

A qualitative research report on the experiences of trafficked women in Malaysia

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Abstract

This research report provides insights into the lives of trafficked women based on their first-person accounts. It provides a nuanced understanding of agency and victimhood, and explores women's experiences of being trafficked. The report shows how trafficking takes multiple forms and is understood (both legally and by the women themselves) in different ways. It aims to understand the harms of trafficking and the methods used by traffickers to control women. Based on these objectives, semi-structured interviews were conducted in a government-run shelter home in Kuala Lumpur, Malaysia, over a period of four weeks (mid-April to mid-May 2016). Throughout this period, 29 trafficked female migrants comprising of seven different nationalities were interviewed. Analysis of the interviews will demonstrate how victimisation of trafficked women may occur in various forms, ranging from extreme forms of coercion to more subtle forms of exploitation. The report begins by discussing the legal and scholarly definition of trafficking as well as the victim protection processes. Following this, the report will discuss the methodology used to conduct this research and how participants were selected. The findings of the study will be discussed using excerpts from the interviews in order to highlight the harms experienced by trafficked women.

Keywords

Sex trafficking, victimisation, sex work, women's agency, exploitation

Introduction

This research report provides insight into the lives of trafficked women, based on their first-person accounts. It provides a nuanced understanding of agency and victimhood, and explores women's experiences of being trafficked. The report discusses the ways that trafficking takes multiple forms and is understood (both legally and by the women themselves) in different and often complex ways. The aims undergirding this research are to understand the harms caused by trafficking and the methods used by traffickers to control women. Based on these objectives, I conducted semi-structured interviews in a government-run shelter in Kuala Lumpur, Malaysia, over a period of four weeks during 2016. Throughout this period, I interviewed 29 trafficked female migrants who had come to Malaysia from seven different geographical locations. During my research I also interviewed 12 professionals, primarily government officials, to understand the implementation of victim-protection policies. However, for the purpose of this research report I will only focus on women's migration experiences and the relationship between the women's agency and victimisation. Through analysis of the interviews, I demonstrate how victimisation of trafficked women may occur in various forms, ranging from extreme types of coercion to more subtle forms of exploitation. I also consider the experiences of migrant women who are identified as sex-trafficking victims 'rescued' by authorities, despite their sense of agency and their refusal to identify themselves as 'victims' of trafficking. The report begins by discussing the legal and scholarly definition of trafficking, as well as victim protection

processes in Malaysia. Following this, I offer a short review of the current literature on sex trafficking, before discussing the theoretical framework and methodology I used to carry out this research. Finally, I discuss the findings of the study, using excerpts from my interviews in order to highlight the experiences of trafficked women.

Legal and academic definitions

Sex work is illegal and criminalised in Malaysia. Migrant sex workers or migrants who intend to engage in sex work in Malaysia are classified as prohibited individuals who can be charged under section 8 of the Immigration Act 1959/63 and be deported to their home countries. Malaysia has also criminalised sex trafficking activities and, in 2009, acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children 2000 (known as the Palermo Protocol), which defines the crime of human trafficking, stipulates the need for the protection of trafficking victims, and requires ratifying countries to introduce national trafficking legislation. Consequently, the Malaysian government has incorporated most of the provisions in the Palermo Protocol into its 2007 Anti Trafficking in Persons and Smuggling of Migrant Act (ATIP).

For instance, Article 3(a) of the Palermo Protocol sets out three main factors in the identification of human trafficking offences. They are: (i) *acts* of trafficking, which includes the recruitment, transportation, transfer, harbouring, or receipt of persons; (ii) the *means* of trafficking, which includes threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim; and, (iii) the *purpose* of trafficking, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices, and the removal of organs (United Nations, 2003). Article 3(b) of the Palermo Protocol also states that ‘the consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant’ when any of the above means have been used (United Nations, 2003). In this instance, any consent given by a person will be irrelevant if the person is subsequently exploited at any point of time by their traffickers or employers (Giusta, Tommaso, & Strom, 2008). Based on these elements, scholars define sex trafficking as a form of commercial sexual exploitation which involves the movement of persons across or within borders, under deception or coercion, for the purpose of sexual exploitation (Sanghera, 2016; Segrave, Milivojevic, & Pickering, 2009).

‘Coercion’ is defined by the United Nations Office of Drugs and Crime (2009) as the use of threat of serious harm or physical restraint or abuse of authority against any person through physical, legal, or psychological means. Psychological coercion includes but is not limited to situations where a person is not free to leave his or her work because of threats to harm the person’s family or fear of being reported to the authorities (Dando, Walsh, & Brierley, 2016). It also includes deprivation of psychological needs (e.g. no access to medical care; restricted food and water; limited sleep), false creation of debts, and denial of privacy (e.g. overcrowded living and working conditions), all of which physically humiliate and degrade victims, and induce physical exhaustion (Dando et al., 2016).

The United Nations (2017, p. 6) defines ‘sexual exploitation’ as an ‘act or attempted act of abuse of position of vulnerability, power, or trust for the purpose of obtaining monetary profit through sexual exploitation of an individual’. However, section 2 of the ATIP does not specifically define the meaning of ‘sexual exploitation’, but defines ‘exploitation’ to include ‘all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or any illegal activity or the removal of human organs’. Based on the above

definitions, in 2016 when the research was undertaken, sex trafficking in the Malaysian context refers to all actions involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harbouring, providing, or receiving a person for the purpose of sexual exploitation.

Despite the existing laws, Malaysia's geographic proximity to major trade and traffic routes and its porous borders facilitate human trafficking activities (Kassim & Zin, 2011). Thus, Malaysia has been categorised as a destination, transit, and source point for sex trafficking in Asia within the annual United States Trafficking in Persons Report (US Department of State, 2018) and in the Global Report on Trafficking in Persons 2018 (United Nations Office on Drugs and Crime, 2018). Therefore, Malaysian police and immigration officials actively carry out 'raid and rescue' operations in order to apprehend the 'traffickers' and 'save' or 'rescue' women from suspected traffickers (Hamid, 2019b). Women who are categorised as 'offenders' are detained in immigration detention centres pending deportation, while those who are categorised as 'victims of trafficking' must live in 'shelters' before they are repatriated (Hamid, 2019a). These shelters are operated by the Ministry of Women, Family, and Community Development. According to section 51A of the ATIP, courts will grant suspected trafficking victims an initial 21-day interim protection order and those who are subsequently certified trafficking victims receive a further 90-day protection order. The act of 'rescue' and detaining women in shelters is thought to be the ideal mode of protecting them (Hamid, 2019a). However, Gallagher & Pearson (2010) report that these 'shelters' resemble semi-carceral institutions, which restrict women's mobility and communication, and impose punitive rules and regulations upon them. Sheltered women have to wear uniforms, are required to undergo multiple interviews and interrogation with government officials, are held under strict surveillance, prohibited from communicating with anyone outside the shelter, and are deprived of medical assistance (US Department of State, 2014).

However, institutional harms are not regarded as harms caused by trafficking because these processes operate under the name of 'protection' (Hamid, 2019a). Women are also not given the option to reject state 'protection' and are required to adhere to all rules and regulations imposed upon them by the state (Hamid, 2019b). In this context, social institutions impose laws and policies to limit women's voices and participation in their everyday lives (Hamid, 2019b). This includes limitation to their mobility, freedom of movement, and their ability to communicate with people outside of the shelter (Hamid, 2019b). Such acts visibly restrict, marginalise, and victimise trafficked women (Hamid, 2019b). For the purpose of this research report I will focus on women's migration experiences and the relationship between their agency and their victimisation. The victim protection policies I have just outlined will be discussed within the Malaysian context.

Literature review

Traffickers employ a variety of tactics to lure and convince women into the sex trade. In many cases, traffickers entice women with false promises of good jobs and high salaries, as well as promises of a better life (Poudel & Smyth, 2002; Simkhada, 2008). Once recruited, women are sometimes forced into sex work or controlled through debt bondage and/or violence and threats (Poudel & Smyth, 2002). Through debt bondage, women can be forced by their traffickers to continue working in order to repay the 'debts' they purportedly incurred through their transportation, recruitment, and living expenses, the protection money paid to police or other officials, or even their sale (Bedoya, Bedoya, & Belser, 2009; Sandy, 2009). Other

forms of control include limitations of women's mobility through direct employer control, unsafe and unsanitary working conditions, lack of legal protections, under-payment or non-payment of wages, failure to provide regular holidays, and other forms of serious work-related mistreatment (Campana & Varese, 2016; United Nations Human Rights Council, 2015).

Although there are women who are genuinely deceived and coerced into the sex industry, research suggests that some women are fully aware of the job they are going to do and migrate voluntarily (Santos, 2010; Yen, 2008). However, many of them are subsequently categorised by authorities in the destination countries as 'trafficked' (Chuang, 2010). As a result, some women who have been identified as 'trafficked victims' may not identify themselves as 'victims' (Pickering, 2011; Segrave et al., 2009), as they have exercised their agency and made their own choices to migrate and work in the sex trade. Similarly, in this study, my findings will demonstrate that most of the women I interviewed reported that they had voluntarily migrated to Malaysia to work in the sex trade and therefore many of them did not identify themselves as victims of trafficking or wish to be 'rescued' by authorities.

However, women's agency in sex work has become a contentious issue among scholars and feminists theorists. Abolitionist and radical feminists, such as The Coalition against Trafficking in Women (CATW), question the notion of 'choice' in the context of sex work (Radovanovic & Kartusch, 2001; Zheng, 2010). They argue that sex work is exploitative even in the absence of deception or force (Sanghera, 2016) and that the sex industry is inherently violent. It therefore undermines women's sexual agency by reducing their capacity to personally choose and refuse sexual acts (Jean, 2015). As a result, it is posited that women would never willingly choose to be a sex worker (Sanghera, 2016) and any woman who migrates for the purpose of sex work (whether coerced or not) should be considered a trafficked victim (Kempadoo, Sanghera, & Pattanaik, 2005).

Liberal feminist scholars, however, acknowledge the rights of women to engage in sex work (Beran, 2012; Nussbaum, 1999). They argue that sex work should be viewed as a legitimate form of work and women should have the capacity and right to engage consensually in sex work (Ericsson, 1980; Nussbaum, 1999). The Global Alliance against Trafficking in Women (GAATW) asserts that sex work should not be seen as a different category or a different type of labour from agricultural or sweatshop labour (Outshoorn, 2015). Accordingly, trafficking should only be officially identified if it involves the use of force or deception (Outshoorn, 2015).

Although feminist scholars and activists have differing views on sex work, they generally acknowledge that women are capable of exercising their agency, but in some coercive situations, risk becoming a 'passive object in male sexual practices' (Jean, 2015, p.55). These scholars and activists also acknowledge that sex workers often show courage, strength, and resilience even though they are faced with such oppressive practices (Jean, 2015). Therefore, they suggest that activism should be focused on ensuring sex workers' empowerment and their capacity to retain control of their working conditions, rather than engaging in debates about women's ability to consent to sex work. Furthermore, research has shown that trafficked women are often strong, independent, active agents, who are caught in a sex trafficking trap or who have been cheated out of money owed to them for their labour (Altink, 1995; Jordan, 2002). However, popular cultural and legal constructions of victimhood position agency as the simple binary opposite of victimisation (Connell, 1997; Picart, 2003), and thus imagine agency and victimhood as incompatible (Wolf, 1993). This can consequently disadvantage and disempower trafficked women, negating their capacity for agency. Govier & Verwoerd (2006) therefore argue that the victim/agent dichotomy is not exhaustive because many people consider themselves neither victims nor agents. Moreover, this dichotomy is not exclusive, because some people may

perceive themselves to be both victims and agents. As Mahoney (1994) contends, a person can experience both oppression and resistance because victimisation and agency are not static and should not be viewed in isolation to each other. Mahoney's statement will be demonstrated in the findings of my research, which shows how women exercise their agency while navigating various forms of coercion and harm.

Theoretical background

The research drew on liberal feminist and post-colonial feminist approaches to capture and analyse women's migration experiences. While the liberal feminist approach is acknowledged as a feminist theory that focuses on the importance of equality between men and women (Davies, 2010), it has been criticised as being the product of white, middle-class, Western feminists, who are heavily influenced by Western values of individualism and individual rights (Lâm, 2002). Furthermore, liberal feminism frames inequality in terms of gender, without taking into consideration intersecting identity categories such as race or ethnicity (Spelman, 1988). Post-colonial feminism addresses women's experiences pertaining to class, race, emotional wellbeing, and their ethnic connections to once colonised territories (Mishra, 2013; Mohanty, 1988). Furthermore, post-colonial feminism seeks to transform the political and psychological conditions of the countries that can crudely be termed the 'Rest' as opposed to the 'superior West' (Treacher, 2005). It respects the desires and needs of women from developing countries to accumulate economic gains and social capital through the act of migrating to find work (Cwikel & Hoban, 2005; Mohanty, 1988). It encourages women to engage in progressive practices, such as migrating to seek better employment, and to live their lives in different and better ways (Grossberg, 1987).

Given the diverse background of my participants who mainly originate from Southeast Asian countries, and who possess their own traditions, ethnicities, beliefs, and cultures (Cunneen & Stubbs, 2004), post-colonial feminist theory is a valuable complement to a liberal feminist approach, allowing me to produce a more realistic, nuanced, and accurate study of trafficked women, which takes into consideration the significance of their cultural and ethnic identities. Many women, particularly those from Southeast Asian regions, face cultural expectations to conform to moral codes while still being a breadwinner for their family (Bose, 2008; Mohanty, 1988). Women who engage in sex work may therefore find it difficult to express their experiences freely because they are ashamed, or in fear of being judged by their own communities as 'immoral' (Kotiswaran, 2011). I understand this predicament, as I am a Malay woman who has lived in Malaysia for most of my life. I can understand some of the emotions and sensitivities of the women due to my own similar upbringing in a Southeast Asian community that expects women to conform to certain religious and cultural values (Sim, 1984), including protecting one's own heritage and identity, policing one's own behaviour, and guarding one's respectability and morality. Using this dual feminist approach enabled me to identify the nuances of women's trafficking experiences and discover how these cultural and religious values have affected the participants' lives. Moreover, and as I will focus in this report, I was better able to understand the women's migration experiences within a Southeast Asian context, especially the ways they were treated by their traffickers and state authorities. In particular, a dual feminist approach allowed me to understand the women's multifaceted responses to and understandings of their 'rescue' from sex work and the political implications of their identification by authorities as 'victims' of sex trafficking.

Methodology

In order to gain better insight into migrant women's lives and their experiences of trafficking and/or sex work, I selected participants who had worked in the sex trade in Malaysia and experienced the Malaysian official court processes. I therefore decided that a government-run shelter in Kuala Lumpur would be an appropriate place to find participants that met the criteria for my study. The process of attaining access was incredibly difficult, given the levels of bureaucracy involved. However, I managed to obtain written approval from the Ministry of Women, Family and Community Development on 25 January 2016 and from the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants on 4 January 2016 to interview trafficked women living in a government-run shelter-home, known as Shelter 5. I received ethics approval for my research from the Victoria University Ethics Committee (11 April 2016, Approval no. 21767).

Following these approvals, I contacted the shelter officers, as I wanted to ascertain certain facts regarding the women before conducting my interviews and needed to clarify the number of women who had been categorised as sexually trafficked. It was crucial to ascertain the women's nationalities and their ability to converse in either Malay/Indonesian or English because I needed to engage interpreters for the purpose of the interviews. I also needed to confirm that I would be given a private space to conduct the interviews and the freedom to choose my own participants.

The shelter manager offered me the private counselling room, complete with mineral water and tissues, to conduct my interviews. She also gave me two lists containing details of the women, including their names, ages, identifying numbers, passport numbers (if any), countries of origin, classifications of cases, and the dates they entered the shelter. The latter issue was important, as entering on the same day meant that the women were more likely to have been rescued in a group during the same raid and would have been working in the same place (although this is not necessarily the case). The first list included women who had obtained a court Protection Order and had lived in the shelter for more than 21 days (up to three months), whereas the second list included women who had been given an Interim Protection Order and had lived in the shelter for less than 21 days. From both lists, I selected a total of 31 women, on the basis that they reflected the diverse nationalities and ages of those staying in the shelter, the varied lengths of time they had been there, and their different dates of entry. I wanted to ensure as diverse a cohort of participants as possible, so that they could each share with me their own nuanced accounts of their migration experiences. Of the 31 women selected, 29 agreed to be interviewed and signed a Consent Form to participate in the research. The other two declined to be interviewed because they were concerned about their upcoming cases in court. The women participants originated from Vietnam ($n=12$), Thailand ($n=5$), Indonesia ($n=8$), Laos ($n=1$), Myanmar ($n=1$), Bangladesh ($n=1$), and Nigeria ($n=1$). The women's ages ranged from 18 to 44 years old and they had been 'rescued' by the police and immigration officials from massage parlours, brothels, entertainment centres, and private dwellings throughout Peninsular Malaysia.

All 29 participants in this study are identified by a pseudonym in this report to protect their identity. The interviews were semi-structured and conducted in a conversational style (Becker, 1971), and were audio-recorded. The duration of the interview sessions with the participants varied from 20 minutes to 105 minutes. Interviews were conducted over a period of four weeks. Conducting the interviews with women participants was done in accordance with the 'Ten Guiding Principles of Ethical and Safe Conduct of Interviews' (The Guiding Principles)

advocated by the World Health Organisation, which is based on the principle of ‘do no harm’ (Zimmerman & Watts, 2003). These Guiding Principles include not making promises that cannot be fulfilled; adequately selecting and preparing interpreters and co-workers; ensuring anonymity and confidentiality; obtaining informed consent; listening to and respecting each participant’s assessment of her situation and risks to her safety; not re-traumatising participants; being prepared for emergency intervention; and using the information obtained wisely (Zimmerman & Watts, 2003, p. 4). I used these principles as a guide when drafting my interview questions. Questions were focused on: the women’s lives before migration; their personal background; their reasons for migration; work experiences and problems they encountered; their experiences of being ‘rescued’ from their workplace or from traffickers by enforcement officers; any harms or injuries that they have experienced; and their thoughts for the future.

Twelve participants who could converse in Malay, Indonesian, or English were directly interviewed by me as I am fluent in these languages, while the remaining 17 who could only speak Thai or Vietnamese were interviewed with the use of interpreters. The interpreters were all women who had experience as freelance interpreters in court and were recommended to me by the Suka Society (a non-governmental organisation). This was helpful, as they were used to hearing and interpreting accounts of harmful and violent acts. Transcription was conducted using Nvivo Software and the data was coded and categorised into themes and sub-themes. Thematic analysis was used to search for pre-established concepts including ‘victimisation’, ‘agency’, and ‘harms’.

Findings

Despite the literature on women’s agency and sex work, current stereotypes continue to depict ‘trafficked’ women as weak, powerless, and in need of state ‘rescue’. However, state ‘rescue’ does not necessarily ‘save’ or protect women because it is not always carried out in the interest of women. Instead, state rescue is focused on apprehending, prosecuting, and convicting human traffickers. Given this aim, women who are rescued are detained in shelters in order to allow state officials to use them as witnesses in court. Such a form of detention allows the state to control migrant women and sustain their ‘protection’ policies. Yet in many cases, women may not identify themselves as victims in need of rescuing or protection (Pickering, 2011; Segrave et al., 2009) but feel they have been forcefully ‘rescued’ by the police. In this study, only seven of the women interviewed indicated that they were relieved to be rescued from their workplace, while the remaining 22 either did not want to be ‘rescued’ from their workplace ($n=20$) or were not sure if that was what they wanted ($n=2$). Only eight of the participants identified themselves as ‘victims’ of traffickers, while the remaining 21 did not identify themselves as victims ($n=19$) or were unsure of their status ($n=2$). None of the 29 women interviewed wanted to live in the shelter but were compelled to remain there pending their repatriation. Therefore, the notion of ‘protection’ appears to be used as a euphemism for state control, and ‘victims’ are deprived of the ability to exercise their agency.

Of the 29 women in this study, two stated that they did not engage in sex work but were exploited for other purposes (one was a student and the other labour trafficked), which will not be discussed in this research report. The remaining 27 participants reflected on their migration experiences along two main lines. Thirteen of the women interviewed did not report they had experienced any form of threat, coercion, harm, or exploitation (I refer to these women as ‘knowing participants’), while 14 women did relate that they had experienced some form

of coercion, deception, threat, harm, or exploitation, although not all of them identified themselves as ‘victims’ of sex trafficking. These latter 14 women can be placed into three distinct categories:

- a) Women who indicated that they were partially deceived, coerced, and exploited ($n=9$).
- b) Women who indicated that they were totally deceived, coerced, implicitly threatened, and exploited ($n=2$).
- c) Women who indicated that they were totally deceived, coerced, overtly threatened, harmed, and exploited ($n=3$).

The above categorisation, which I devised, attempts to represent the multiple dimensions of women’s experiences. It is not intended to undermine or compare the suffering of the women interviewed but to show that victimisation of trafficked women may occur along a multi-dimension continuum. As noted above, women who report that they have experienced some form of harm during their migration period may not identify themselves as victims. The three categories listed above include experiences in which women were not informed of their working conditions, working hours, or salary prior to their migration. These experiences also include poor working conditions and non-payment or under-payment of wages. Additionally, some women are psychologically harmed by their traffickers. In some cases, women had their passports confiscated, were faced with debt bondage, had limited freedom of movement, were not allowed to leave their place of employment, and were underpaid or did not receive any wages. All these situations will be discussed below in light of the three categories.

Partial deception, coercion and exploitation

Nine out of 29 participants initially agreed to migrate and engage in sex work but were later subject to exploitative working conditions. One example is the case of Liana, who voluntarily migrated to Malaysia from Indonesia and became a sex worker in a massage parlour. She was under a debt bondage and had to repay her travelling expenses to her employer but was uncertain of the amount she owed him. Her employer confiscated her passport, and she was not allowed to leave her workplace. Her charges were Ringgit 150 (USD\$37) for sex only and Ringgit 450 (USD\$110) if the customer hired her overnight. However, she did not receive any salary, even though she was entitled to half the payment made by the customer. This arrangement was usually agreed verbally, and women were not given any written contract to sign. Liana said:

My boss takes all the Ringgit 150 [USD\$37] I receive from the customer. I am entitled to half of the amount, that was the arrangement but he keeps all the money. He does not pay me any salary, but I can borrow money from him and send remittance to my family back home. I will only be given money when I am allowed to return to Indonesia. I feel victimised by my boss because he kept my passport and did not let me go anywhere, not even to buy food outside.

Similarly, Emi, who decided to migrate to Malaysia from Indonesia and work in the same massage parlour as Liana, also had her passport confiscated by her employer. Although she paid for her own travelling expenses, she was not allowed to leave her workplace and had not received any salary.

Liana and Emi’s cases show that although they were aware of the job they were going to be engaged in, they felt they had been deceived about their working conditions because their passports were confiscated, their salaries were not paid, their movement was restricted to their workplace, and there was a debt bondage. As a result, the women became trapped in exploitative working conditions and became controlled by their traffickers.

The other seven women who experienced exploitative working conditions narrated similar accounts to Emi and Liana. They only received a meagre amount of salary from their employers, and so many of them depended on tips given by the customers. All nine women stated that

they continued working for their employers but were aware that they were being deceived because their salaries were not being paid as promised. They also felt restrained because they had limited freedom of movement and felt trapped in a cycle of debt which restricted them from leaving the workplace.

Total deception, coercion, exploitation, and implied threats

Two of the women I interviewed felt that they had been totally deceived from the time of the initial recruitment and were further coerced to work and exploited when they arrived in Malaysia from Myanmar and Vietnam respectively. They complained about being deceived by either their friends or acquaintances in their home countries about the work they were being promised, and were subject to exploitative working conditions on arrival in Malaysia. The women were promised high paying jobs, such as therapeutic massage (non-sexual) and factory work, but were forced to engage in sex work instead and held under a debt bondage. Along with this, the women also experienced one or more of the following situations: passport confiscation, not being paid their salaries, not being allowed to leave the workplace, and/or having limited freedom of movement. For example, Fon said:

I felt sad because my friend tricked me into believing that I was going to work as a therapeutic masseur in a spa, but I ended up working as a prostitute in a brothel in Malaysia. I had no choice but to obey her instructions because I owed her Ringgit 3,000 [USD\$736] and needed to repay my debts. I was informed by the Captain [pimp] that I could earn about Ringgit 150 [USD\$37] per customer, but I did not receive any money for my services apart from tips from the customers. I was also not allowed to leave the workplace.

Ngoc also had a similar story to tell:

I was offered work in a garment factory in Malaysia by a friend. She said that I could earn about USD\$1,000 per month. However, I was shocked to discover that I had to work as a masseur in a massage parlour in Kuala Lumpur. I had no other choice but to comply with her instructions because I owed the massage parlour Ringgit 3,000 [USD\$736] for my travelling expenses. I continued working because I wanted to pay off my debts and support my family back home. The Captain [pimp] kept my passport, and I was not allowed to leave my workplace unaccompanied by him.

Debt bondage became a method of control in both cases, and the participants had no other choice but to engage in sex work. Furthermore, the recruiters were their female friends, which made it easier for the participants to be deceived and coerced into sex work.

Total deception, coercion, exploitation, overt threats, and harms

In some cases, traffickers may use overt threats and physical harm to instil fear in the women they traffic. Three participants who were deceived by their neighbours ($n=2$) and boyfriend ($n=1$) into the sex trade also complained of experiencing extreme levels of coercion and abuse. This included debt bondage, threats, restraint, assault, isolation, and abuse inflicted by their traffickers. In some cases, the threats were carried out in the form of a ritual referred to as 'juju', where the women had to swear an oath before a priest or a shrine. This ritual is particularly prevalent in some parts of Nigeria, and has become a major psychological instrument to control trafficked women (Ikeora, 2016; Watt & Kruger, 2017). Traffickers use 'juju' rituals as an effective control mechanism and catalyst to instil profound fear amongst victims (Watt & Kruger, 2017). According to Ikeora (2016), victims of 'juju' rituals genuinely believe that the 'juju' magic will cause them illness, madness, infertility, and death if they break their oath. This form of control was experienced by one of my participants, Angel from Nigeria, who was trafficked to Malaysia and was continuously threatened and harmed by her trafficker boyfriend and his friends. She recounted:

I was tricked into coming to Malaysia by Emmanuel [boyfriend] who promised me that he would enrol me in a college. Before coming to Malaysia, Emmanuel's family took me to a church in Lagos and asked me to swear before a priest that I will not run away and remain obedient to Emmanuel, which I did. When I arrived in Malaysia, I was shocked to discover that I had to do sex work and earn money for Emmanuel and his new girlfriend. I was also told that I had to repay my travelling expenses amounting to 2 million Naira [USD\$5,532]. Emmanuel threatened to beat me up and kill my family if I did not obey his orders. He also confiscated my passport and return ticket to Nigeria. I had no choice but to engage in sex work and earn money to repay my debts. My charges were Ringgit 100 [USD\$25] per shot and Ringgit 200 [USD\$49] per night and I had to work long hours every day. However, I was not paid any salary although I worked for him for about a year. Emmanuel treated me very badly. I was scared that he would poison my food. I had to sleep outside of the house at times because he would not let me into the house.

I tried to run away from him by seeking help from a Malay man, but the man surrendered me back to Emmanuel. As a punishment, I was taken to an unknown house by five Nigerian men where I was stripped naked, beaten, sexually abused, and videoed. One of them cut my finger and smeared my blood on a piece of white cloth, and warned me that they had cast a curse upon me. Therefore, I should not attempt to run away again otherwise my family would be killed. After that incident, I was too scared to run away and kept working for him [Emmanuel] until I was rescued by the police.

Angel feared for her life after she was forced to take such an oath and was cursed by her traffickers.

From my study, cousins Nisa and Tammi from Indonesia were both deceived, abused, threatened, and harmed by their traffickers. Nisa arrived from Indonesia one month earlier than Tammi and was forced to engage in sex work. Nisa said:

Eka [a neighbour] offered me a job as a waitress in a restaurant in Klang where I could earn up to Ringgit 1,500 [USD\$368]. I accepted the offer because I needed the money to support my family. My parents were poor, and I only earned about Ringgit 300 [USD\$74] per month selling cigarettes in Indonesia which wasn't enough to support my siblings who were still schooling. I travelled to Malaysia by ferry and was greeted by a middle-aged Chinese man and an Indonesian lady in her 40s (referred to as 'Ibu'). They brought me to a shop-house, and I was forced to do sex work to pay off my debt amounting to Ringgit 3,500 [USD\$859].

Tammi had a similar experience to Nisa; she had four other siblings, two of which were still in school and needed financial support. Her father sold coffee at a coffee shop and her mother wasn't working. She used to work in a Honda motorcycle showroom before coming to Malaysia and earned INR750,000 (USD\$53) per month which wasn't enough to support her family's expenses. Like Nisa, her neighbour Eka offered her work as a waitress in Malaysia where she could earn up to Ringgit 2,000 (USD\$491) a month, including tips. Before leaving to travel to Malaysia, Eka gave INR1,500,000 (USD\$106) to Tammi's parents for their expenses. Tammi's travel expenses were funded by Ah Kong (employer) and she was told that she would need to repay Ringgit 1,000 (USD\$245) to Ah Kong for these expenses. However, when she arrived in Malaysia, she was shocked to discover that she actually had to pay Ringgit 5,000 (USD\$1,227) to Ah Kong.

Tammi and Nisa were both forced by Ah Kong and Ibu (pimp/trafficker) to engage in sex work when they arrived in Malaysia. Ibu also threatened to beat them up if they did not abide by her instructions. Tammi said: 'I refused to engage in sex work and tried to run away the night I arrived Ibu's house but the main grill was locked and they (traffickers) hid the keys'. Tammi and Nisa's passports were confiscated by Ibu when they arrived in Malaysia and they were not allowed to leave their workplace. Both of them used to have eight to nine customers per day as they were required to meet a target of at least 200 customers per month. Their working hours were from 9am until 1am the following morning and they were not given any days off. They were also treated very roughly by their customers. For example, Nisa reported:

I had to entertain requests for anal sex and have unprotected sex with customers who refuse to wear condoms. There were times where I felt a lot of pain and bled from my vagina and anus, but Ibu did not allow me to rest. Instead, I was only given some soothing balm to apply to my private parts and an 'antibiotic' drink, and was forced to continue working.

Tammi spoke about how she used to plead with her customers to stop hurting her:

Some customers were very rough and I would beg them to have some sympathy for me. My vagina would bleed sometimes and I felt very painful and sore. I used to ask them to not have sexual intercourse with me but they would not listen to my plea because they felt that they were entitled to have sex with me since they have paid for my services.

According to Tammi and Nisa, charges for their sexual services were Ringgit 120 (USD\$29) per hour which was paid directly to Ibu. They were supposed to receive Ringgit 50 (USD\$12) per month but did not receive any salary while they were working. Tammi worked for a week and Nisa worked for a month before they were rescued by the immigration officers.

Angel, Tammi, and Nisa suffered multiple injuries and were constantly threatened by their traffickers. Their traffickers threatened, deceived, and abused them in order to control and exploit them. They were also abused by their customers. Angel's, Tammi's and Nisa's experiences represent an extreme form of exploitation used by traffickers to control women in order to exploit them. Such experiences of violence and brutality do not represent the majority of women's experiences in this study, but they do reflect the most commonly reported experiences of sex-trafficking in mainstream media.

"Knowing participants"

In this study, 13 out of 29 participants claimed to engage in commercial sexual activities voluntarily and did not report experiencing any deception, coercion, debt bondage, threat, abuse, or fraud. Instead, they were allowed to keep their own passports, had freedom of movement, and could exercise their own agency and make their own decisions while they were working. For example, Mickey travelled to Malaysia from Laos with a friend to work as a masseur in a Kuala Lumpur parlour. She claimed to be 'living her life' as she earned about Ringgit 400 (USD\$98) to Ringgit 500 (USD\$122) per week, and could send remittance money to her family. She was allowed to keep her passport and move about freely. Mickey did not feel victimised by her employer and could not understand why she was 'rescued'.

Similarly, Nun had worked in a nightclub as a social escort (bar hostess) in Sg Petani, Kedah, for over a year. She chose to work in the nightclub because she could earn about Ringgit 4,000 (USD\$978) to Ringgit 5,000 (USD\$1223) per month. Like Mickey, she could send remittances to her family and her eight-year-old son who was in her parent's care. She kept her own passport and would frequently travel to Danok (on the Thai border) every month to get her social visit pass renewed. She did not understand why she has been categorised as a sex trafficked victim by the police officials and did not wish to be 'rescued' by them.

Neither Mickey nor Nun indicated that they were victimised during their migration process. They did not report having suffered any coercion, force, fraud, or deceit. However, they were still categorised by the state as sex-trafficked victims because of the nature of their work, which is presumed to include sexual intimacy with customers. Since trafficked women's consent is irrelevant under the law, enforcement officers are given wide discretion to assess a particular situation according to their own understanding of sex work. As a result, voluntary sex work is often equated with coerced sex work (Davidson, 2006; Peach, 2005). This explains how voluntary migrant sex workers are likely to be regarded as victims of sex trafficking, reiterating the stereotype that all female migrants who engage in sex work are trafficked. Moreover, women who were found to be working in establishments that provided sexual services were

generally categorised as sex workers even if they were not engaged in sex work. In this study, police officers appear in certain cases to have misidentified voluntary sex workers and women working in non-sexual jobs in the sex industry as victims of sex trafficking.

Conclusion

Based on the interviews carried out in this study, my findings uncover some of the ways in which 'sex-trafficked' women exercise courage, strength, and resiliency in the face of continuing harms perpetrated against them. By providing an insight into women's experiences of migrant sex work, sex-trafficking, and state 'protection', the study develops a more nuanced account of agency and victimisation. Based on the discussions in this study, it is clear that the criminalisation of sex work in Malaysia affects how migrant sex workers and victims of sex trafficking are viewed and treated by the authorities. They are displayed as women who are weak, passive, powerless, and lacking agency. And while some of the women 'rescued' by authorities *are* victims of sex trafficking and exploitation, we must also acknowledge the state practices which may, at times, (re)victimise women and deny them their agency, particularly through their involuntary removal from their jobs and what is essentially their detention in semi-carceral 'rescue' shelters. Although the Universal Declaration of Human Rights stipulates that all human beings are to be treated equally in dignity and rights, many women continue to struggle daily to have their most basic rights protected. This includes the right to make their own decisions, the right to be heard, the right to refuse state 'protection', and the right to freedom of movement. Therefore, the dual feminist (liberal and post-colonial) approach undertaken in this study demonstrates my commitment to feminism. It has allowed me to make the women I interviewed in this study visible, raise their consciousness, and empower them to speak and describe their experiences from their own perspectives. The study acknowledges the women's emotionality and experiences of harm and the need to improve their economic and social situation. It also highlights that this harm can include not only the harm caused by coercion, threat, and abuse perpetrated against women by sex traffickers, but also the harm and loss of agency experienced by women who are 'rescued' by authorities from their jobs in the sex industry, despite their own wishes to stay in these jobs.

To date, the notion of combating trafficking and protecting victims has been, and still is, used to justify the state's intervention in women's lives, while the real purpose is to 'protect' the state from illegal migrants and migrant sex workers (Demleitner, 2001; Doezema, 2000). Thus, the agenda of the Malaysian government stretches beyond protecting women from trafficking into using law enforcement strategies to control women and combat all forms of sex work in the name of victim protection. It is therefore imperative to analyse the effectiveness of the anti-trafficking laws and understand the definition of trafficking as contained in international and domestic legislations in order to better combat human trafficking activities while protecting the rights and agency of the women impacted by these activities.

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