Secretary General of Ministry of Home Affairs and Chairman of MAPO.





## KEY RECOMMENDATIONS

### PREAMBLE

WE, representatives of Malaysia's government agencies, civil society organisations (CSOs), together with employers' and workers' organisations have gathered at the 1<sup>st</sup> MAPO-JHAMS Malaysia's National Conference Against Trafficking in Persons, Kuala Lumpur, 5 & 6 August 2019 to examine the progress, issues and challenges in the elimination of trafficking in persons in Malaysia. This conference provided an inclusive multi-stakeholder platform to raise awareness on issues relating to trafficking in persons, and to explore ways to strengthen collaboration and partnership to address it at scale. The convening of this national conference was envisioned to improve further the implementation of national anti-trafficking efforts and other national legislative measures; and to contribute towards the development of the 3<sup>rd</sup> National Action Plan on Trafficking in Persons (NAP-TIP, 2021-2025).

As such, WE, collectively:

**Reaffirm** that trafficking in persons, in all its forms, constitutes a violation of human rights and human dignity; and recognise that causes and consequences of poverty, inequality, discrimination, social exclusion require an integrated and holistic approach to eliminate it.

**Recall** the purpose and principles of the Universal Declaration of Human Rights (UDHR); the United Nations Convention against Transnational Organised Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), International Labour Organisation's (ILO) Fundamental Conventions; and other relevant international agreements and resolutions of the United Nations.

**Recall** the purpose and principles of the ASEAN Charter; the ASEAN Human Rights Declaration (AHRD); the ASEAN Community Vision 2025; the ASEAN Convention against Trafficking in Persons Especially Women and Children (ACTIP); and other relevant regional agreements and instruments.

**Emphasize** that the 2030 Agenda for Sustainable Development represents a unique opportunity to accelerate the eradication of forced labour, modern slavery and trafficking in persons under Target 8.7, and all forms of violence against all women and girls including trafficking and sexual exploitation under Target 5.2.

**Stress** the continuing need to strengthen national efforts to eliminate trafficking in persons, including effective implementation of the Anti-Trafficking in Persons and Anti-

Smuggling of Migrants (ATIPSOM) Act and other legislative measures; including national policies and strategies to eliminate trafficking in persons, as well as establishing and/or strengthening national action plan(s) to eliminate forced and bonded labour, child labour, and other forms of labour exploitation.

**Reaffirm** the key role that employers' and workers' organisations as well as CSOs must play in the eradication of trafficking in persons in all its forms, and in promoting decent work for all, in particular for women, young people, migrant workers and other groups of marginalised and vulnerable societies.

**Declare** our commitment to eradicate trafficking in persons in all its forms, and call upon relevant Malaysian government agencies, members of CSOs, together with employers' and workers' organisations to assume the following actions.

### ACTIONS

#### **National Plan and Strategy (Policy)**

1. Fully implement Malaysia's National Action Plan on Trafficking in Persons (NAP-TiP) (2016-2020); and take stock of its implementation for effective formulation of the next five-year national action plan;
2. Provide an introductory section on concepts and definitions to ensure everyone is 'speaking the same language' for a common platform of understanding;
3. Strengthen the labour trafficking section in the next five-year NAP-TiP. This should include having measurable, time-bound and actionable indicators to track and evaluate progress of the labour trafficking efforts;
4. Strengthen inter-agency collaboration in combating modern slavery;
5. Allocate adequate resources for the effective and sustainable implementation of existing services and assistance offered to victims of trafficking;
6. Address child-specific needs and protection of children at risk of trafficking and trafficked children;
7. Provide legal clarity on the elements of trafficking and raise awareness of the distinction between cases of trafficking and other situations, including irregular migration, labour disputes and prostitution as well as smuggling and refugees to facilitate accurate identification of victims by front-line officers. Legal reform and improved enforcement of the law should be in line with ILO Convention 29, Employment Act, ATIPSOM and Penal Code;
8. Develop appropriate methodology and nation-wide data collection strategy and analysis on exploitation against women and girls, and labour trafficking cases; and
9. Prioritise business' accountability and transparency



## KEY RECOMMENDATIONS

including encouraging public disclosure.

### Prosecution and Conviction

1. Increase the number of trafficking prosecutions and convictions, including that of complicit officials and forced labour crimes;
2. Reduce court delays and increase judicial familiarity with the full range of trafficking crimes, particularly in cases involving forced and bonded labour;
3. Increase transparency by making public the results of investigations involving corrupt officials and ensure officials are accountable when they violate the law;
4. Address specific obstacles faced by migrant women to ensure they have access to justice and recourse to effective remedies; and
5. Ensure that victims of trafficking can be identified when they are at immigration detention centres and avoid their repatriation and re-victimisation.

### Protection

1. Widen labour protection for domestic workers, investigate allegations of worker abuse, and eliminate wage theft;
2. Facilitate the approval for freedom of movement for trafficked victims;
3. Facilitate the approval for employment for trafficked victims;
4. Establish effective SOP to ensure safety and security at shelters;
5. Establish a national referral system with a comprehensive SOP for effective victim identification and support services;
6. Ensure migrant domestic workers are guaranteed the same level of protection and benefits as other migrant workers in law and in practice, and that they have access to effective remedies and redress against abuse by employers;
7. Ensure that appropriate procedures are in place to evaluate the best interests of the child during the stage of identification, protection and assistance and before making any decision on the eventual repatriation of the child; and
8. Harmonise identification protocols to combat trafficking in persons, developing a range of red flags and indicators to be used when screening vulnerable persons, including undocumented migrants, refugees, asylum seekers and stateless persons.

### Prevention

1. Enhance awareness raising initiatives that target workers, including domestic workers, of their basic rights to accommodation, wages and freedom;
2. Enhance awareness raising activities targeting all levels of society, empowering them to take necessary action to eliminate trafficking in persons, including online

cyber security threats; and

3. Take measures to strengthen regional and international cooperation, including partnership with industry to prevent and combat trafficking in persons.

### Capacity Building and Partnership

1. Ensure meaningful and effective government-CSO partnership across all areas of policy formulation and implementation;
2. Increase the capacity of law enforcement agencies with a victim-centred approach across all phases of case management;
3. Increase the capacity of labour inspectors to identify trafficking victims among vulnerable groups, such as migrant workers and young workers;
4. Amend the existing legal framework to enable adequately funded service providers and organisations working on trafficking in persons to provide comprehensive assistance, such as social, psychological, medical and legal support as well as translation and interpretation services for victims of trafficking; and
5. Improve case management and communication with trafficking victims, strengthen collaboration with NGOs and implement plans to provide more services for victims.

**We urge** all parties to accelerate efforts to provide equal social protection and access to public services; guarantee free and fair access to justice for all, especially those victims of trafficking in persons.

The participants express their appreciation to MAPO and the Ministry of Home Affairs (MOHA) as well as “Joining Hands Against Modern Slavery” (JHAMS) for hosting this Conference, and welcome the Government of Malaysia’s intention to bring these recommendations to the highest level of authority for further consideration and necessary action.

### The MAPO-JHAMS Organising Committee

6 August 2019



**JHAMS**  
Joining Hands Against  
Modern Slavery



“Let’s spread this message.  
Let’s start a ripple effect.  
Together we can make a  
difference.  
**END HUMAN TRAFFICKING! IT  
STARTS WITH US!”**

- YBhg. Dato’ Seri Alwi Bin Hj Ibrahim

In his closing speech, YBhg. Dato’ Seri Alwi Bin Hj. Ibrahim, the Secretary General of Ministry of Home Affairs and Chairman of MAPO proclaimed that it was a proud moment for MAPO and the CSOs to witness such a successful National Conference on Anti-Trafficking in Persons. He added that this event, held in conjunction with the World Day Against Trafficking in Persons, was significant to portray the nation’s collective high commitment and consistent support to combat human trafficking worldwide.

The government realises the importance of increasing public awareness in the eradication of human trafficking issues. YBhg. Dato’ Seri Alwi provided examples of MAPO’s collaborative efforts with the CSOs in public awareness initiatives such as organising a hackathon in 2017 with Project Liber8, where the first ever national Anti-Trafficking hotline 03-8000 8000 was launched. In 2018, MAPO collaborated with SHUT to launch a national campaign entitled Stop Human Trafficking (SHUT), which subsequently implemented the SHUT Unibassador Awareness Programme in a few schools.

As Chairman of MAPO, YBhg. Dato’ Seri Alwi reiterated MAPO’s continued efforts to enhance its whole-of-government approach in combating human trafficking and smuggling of migrants. There is a need to focus on the 5Ps, namely, Policy, Prosecution, Protection, Prevention and Partnership to ensure its continuous efforts in eradicating human trafficking issues. He elaborated on five points which are necessary for the government to improve on its efforts. Firstly, there is a need to mainstream efforts to eliminate trafficking in persons in other national policies and strategies to ensure policy coherence with anti-trafficking initiatives. Secondly, a concerted effort to prosecute more trafficking cases and to improve on victim coordination is necessary. MAPO is actively looking into the issues of forced labour in its effort to plug even the smallest loophole which may see migrant workers, documented or otherwise, become exposed to all forms of labour exploitation and acts of modern slavery.

Thirdly, there is a need to explore best practices with CSOs and like-minded organisations in order to improve on trafficking victims’ care and protection ecosystem. Fourthly, in the efforts to reduce the vulnerability of smuggled migrants to exploitation and slavery, MAPO has

been and are currently working with strategic partners to curb smuggling of migrants by land, sea and air. Lastly, there is a need to enhance stronger inter-agency coordination and collaboration to eliminate trafficking in persons in all segments of our society. He added that the government will maximise the existing working mechanism at the regional and international platform to suppress trafficking in persons.

The MAPO Task Force will continue to work closely with enforcement agencies and CSOs in dealing with trafficking cases. The Task Force has collaborated with D3 of Bukit Aman to successfully arrest a sex trafficking syndicate involving minors. MAPO is committed to the fight against trafficking in persons and smuggling of migrants.

YBhg. Dato’ Seri Alwi expressed his sincere gratitude to all who have successfully participated in the National Conference and contributed to the recommendations, opinions, ideas and additional input to the development of the next National Action Plan (NAP) 2021-2025. The NAP will serve as a guideline in supporting Malaysia’s obligations and responsibilities at the regional and international levels. All the years of planning and developing strategies, building bridges with strategic partner countries, international organisations, CSOs both local and international, as well as with member of the public, it is timely that all stakeholders band together and remain steadfast to combat trafficking in persons, to assist victims of modern slavery and exploitation and to end the enslavement of humanity. YBhg. Dato’ Seri Alwi called on all to act together as a nation, with one voice, with one direction, with one mind, to end human trafficking, as it starts with us.





## SONG PERFORMANCE "GO OUT AND DO SOMETHING"

Jaelyn Victor  
Malaysian Artist



When the organisers approached Ms. Jaelyn Victor to seek her collaboration in the National Conference, Jaclyn responded with an astounding "Yes!". Giving back to society and being able to speak out for worthy social causes were initiatives she holds dear to her heart, and this includes human trafficking issues.



Jaclyn closed the National Conference with a powerful and moving rendition of "Go out and Do Something Good", a song written by Mia Palencia for the Euphrasia Musical, produced by Faridah Merican of The Actors Studio Theatre and the Good Shepherd Sisters. She was accompanied by Mr. Wilfredo David T. Rebano on the keyboard, and a group of volunteers who were more than thrilled to be on the same stage, singing with Jaclyn. At the last chorus, Jaclyn called on the audience to rise and join her to sing and exclaim that we can work together, we can make it better, we can make heavy tasks seem light, together we can win this one day at a time.



## TESTIMONIAL

"The 1<sup>st</sup> MAPO-JHAMS National Conference on Anti-Trafficking in Persons 2019 was a unique opportunity to take part in a multi-stakeholder dialogue on such an important issue. It was extremely useful to participate in discussions and exchange views with a number of stakeholder groups - an encouraging sign of co-operation that suggests the potential is there for all relevant parties to sustain dialogue in the future in the fight against trafficking in persons."

- Kelly Scott, Business Social Responsibility

"The conference is very well-organised with the participation of relevant stakeholders. The combatting of the issue of trafficking in persons is not something that one entity can eliminate alone. Therefore we were glad that there were active multi-stakeholder participation including that of like-minded private sectors from various industries. This very much aligns with the approach of the RBA's Responsible Labor Initiative which is a multi-industry, multi-stakeholder initiative focused on ensuring that the rights of workers vulnerable to forced labor in global supply chains are consistently respected and promoted. The breakout session on Ethical Recruitment where RBA was given the opportunity to lead provided the engagement and discussion that allows very useful feedback and perspectives into the overall objective of the conference."

- Lim Ka Ea, Responsible Business Alliance (RBA)

I came to realise the gravity of modern day slavery. The conference highlighted that it involves both sexual exploitation and labour exploitation of its victims especially women and children.

- Zaireeni Azmi, USM

It validated our understanding of the needs and challenges that each stakeholder faces and gave us takeaways on how we can potentially support.

- Patchareeboon Sakulpitakphon, Winrock

We wish to congratulate you..for a very successful Trafficking Conference. The overall outcome showed what could be achieved with excellent event planning and effective collaboration among organisations. I commend you for getting a lot of interest and support from the government and other stakeholders. I think the design also allowed coverage of a wide range of relevant issues related to trafficking. In a sense, it shows the importance of integration of different issues to be more impactful in addressing trafficking.

- Jodelen Mitra, International Labour Organisation (ILO)

(One of the key highlights) The opportunity to listen to speakers and engage with people who are working at the grassroots level during meals and breaks. Overall, a good initiative. Thanks for organising this.

- Lydia Lee, World Vision International

# ORGANISERS & SPONSORS

## ORGANISED BY:-



## IN COOPERATION WITH:-



## Supported by:-



## Endorsing partner:-



# JHAMS NETWORK





# ACKNOWLEDGEMENTS

We would like to acknowledge the contributions and support from the following organisations and individuals who made this conference possible and successful:-

## **VIPs**

YB Tan Sri Dato' Hj. Muhyiddin bin Hj. Mohd Yassin  
YB M. Kulasegaran V. Murugeson  
YBhg. Dato' Seri Alwi bin Hj. Ibrahim  
Dato' Jamil bin Rakon  
Datuk Zainal Abidin bin Abu Hassan  
Datuk Wan Ahmad Dahlan bin Hj Ab Aziz  
Her Excellency Mrs. Maria Castillo Fernandez  
Her Excellency Ms Marianne Clark Hattingh

## **Main Sponsors**

EU-UNICEF—Protecting Children Affected by Migration (In Southeast, South and Central Asia) Project  
NSO MAPO (National Strategic Office to the National Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants)

## **Supporters**

JW Marriott Kuala Lumpur  
C&A Foundation  
International Labour Organisation (ILO)  
Wong & Partners  
International Justice Mission (IJM)  
Sociolytics Sdn Bhd

## **Endorsing Partner**

Business Social Responsibility (BSR)

## **Moderators—Talk Show/Plenary Sessions**

Foo Yen Ne  
Edmund Bon Tai Soon  
Dr. Andika Ab. Wahab

## **Talk Show/Plenary Session Speakers**

Jodelen Mitra  
Omna Sreeni-Ong  
Katrina Maliamauv  
Yap Mun Ching  
Tan Chun Sheng  
Mahmoud Skaf  
Noor Izlin Andrina Ismail  
Syuhaida bt. Abdul Wahab Zen  
Tuan Ramesh A/L Gopalan  
Tuan Hj. Khwaja Banthey Navaz bin Monhamed Haneef  
ACP Azry Akmar bin Hj. Ayob  
YBhg. Datuk Lok Yim Pheng  
Aegile Fernandez

## **Facilitators for Breakout Sessions**

Melissa Akhir  
Lee Lyn-Ni  
Chua Khai Yau  
Lim Ka Ea  
Jodelen Mitra  
Noor Haryanti Bte Noor Sidin  
Rosa Kusbiantoro  
Kelly Scott  
Soon Boon Kit  
New Su Shern  
Tam Xueh Wei  
Elroi Yee and The Star R.Age team  
Kalaivani a/p Subbramaniam  
Mary Margret Penafort  
Prof. Dato' Dr. Rashila Ramli  
Omna Sreeni-Ong  
Dr. Andika Ab. Wahab  
Dr. Manjit Kaur Ludher  
Assoc. Prof. Dr. Sabariah Baharun  
Katrina Maliamauv  
Aegile Fernandez

## **Organising Committee for the 1st National Conference**

### **JHAMS Network**

Global Shepherds:  
Wilhelmina Mowe  
Karen Tai  
Project Liber8:  
New Su Shern  
Tam Xueh Wei

### **SHUT:**

Dini Dalilah Wan Nordin  
Soon Boon Kit  
Nurul Huda Bt. Selamat

### **Tenaganita:**

Aegile Fernandez  
Sally Alexander

### **NCWO:**

Prof. Dato' Dr. Rashila Ramli

### **Engender:**

Omna Sreeni-Ong  
Dr. Manjit Kaur Ludher

### **SUKA Society:**

Tharini Cecil Arunasalam

### **Change Your World:**

Kelvin Lim

### **IKMAS, UKM:**

Dr. Andika Ab. Wahab

### **Consultant:**

Tania Jo Maliamauv

### **MAPO**

Syuhaida Abdul Wahab Zen  
Kevin Geh Kien Meng  
Nurhany Rifhan binti Ibrahim  
Mohd Zahirie bin Mohd Dzahid  
Aznee Salmie binti Ahmad  
DSP Mohd Hadzwan bin Zulkefle  
Nurhafizah binti Ismail  
Diana Sim Siew Geok  
Fatimah Fadhilah binti Khiruddin  
Kong Woon Wah  
Muhammad Fakrol Azwan bin Mohd Zin  
Nur Syahirah binti Mt Nain  
Noor Syuhaida bt Abdul Hamid  
Norisan binti Silamli  
Sharifah Wati binti Syed Mohamad  
Rasyidah binti Sidek  
Muhamad Hud bin Mohammed  
Div. of Finance  
Div. of Human Resources  
Div. of Information Technology  
Div. of Procurements  
Div. of Safety  
Div. of Management & Services  
Div. of Corp. Communications

## **Policy Team (Compilation of Recommendations):**

Prof. Dato' Dr. Rashila Ramli  
Omna Sreeni-Ong  
Dr. Andika Ab. Wahab  
Dr. Manjit Kaur Ludher  
Assoc. Prof. Dr. Sabariah Baharun

## **Rapporteurs:**

Prof. Dr. Noraini Ibrahim  
Assoc. Prof. Dr. Noraini Md. Yusof  
Lisa Fernandes  
Beatrice Wong  
Harbans Kaur  
Kalaivani Subramaniam  
Dr. Nur Syakiran Akmal Ismail  
Dr. Ummu Atiyah Ahmad Zakuan  
Veronica Anne Retnam

## **Performers/Artistes:**

Terence Conrad  
Govin Ruben  
TerryandtheCuz Team  
Imi Liyana Abdullah  
Isatou Jangana  
Jing Wei Loy  
Puteri Sheree Rohayu bt Alias  
Nazreen Mohamad  
Rizalina Miranda  
Jaclyn Victor  
Wilfredo David T. Rebano

## **Conference Logo & Key Art Designer**

Arthur Lee Meng Han

## **Conference Report Writer**

Karen Tai  
Dr. Manjit Kaur Ludher

A big thank you to Ajanis Anak Ba-i (JPW), all the Volunteers and SHUT video production team for your invaluable contribution.

Gratitude to the JW Marriott team—Armin, Iskandar, Hamzah and the AV team— for their support and efficient service.

Special thanks to LexisNexis for your support for the cause.

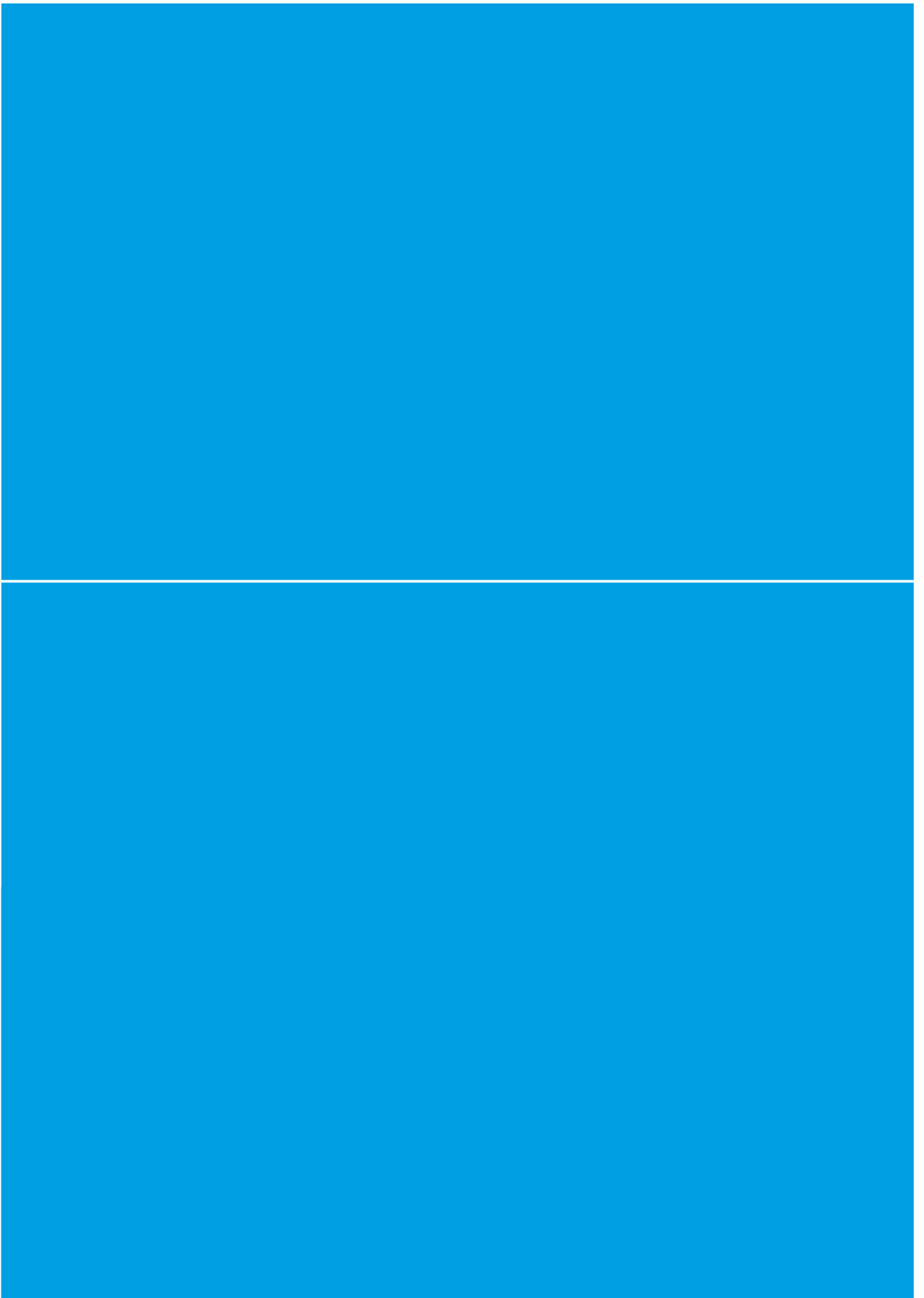
# PHOTO ALBUM—05/08/19



# PHOTO ALBUM—06/08/19







# PROTECTING CHILDREN AFFECTED BY MIGRATION

IN SOUTHEAST, SOUTH AND CENTRAL ASIA



A project implemented by UNICEF  
and co-funded by the European Union and UNICEF